

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: 42/23

Date to Members: 20/10/2023

Member's Deadline: 26/10/2023 (5.00pm)

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

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

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

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

NOTES FOR COUNCILLORS

– formal arrangements for referral to committee

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

c. All applications for non-material amendments

d. All applications to discharge planning conditions

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

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

Additional guidance for Members

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

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

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

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

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

A template for referral is set out below:

Referral from Circulated Schedule to Development Management Committee

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

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

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

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

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

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

Date:

To be emailed to MemberReferral@southglos.gov.uk

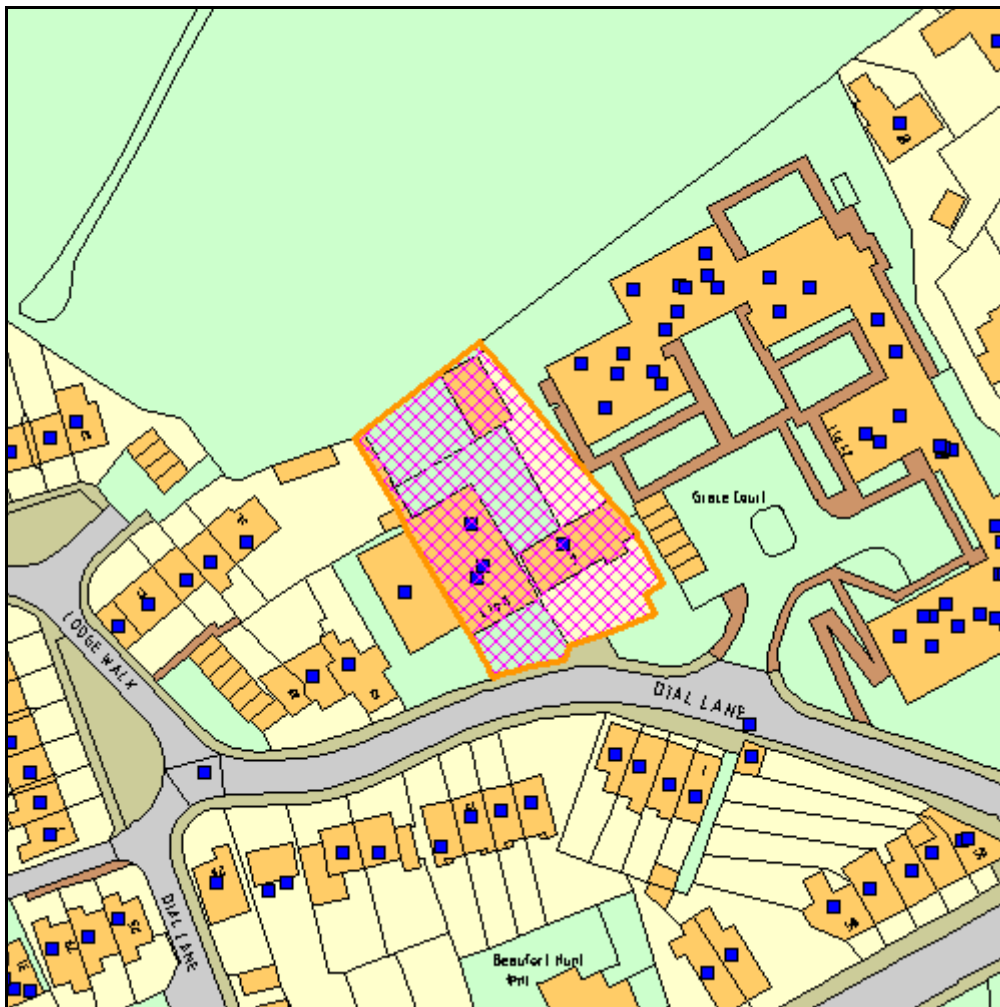
CIRCULATED SCHEDULE 20 October 2023

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ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	P22/06457/F	Approve with Conditions	2 Dial Lane Downend South Gloucestershire BS16 5UH	Frenchay And Downend	Downend And Bromley Heath Parish Council
2	P23/00743/F	Approve with Conditions	Land At 59 Kingsfield Lane Hanham South Gloucestershire BS15 9NR	Hanham	Hanham Parish Council
3	P23/02490/HH	Approve with Conditions	88 Rectory Road Frampton Cotterell Bristol South Gloucestershire BS36 2BT	Frampton Cotterell	Frampton Cotterell Parish Council

CIRCULATED SCHEDULE NO. 42/23 -20th October 2023

App No.:	P22/06457/F	Applicant:	Dial Lane (Bristol) Developments Ltd
Site:	2 Dial Lane Downend South Gloucestershire BS16 5UH	Date Reg:	24th November 2022
Proposal:	Demolition of existing buildings. Erection of 9no. dwellings with associated hard/soft landscape works; drainage; and alterations to vehicular access arrangements.	Parish:	Downend And Bromley Heath Parish Council
Map Ref:	364869 176647	Ward:	Frenchay And Downend
Application Category:	Minor	Target Date:	30th October 2023



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N.T.S.

P22/06457/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 was previously referred to the Circulated Schedule following the receipt of an objection from the Parish Council which is contrary to the officer recommendation.

1. THE PROPOSAL

- 1.1 The application site is a 0.15ha plot of land, which lies on the northern side of Dial Lane Downend. The site lies within the Urban Area and Bristol East Fringe but has no special designations.
- 1.2 The site comprises a large commercial building that has been occupied by a removals company with forecourt area and a bungalow with outbuilding in the garden.
- 1.3 The application site lies within a densely populated residential area albeit with a commercial property to one side that has been subject to a relatively recent planning consent. (see section 3 below). The rear garden of No.14 Lodge walk also adjoins the site at the side and allotments lie along the northern boundary with to the immediate east a development of retirement housing known as Grace Court. The employment site is not designated.
- 1.4 The scheme as proposed is to demolish all the buildings that are on the site and replace them with two pairs of semi-detached properties along the frontage with Dial Lane and a pair of semi-detached properties and a terrace of three to the rear. In total there will be five 2no. bed properties with 2 no.3 bed and 2 no. 4 bed properties. As submitted there are two house types, one being eaves fronted and the other gable ended with dormers to the rear. Brick will be the predominant material. In total 17 no. parking spaces will be provided with covered cycle stores in the rear gardens and a refuse store located to the left of the entrance. Existing trees are to be replaced.
- 1.5 While considering the application alterations have been secured to the design of the buildings to the front of the site, a drainage scheme and various changes to the parking spaces, provision of cycle parking, refuse stores and changes to the configuration of the access road and paths. A full re-consultation has taken place.
- 1.6 The application is supported by the following documents:
 - Design & Access Statement
 - Flood Risk Assessment
 - Marketing Information
 - Arboricultural Report/Survey

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework Feb. 2023
National Planning Practice Guidance

2.2 Development Plans

The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec. 2013

CS1	High Quality Design
CS2	Green Infrastructure
CS4A	Presumption in Favour of Sustainable Development
CS5	Location of Development
CS7	Strategic Transport Infrastructure
CS8	Improving Accessibility
CS9	Managing the Environment and Heritage
CS13	Non-safeguarded Economic Development Sites
CS23	Community Infrastructure and Cultural Activity
CS29	Communities of the East Fringe of Bristol Urban Area

The South Gloucestershire Local Plan : Policies, Sites and Places Plan (Adopted) Nov. 2017

PSP1	Local Distinctiveness
PSP2	Landscape
PSP6	On Site Renewable and Low Carbon Energy
PSP8	Residential Amenity
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP17	Heritage Assets and the Historic Environment
PSP19	Wider Biodiversity
PSP20	Flood Risk, Surface Water and Watercourse Management
PSP21	Environmental Pollution and Impacts
PSP43	Private Amenity Space Standards

2.3 Supplementary Planning Guidance

South Gloucestershire Design Check List (SPD)

Trees on Development Sites SPG (Adopted) Nov. 2005

Waste Collection : guidance for new developments (SPD) Adopted Jan. 2015

Affordable Housing and extra care SPD (Adopted) May 2014

3. RELEVANT PLANNING HISTORY

3.1 None relating to the site itself but the following consent was granted on the land and property that immediately adjoins the site:

P21/01066/F (Class C4) to first and second floors, with parking and associated works.
(Resubmission of P20/15728/F) Approved 2nd September 2021

4. CONSULTATION RESPONSES

4.1 Downend and Bromley Heath Parish Council

Objection on the following grounds:

Overdevelopment

Poor design layout

Excessive vehicular traffic would be created in a small busy road.

Bin area unacceptable in this day & age its not a block of flats

EV charging points not specified

Other Consultees

Economic Development Team (summary)

No objection (full consideration set out in the report below)

Housing Enabling

As this application is for 9 units in Downend which is not within the Cotswold AONB, with a site area of 0.23 hectares, the thresholds for the requirement of Affordable Housing have not been met.

Sustainable Transport

Initial Comments

Access

Should be over a dropped kerb crossover. The existing dropped kerb across the site frontage will need to be reinstated as a full-face kerb with the exception of the new access road crossover. The tarmac area to the front of plots 1 and 2 should be returned to grass or other soft landscaping up to the back edge of the footway.

Parking

The number of car parking spaces is consistent with the Councils minimum standard. The spaces abutting walls or fences at 4.8m long are too short. These spaces should be increased to a length of 5.5m. Noting that the large car tracked is 5.079m long and cars dont park right up against a wall or fence. The 5.5m distance is set out in Policy PSP16. Each of the on-plot car parking spaces plus two of the remote spaces should have access to a 7Kw 32 Amp Electric Vehicle Charging Point. The remaining spaces should be provided with ducting for future connection. Cycle stores are proposed for each dwelling in accordance with the Councils cycle parking standard.

Internal Road and Movement

The access road needs to be 6m wide behind the row of parking spaces to provide enough reversing space. The large car track plot exiting the first space

appears very tight to the refuse store with no room for error. At least a 0.5m wide kerbed margin should be provided to the side of plot 1 to protect the side wall from reversing vehicle strikes. To reinforce the shared nature of the access road it should be surfaced with block paving or at least provided with a block paved strip across the entrance. There should be space next to each dwelling to store the waste and recycling bins. The bins would then need to be transported to the bin store for collection day. The private paths along the dwelling frontages of plots 1, 2 and 3 should be 1.5m wide to enable people to pass one another including wheelchair users and people pushing buggies. There is no need for a path in front of plots 5, 6, 7 and 8 provided that there is at least 1.5m of defensible space between the front door and the shared surface road.

Following the submission of further information to address the points above the following response has been received:

No objection is now raised. All the issues have now been addressed. It is noted that Electric Vehicle Charging Points are now secured through the Building Regulations. A condition is required to secure a Construction Management Plan and a condition to ensure that parking spaces are provided prior to the first occupation of the development. In addition a condition will require the reinstatement of kerbing at the entrance with the details first approved by the LPA.

Lead Local Flood Authority

We request that the applicant carries out additional infiltration tests which cover numerous locations across the entire site and subsequently submit the results. This is in accordance with the SUDS hierarchy which infiltration is the most preferred option of surface water disposal, therefore before we can rule out the possibility of infiltration being utilized on-site this option must be fully explored.

Following the submission of the additional information and a period of negotiation, additional information has been submitted such that there is no objection to the proposal subject to a condition to secure a full sustainable urban drainage system (with information included as to what will be expected to discharge the condition)

Tree Officer

No objection subject to landscaping condition to secure tree planting

Ecology Officer

Suggest a Preliminary Ecological Appraisal is submitted. As the buildings are to be demolished and a number of trees are to be removed, a Preliminary Roost Assessment for bats is required. An assessment of the dense bramble at the rear of the land, in addition to a general ecological walkover of the site for other protected species, will also need to be carried out.

Following the submission of additional information the proposed development is considered acceptable.

Other Representations

4.2 Local Residents

Initial Consultation (Expiry 15th December 2022)

2 no. letters of objection has been received from local residents; the concerns raised are summarised as follows:

- The proposal will cause overshadowing and loss of privacy
- A view will be blocked
- There are parking problems in the road
- The proposal will result in highway safety issues (reversing onto road)
- The proposal will impact upon property values
- Impact upon emergency vehicle access

1 no. neutral letter has been received neither objecting nor supporting but raising the following points in summary:

Parking issues may result on street. Could the street be widened/double yellow lines be reviewed?

A tree between the entrance to Grace Court and the bungalow should be protected

2nd Consultation (Expiry 5th July 2023)

Two letters of objection received. The grounds of objection are similar to those set out above, with the following additional comments received:

- Proposal will be detrimental to visual amenity
- Noise pollution
- Loss of Green Space

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

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

5.2 The locational strategy for the District is set out in policy CS5 of the Core Strategy. Under this policy new residential development is directed to the strategic housing allocations, existing urban areas, and defined rural settlements as shown on the proposals maps, with most new development being on the North and East Fringes of Bristol. This application proposes development within the designated Urban Area on the East Fringe and as such is acceptable in principle. Furthermore the NPPF places great emphasis on the

efficient use of land and the importance of providing housing (para 60). It is considered likely that the proposed development would begin to contribute towards housing supply in the district within a period of 5 years. The provision of 9 no. dwellings therefore carries significant weight in the planning balance.

5.3 The site lies in a sustainable location close to public transport routes, shops and leisure facilities.

5.4 *Loss of Employment Space*

The proposed development would involve the potential loss of employment space. The site is not a safeguarded site as set out in CS12 of the South Gloucestershire Core Strategy. Thus Policy CS13 (Non- Safeguarded Economic Development Sites) applies. The policy indicates that changes of use will not be allowed unless it can be clearly demonstrated that all reasonable attempts have failed to secure a suitable economic re-use and then if that has taken place priority should first be given to a mixed use scheme and then a residential scheme.

In support of the application the applicant has submitted a detailed marketing statement. The key elements of the statement are:

A description of the property identifying 473.9 sq.m of floor space. A marketing campaign was undertaken from 14th December 2021 onwards. A rent of £50k was indicated reduced to £45k. Full details of the campaign are set out, including signboard, mailshots, advertising and internet listings. Details of responses are given but the agents indicate that no acceptable offers were received to rent the property. The report then sets out what in their experience is detracting from the attractiveness of the property including:

The property is situated on a narrow residential street in a densely populated area which does not lend itself to some commercial uses.

There is very limited foot fall and passing vehicle traffic.

The property provides accommodation over two floors, which is not what modern commercial occupiers require. The supporting pillars for the first floor space were an issue for many occupiers who required clear span space.

Access to the property for large vehicles is limited, with no area for large articulated commercial vehicles to load and unload, except the public highway. This is a major issue for businesses which require deliveries our daily vehicle movements for distribution

The Economic Development Team has reviewed this submission and largely agrees with the findings. It is considered that enquiries for industrial space suggests that businesses wishing to locate or expand in South Gloucestershire generally have a preference for clustering at business parks and economic areas. Examples in the East Fringe include the business parks at Emersons Green and the Bristol & Bath Science Park. Businesses requiring B2/ B8 accommodation generally require an adjacent area for ease of loading and off-

loading. The loss of employment space is regrettable, given that there are fewer jobs than people in the east fringe.

It is agreed that the recent NPPF does not require a sequential approach to possible changes of use as set out in Policy CS13 which would require a mixed use to be the first option. Notwithstanding this however the Economic Development Team does not consider that the site is attractive for industrial purposes for the reasons set out by the applicant in the marketing report and is satisfied with the marketing statement submitted with the application.

5.5 In summary it is considered that the loss of the site to employment is considered acceptable. The principle of development is considered acceptable and the remainder of this report will consider the remaining material planning considerations.

5.6 Scale and Design

Core Strategy Policy CS1 only permits new development where “the highest possible standards of site planning and design are achieved”. The Policy requires that siting, overall layout, density, form, scale, height, massing, detailing, colour and materials, are informed by, respect and enhance the character, distinctiveness and amenity of both the site and the locality; this policy is fully compliant with the design guidance in the NPPF.

The proposed development will involve the demolition of a large three storey warehouse as well as a residential bungalow with associated buildings/facilities. It is considered that within this predominantly residential setting, the removal of the three storey building with parking court for commercial vehicles has some merit/benefit in visual terms albeit the adjoining site has consent for a more modest three storey residential building (P21/01066/F).

The surrounding area comprises a variety of building forms, single or two storey, Victorian terraces and more modern development with potentially if built the neighbouring consented scheme being an example. The proposed development consisting of two to four bedroom dwellings with a simple palette of materials consisting brick with subtle brick banding, composite grey slate tiles. The case officer has negotiated changes to the design of the front elevation to the site. Previously this consisted of a mix of two gable fronted properties and gable ended/front roofed properties, it was considered that this would have appeared awkward in the street scene particularly given a difference on heights. It is considered a more uniform front roofed/gable ended arrangement is more appropriate. To the rear this arrangement is replicated in the remaining five dwellings.

The north-south orientation front to back allows for the provision of solar panels which are shown on plan (albeit this provision cannot be guaranteed). The layout is considered acceptable and although there are larger areas of parking in the site, these are largely away from the general street view from Dial Lane. In summary the design of the development is considered acceptable within the

context of the wider street scene and to an extent will improve upon the rather incongruous three storey commercial property.

5.7 Landscape & Trees

Policy PSP2 of the South Gloucestershire Local Plan Policies, Sites and Places Plan (Adopted) Nov 2017 seeks to conserve and where appropriate, enhance the quality, amenity, and distinctiveness of the landscape. Policy CS9 of the South Gloucestershire Local Plan Core Strategy expects new development to conserve and enhance the character, quality, distinctiveness and amenity of the landscape.

Limited landscaping is being provided. A condition requires the submission of a landscape and ecological management plan for that shown prior to the commencement of development.

The submitted tree report identifies two Category C along the rear boundary of the site (these are trees of low quality with an estimated remaining life expectancy of at least 10 years, or young trees with a stem diameter below 150mm). The report identifies that as part of the landscaping replacement trees and shrubs will be provided. Any communal landscaping is very limited in nature with most provided within private gardens. There are some small areas at the front of the site, near bin storage and at the far end of the parking spaces to the left of the entrance. A condition will be applied to ensure the submission of landscaping details of these communal areas to ensure that the species chosen are appropriate.

5.8 Transportation Issues

The proposed development will provide a private access from Dial Lane. 17 no. parking spaces are shown and secure parking for each property. Communal refuse storage is shown. An existing access will largely be stopped up.

Initial concerns have been addressed through negotiation, with amendments to the layout secured. A condition will be applied to ensure that kerbing around the existing entrance is applied to an appropriate standard.

Concerns have been raised that the proposal will add to existing parking and traffic problems at this location. It is important to note however that the number of parking spaces complies with the Council's parking standards. Thus any parking need generated by the development is catered for. Initially these spaces did not comply with the size standard but this has been amended with the changed layout. Electric Vehicle Charging points will now be provided as they are a requirement of the new Building Regulations. Cycle parking provision is also provided in accordance with the Council's standards.

The layout has been amended to ensure appropriate reversing provision. Surfacing will now delineate between the access way and parking spaces with pedestrian footways provided. The development will therefore have no impact upon the surrounding highway network. Pedestrian, vehicular and cycle access

is acceptable. The development provides acceptable refuse provision accessible to waste services, with occupiers able to access this facility.

A condition is recommended to ensure that all the parking spaces are ready for use prior to the first occupation of the development. A further condition requiring the submission of a full construction management plan will also be attached to the decision notice.

Subject to the above conditions the proposal is considered acceptable in highway terms.

5.9 Residential Amenity

Given the scale and the location of the development, it is not considered that the proposal would appear oppressive or overbearing nor would the proposal result in the loss of privacy given the distances to the nearest residential properties. To the rear of the properties there is in fact a large area of allotments.

In terms of the amenity of future occupiers, it is considered that external private amenity space is provided to comply with the Council standards.

In summary there should be no significant adverse impact on the residential amenity of future or neighbouring occupiers. The scheme is therefore considered to accord with policy CS1 of the Core Strategy (Adopted) December 2013, Policy PSP43 of The South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) Nov 2017 and the NPPF.

5.10 Environmental and Drainage Issues

Whilst there would inevitably be some disturbance for neighbours during the development phase, this can be adequately addressed by imposing a condition to restrict the hours of working.

In terms of drainage, the site lies in Flood Zone 1. The Lead Local Flood Authority have viewed the submitted details and it is considered that the submission has successfully demonstrated that it is possible in principle to secure an appropriate drainage scheme. A condition to secure prior to the commencement of development a full and detailed Sustainable Urban Drainage (Suds) is recommended to be included on the decision notice.

The site is not known to lie in an area of former coal mining.

5.11 Ecology

- 5.11.1 Policy CS9 of the Core Strategy and PSP19 of the Policies Sites and Places Plan consider the impact of development upon the natural environment and see where possible to secure “biodiversity gain” through on-site enhancements. A preliminary Ecological Appraisal has been submitted and a Biodiversity Net Gain Assessment.

5.11.2 The application is not covered by a Nature Conservation designation and in terms of habitat comprises developed land; sealed surface, vegetated garden and bramble scrub.

With respect to protected species (*Species protected under the Conservation of Habitats & Species Regulations 2017 ('European Protected Species) and Wildlife & Countryside Act 1981 (as amended) :-*

Bats

There were four buildings recorded on the site: Bungalow (B1); Warehouse (B2); Pool Building (B3); Shed (B4). A single old 'potential' bat dropping was recorded in B1, and this building was assessed to provide low roosting potential for bats. B2, B3 and B4 were assessed to provide negligible roosting opportunities for bats due to construction type, with no evidence of bats recorded. No trees on the site offered PRFs and the site offered limited foraging habitat for bats.

A further survey carried out in July revealed no bats as part of an emergence survey although common pipistrelle and noctule bats were recorded foraging during the survey. Mitigation is recommended in the appraisal and will be conditioned

Great Crested Newts

There were no ponds on the site with three identified within 500 m. Given the distance of the site from these ponds (> 200m), along with other variables, GCN were assessed likely absent from the site. Precautionary methods of working have been provided, which are acceptable and will be the subject of a condition.

Birds

The buildings, bramble scrub and vegetated garden offered suitability for nesting birds. Suitable mitigation has been provided.

Reptiles

Some habitats on site offered low potential to support reptiles and therefore precautionary methods of working have been provided, which are acceptable.

Badgers

No evidence of badger activity was recorded however badgers could pass through the site.

Hedgehog

Suitable commuting, foraging and nesting habitat for hedgehog was identified on site. Precautionary methods of working have been provided, which are

acceptable. Hedgehog holes have also been recommended for any close-board fencing, which is welcomed.

Invertebrates

The site would likely support a common assemblage of invertebrates.

5.11.3 Biodiversity Net Gain

A BNG assessment has been submitted using the Small Sites metric. The scheme has resulted in a net gain of 0.1965 habitat units (the equivalent increase of 135.73%) which exceeds the 10% net gain expectation.

5.11.4 Ecology (Conclusion)

In summary the proposed development is considered acceptable subject conditions to require that the development proceeds in accordance with the mitigation measures set out in the report, a lighting design strategy for biodiversity to be submitted prior to installation, a Landscape ecological management plan (pre-commencement).

In addition a condition will be added to ensure that the development permitted shall be carried out in accordance with the submitted Biodiversity Net Gain Plan (Ethos Environmental Planning, August 2023), to ensure that there is a minimum 10% net gain in biodiversity on site for a 30 year period as a result of the development. The Plan shall be implemented in full prior to the first occupation of the development hereby approved.

5.12 Consideration of likely impact on Equalities

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

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

6. **CONCLUSION**

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

6.2 The recommendation to **grant** 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 is granted subject to the conditions set out below.

CONDITIONS

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

Reason

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

2. Construction Environmental Management Plan (CEMP)

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

The CEMP shall include but not necessarily be limited to:

- (i) Measures to control the tracking of mud off-site from vehicles.
- (ii) Measures to control dust from the demolition and construction works approved.
- (iii) Adequate provision for the delivery and storage of materials.
- (iv) Adequate provision for contractor parking.
- (v) Highway condition surveys of Dial Lane including photographs carried prior to commencement of the development and after completion. The condition surveys are to be carried out jointly with a representative from the Local Highway Authority (LHA) Streetcare Team. Any damage to the highway caused as a result of the construction works will need to be repaired to the satisfaction of the LHA representative.
- (vi) Details of Main Contractor including membership of Considerate Constructors scheme or similar.
- (vii) Site Manager contact details.
- (viii) Processes for keeping local residents and businesses informed of works being carried out and dealing with complaints.

Reason:

In the interest of highway safety and to accord with Policy PSP11 the South Gloucestershire Council Local Plan: Policies, Sites and Places Plan 2017

3. Parking Provision

The dwellings shall not be occupied until the access and the car and cycle parking spaces have been completed in accordance with the submitted details.

Reason:

In the interest of highway safety, to promote sustainable travel and to accord with PSP11 and PSP16 of the South Gloucestershire Council Local Plan: Policies, Sites and Places Plan 2017

4. Kerb Re-instatement

The dwellings shall not be occupied until the redundant dropped kerbs both sides of the new access have been reinstated with a full-face kerb and the area behind the public footway in front of the access to the existing bungalow reverted to a grass verge all in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason:

In the interest of highway safety, to promote sustainable travel and to accord with PSP11 and PSP16 of the South Gloucestershire Council Local Plan: Policies, Sites and Places Plan 2017

5. Plans

The development shall be carried out in accordance with the following approved plans:

Received 4th May 2023

5090 HT A	B	HOUSE TYPE A
5090 PSL	B	DIAL LANE SITE LAYOUT
5090 STS 01	REV B	DIAL LANE STREETSCENE
5090 STS 02	REV B	DIAL LANE STREETSCENE 2

Received 14th November 2022

22062-SPA01	A	LARGE REFUSE VEHICLE SWEPT PATH ANALYSIS
22062-SPA02	A	FIRE TENDER VEHICLE SWEPT PATH ANALYSIS
22062-SPA03	A	LARGE CAR SWEPT PATH ANALYSIS
5090_E.E	A	EXISTING ELEVATIONS
5090_E.SL	A	EXISTING SITE LAYOUT
5090_HT.B	A	HOUSETYPE B
5090_HT.C	A	HOUSETYPE C
5090_LP	A	LOCATION PLAN

Reason:

For the avoidance of doubt

6. Construction Hours

The hours of working on site during the period of construction shall be restricted to
Monday - Friday.....7:30am - 6:00pm
Saturday.....8:00am - 1:00pm
No working shall take place on Sundays or Public Holidays.

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

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy CS1 of the South Gloucestershire Local Plan (Adopted) January 2006 and the provisions of the National Planning Policy Framework.

7. Ecological Mitigation

The development shall proceed in strict accordance with the mitigation measures provided in the Preliminary Ecological Appraisal (Ethos Environmental Planning, June 2023)

Reason:

In order to conserve and enhance the natural environment and to accord with Policy CS9 of the South Gloucestershire Local Plan Core Strategy 2013 and Policy CS19 of the South Gloucestershire Local Plan Policies Sites and Places Plan 2017.

8. Ecological Enhancements

Prior to occupation of the development hereby approved, the ecological enhancements detailed within section 7 of the Preliminary Ecological Appraisal (Ethos Environmental Planning, June 2023) shall be installed, and retained as such thereafter.

Reason:

In order to conserve and enhance the natural environment and to accord with Policy CS9 of the South Gloucestershire Local Plan Core Strategy 2013 and Policy CS19 of the South Gloucestershire Local Plan Policies Sites and Places Plan 2017.

9. External Lighting

No external lighting shall be installed until details have been submitted to and approved by the Local Planning Authority in writing. Such details shall include lighting specifications and locations designed to prevent light spill over boundary vegetation, adjacent allotments and wildlife boxes, so that wildlife is not deterred from using the site and that important habitats/new roost provisions are not illuminated. All external lighting shall only be installed in accordance with the approved details.

Reason:

In order to conserve and enhance the natural environment and to accord with Policy CS9 of the South Gloucestershire Local Plan Core Strategy 2013 and Policy CS19 of the South Gloucestershire Local Plan Policies Sites and Places Plan 2017.

10. Biodiversity Net Gain Plan

The development hereby permitted shall be carried out in accordance with the submitted Biodiversity Net Gain Plan (Ethos Environmental Planning, August 2023), to

ensure that there is a minimum 10% net gain in biodiversity on site for a 30 year period as a result of the development. The Plan shall be implemented in full prior to the first occupation of the development hereby approved.

Reason:

In order to conserve and enhance the natural environment and to accord with Policy CS9 of the South Gloucestershire Local Plan Core Strategy 2013 and Policy CS19 of the South Gloucestershire Local Plan Policies Sites and Places Plan 2017.

11. Landscape and ecological management plan (LEMP)

A landscape and ecological management plan (LEMP) which includes management of the Biodiversity Net Gain Plan shall be submitted to, and be approved in writing by, the local planning authority prior to the commencement of the development. The LEMP shall be written in accordance with BS42020. The LEMP shall include 30 year objectives, management responsibilities, maintenance schedules and a methodology to ensure the submission of monitoring reports. The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason:

In order to conserve and enhance the natural environment and to accord with Policy CS9 of the South Gloucestershire Local Plan Core Strategy 2013 and Policy CS19 of the South Gloucestershire Local Plan Policies Sites and Places Plan 2017.

12. Sustainable Urban Drainage

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

For the avoidance of doubt the following information should be submitted in order to discharge the condition:

A clearly labelled drainage layout plan showing the exact location of any soakaways.

Evidence is required to confirm that the ground is suitable for soakaways. Percolation / Soakage test results in accordance with BRE Digest 365 and as described in Building Regs H - Drainage and Waste Disposal.

The submitted infiltration rate/s must be expressed in m/s (meters per second).

Evidence that the soakaway is appropriately sized in accordance with BRE Digest 365 Soakaway Design. Soakaways must be located 5 Metres from any structure including

the Public Highway. No surface water discharge will be permitted to an existing foul sewer without the expressed approval of the sewage undertaker.

The development shall then be carried out in accordance with the approved details.

Reason:

To avoid flooding and to comply with South Gloucestershire Local Plan: Policies Sites and Places Plan (Adopted) November 2017 Policy PSP20.

13. Tree/Shrub Planting

Prior to the commencement of above ground works, details of the replacement tree planting as set out in the Arboricultural Report (para 6.4.1 and 6.4.2 Silverback Ltd Nov 2022) shall be submitted to and approved in writing by the Local Planning Authority. The trees shall then be planted in the first available planting season following the completion of the development.

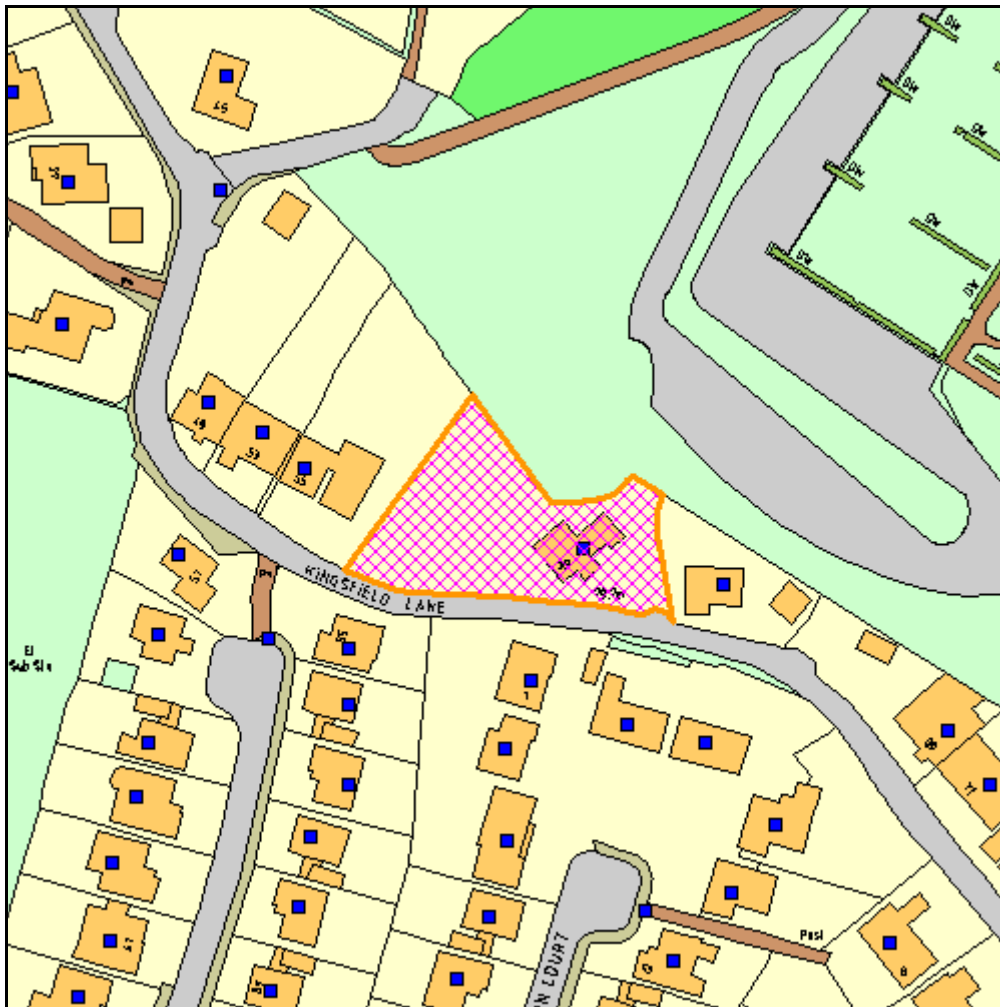
Reason:

In the interests of the visual amenity of the area and to accord with Policy CS1 and CS2 of the South Gloucestershire Local Plan Core Strategy 2013 and Policy PSP2 and PSP3 of the South Gloucestershire Local Plan Policies Sites and Places Plan 2017.

Case Officer: David Stockdale
Authorising Officer: Marie Bath

CIRCULATED SCHEDULE NO. 42/23 -20th October 2023

App No.:	P23/00743/F	Applicant:	Mr N Hinder
Site:	Land At 59 Kingsfield Lane Hanham South Gloucestershire BS15 9NR	Date Reg:	9th March 2023
Proposal:	Erection of 1 no. detached dwelling and 1no. garage with associated works.	Parish:	Hanham Parish Council
Map Ref:	365221 172258	Ward:	Hanham
Application Category:	Minor	Target Date:	4th May 2023



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 100023410, 2008. **N.T.S.** **P23/00743/F**

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

REASON FOR REFERRING TO CIRCULATED SCHEDULE

This application appears on the Council's Circulated Schedule procedure following an 6no. objections from local residents contrary to the findings of this report and the officer recommendation.

1. THE PROPOSAL

- 1.1 This application seeks full planning permission for the erection of 1no. detached dwelling and 1no. garage with associated works.
- 1.2 The application site lies within the established built-up residential area of Hanham and forms part of the residential curtilage to the side (west) of No.59 Kingsfield Lane, a two-storey detached dwellinghouse.
- 1.3 The sites falls within a defined high risk coal area.
- 1.4 *Procedure* - since the application was initially submitted additional drainage details and revised plans have been accepted by the LPA. The changes are limited to the alteration of proposed access and parking arrangements, as well as a reduction in the width of the detached garage. Due to the nature of the amendments, a re-consultation was carried out with regards to the Lead Local Flood Authority and Transport Officer.

2. POLICY CONTEXT

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

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy (Adopted December 2013)

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

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

PSP1	Local Distinctiveness
PSP8	Residential Amenity
PSP11	Transport Impact Management
PSP16	Parking Standards

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

2.3 Supplementary Planning Guidance

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

3. **RELEVANT PLANNING HISTORY**

- 3.1 **K1124/118.** ERECTION OF DETACHED HOUSE & GARAGE. NEW SECTION OF FOUL SEWER. NEW ACCESS TO A HIGHWAY. **Approval Full Planning.** 29/01/1990.
- 3.2 **K1124/106.** ERECTION OF DETACHED DWELLING WITH ATTACHED GARAGE CONSTRUCTION OF NEW ACCESS. **Refusal.** 16/11/1987. **(Appeal Allowed)**
- 3.3 **K1124/35AP22.** 1NO. DETACHED 4 BEDROOM HOUSE PLUS DOUBLE DOMESTIC GARAGE. **Refusal.** 19/01/1987.

4. **CONSULTATION RESPONSES**

4.1 Environmental Protection

No objection, subject to the imposition of conditions regarding land contamination.

4.2 Highway Structures

No comments received.

4.3 Lead Local Flood Authority

(12/09/2023)

Following the submission of the infiltration testing results and accompanying calculations, we are in acceptance of the proposal to utilise a soakaway on-site. No objection.

(22/06/2023)

We request that on-site infiltration testing is carried out at this stage and the results are submitted for review before we may comment further.

(24/03/2023)

We query the proposed method of surface water disposal and require clarity and confirmation on this matter before we may comment further.

4.4 Sustainable Transport – Transportation DC

(02/05/2023)

The revisions show improved visibility splays as requested.

No transport objections are raised. Recommend conditions.

(15/03/2023)

No transport objection to the principal of one more dwelling accessed from Kingsfield Lane.

The access should however be adjusted to provide adequate visibility splays and an area where vehicles can pass one another in the lane.

The access gradient, on-site parking and turning areas are all ok.

Recommend standard conditions.

4.5 The Archaeology Officer Natural & Built Environment Team
Recommend conditions for programmes of archaeology work.

4.6 The Coal Authority
(23/06/2023)
Withdraw objection subject to the imposition of relative conditions.

(22/03/2023)

The Coal Authority objects to this planning application.

The applicant should be informed that they need to submit a Coal Mining Risk Assessment Report to support this planning application.

4.7 Hanham Parish Council
No objections.

4.8 Local Residents
6no. comments of objection and 2no. comments neither objecting to nor supporting the planning application have been received from local residents. The following points and concerns have been raised:

- Site clearance has resulted in bonfires which have given off obnoxious smells
- Could the builders consider either not burning or at least reduce any bonfires to just vegetation
- Kingsfield Lane is single track
- Access and egress to the site is dangerous
- Excavation of the ground will be required to allow access
- Site is confined and will cause disruption in this area
- Kingsfield Lane is already congested
- Every day delivery vans and construction vehicles get stuck in the lane having to reverse backwards
- At times vehicles can be blocking parts of the lane for long periods, restricting access to our homes
- No traffic management plan in place
- The lane is a cut through to Aspects Leisure complex and Gallagher retail park and is used frequently by pedestrians and cyclists
- The site is at one of the narrowest parts of the lane

- Potential safety risks to vehicle users, pedestrians and cyclists
- There have been many near miss accidents and these incidents are increasing
- Requirement for the builders to have a plan to ensure the lane is cleaned regularly to prevent dangerous road conditions occurring from the volume of mud that will accumulate on the road surface
- Lived here for over 40 years and have seen the gradual decline of one of the last leafy lanes in South Gloucestershire
- The LPA has given less and less attention and care to this roadway and its residents and users
- Should be refused on Health and Safety and Environmental grounds
- Planning Applications (PK17/5603/F, PK18/0611/O & P21/02401/F) have been approved for new builds in the Lane in 2018/2019
- Due to the unique characteristics of the lane, any planning application in the lane affects all households
- Notification should have been sent to all households
- An important previous refusal of a Planning Application in 2006 has been ignored despite the fact that it went to Planning Inspectorate Appeal and was dismissed
- The inspector denied the appeal due to the clear and present dangers associated with the Lane. If there were identified dangers 17 years ago, enough to refuse a planning application, then there are certainly increased dangers now and more than enough to decline any more planning applications
- My understanding is that some, at least, of the current planning officers have not walked the length of the lane
- Effects on flora and fauna and the indigenous wildlife

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

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

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

5.3 Design and Visual Amenity

Policy CS1 of the Core Strategy and policy PSP38 of Policies, Sites and Places Plans seeks to ensure that development proposals are of the highest possible

- standards of design. This means that developments should be informed by, respect, and enhance the character, distinctiveness and amenity of both the application site and its context.
- 5.4 Kingsfield Lane is a narrow single track lane. Dwellings are located along the length of one side of the lane, and a mixture of house types are present, comprising large detached dwellings as well as more modest terraces. On the other side of the lane there is a high hedge lined bank. Due the narrowness of the lane, and the substantial high hedges which separate the Kingsfield Lane from larger surrounding residential and commercial development, the area has a rural character.
 - 5.5 The proposed dwelling would be positioned to the side (west) residential curtilage of No.59 Kingsfield Lane, currently forming part of the existing dwellings private garden. The new residential unit would be 1.5 storeys with an (approx.) 10 by 10 metre footprint and two-storey centrally located front and rear projections. The property would feature a dual pitched roof featuring gable-ends, which would rise from an eaves height of 2.5 metres to a ridgeline of 7.5 metres. Installed within the roof structure would be two front and two rear dormers. The dormers would be identical in size and follow a traditional form.
 - 5.6 A detached garage also forms part of the proposed scheme. The garage would sit to the north-west of the new dwelling and have a rectangular footprint, measuring (approx.) 7 by 6.6 metres. Alike the house, the garage would have a dual pitched roof with gables end, which would rise to a maximum height of 5.1 metres. A large area of permeable surface would be set to the front and side (west) of the proposed dwelling, forming a generous drive, providing a turning point and direct route from the properties new vehicle access point off Kingsfield Lane to the garage.
 - 5.7 As noted above, a new vehicle access would be introduced off Kingsfield Lane. This would require section of exiting established hedgerow along the southern boundary of the site to be removed to create an opening (approx. 4 metres wide) and section to be repositioned in order to achieve adequate visibility and area where vehicles can pass one another.
 - 5.8 The buildings would be rendered with brick quoins. Whilst the submitted documents state the roof would be finished with grey tiles, concern was raised by officers that the roof tiles in this locality are predominantly double roman brown. The applicant has agreed to change the proposed tiles to match those in the vicinity. This would be secured by condition.
 - 5.9 Other than the common feature of a gable-end, there is no distinct local style of architecture, or none that officers found to be immediately discernible when undertaking a site visit from the public realm. The design of the detached dwelling would add another variation.
 - 5.10 The proposed residential unit would sit on reduced land, as such would ensure the properties ridgeline sits lower or matches adjacent properties. The proposed reduction in the sites levels is a key part of what helps the new

- dwelling blend in and sit comfortably within its context. The new site levels would be secured by condition.
- 5.11 Officers acknowledge that the proposed garage footprint is relatively large. However, in this instance whereby the proposed dwelling is a large detached property set within a large plot. The garage would remain to appear subservient to the host dwelling and be proportionate in scale to the size of the garden, ensuring an appropriate relationship to the main property, complying with the Council's Annexes and Residential Outbuildings SPD.
- 5.12 All-inclusive, the plot presents a good opportunity for in-fill development within the urban area. The proposed residential unit could be built without harming the character and appearance of the site and its context and therefore if built, would be representative of an acceptable design quality, complying with policies CS1, PSP1, and PSP38.
- 5.13 Residential Amenity
Policy PSP8 of the Policies, Sites and Places Plan relates specifically to residential amenity in which it states development proposals are acceptable, provided that they do not create unacceptable living conditions or result in unacceptable impacts on the residential amenities of occupiers of the development or of neighbouring properties. These are outlined as follows (but not restricted to): loss of privacy and overlooking; overbearing and dominant impact; loss of light; noise or disturbance; and, odours, fumes or vibrations.

Amenity of neighbours

- 5.14 It is noted that the existing dwelling No.59 benefits from 2no.windows to the south-west elevation and the proposed dwelling would sit significantly forward of No.59's south-west building line. Nevertheless, given the separation distances and angles involved between the proposal and existing property No.59 and neighbour to the west No.55 Kingsfield Lane. Furthermore, the proposed massing closest to the shared boundaries would be single-storey to the eaves. The impact on the level of amenity afforded to neighbouring dwelling by virtue of overbearing and loss of light/outlook is acceptable. It is accepted that there may be a limited degree of overshadowing to No.59 but not to a sufficient degree to warrant refusal of the application.
- 5.15 As a result of the proposed fenestration, loss of privacy and overlooking must also be assessed. The main openings serving the new dwelling would be positioned to the front and rear elevations, with outlook onto the proposed dwelling's own curtilage with Kingsfield Lane beyond to the front and mature vegetation/open land to the rear. No new line of overlooking would be created.
- 5.16 Three openings are proposed to the dwellings side elevations, however these would be positioned at ground floor level, which would be screened by the proposed boundary treatment. A condition would be imposed on any favourable decision notice to prevent additional windows from being installed.

Amenity of future occupiers

- 5.17 As originally submitted, concern was raised by officers that the siting of the garage relative to the proposed kitchen rear and primary window would have resulted in an overbearing effect, as said window would have had a direct outlook partially onto the garages front elevation at a distance of (approx.) 2.3 metres. Amended plans have been accepted by the LPA whereby the garage has been moved 0.4 metres closer the western boundary and width reduced by 0.4 metres such that the garage's side (east) elevation is set back from the kitchen window by 0.4 metres.
- 5.18 The submitted drawings illustrate that all rooms of primary living accommodation would benefit from a window of sufficient size. Future occupants of the development would therefore be provided with adequate natural light in all habitable rooms. Overall, the application satisfies the requirements of PSP8 and PSP38.
- 5.19 Supplementary to this, policy PSP43 sets out that residential units, are expected to have access to private external amenity space that is: functional and safe; of a sufficient size in relation to number of occupants; and be easily accessible. The existing dwelling and proposed property would both benefit from private amenity space well in excess of the Council's space standards expected for a 4+ bedroom dwelling. As such, the proposed development is in full compliance with policy PSP43.
- 5.20 Transport (Access and Parking)
PSP11 requires developments that create a demand for travel to provide appropriate, safe, accessible, convenient and attractive access for all mode trips arising to and from the proposal. Residential development should be located on safe, useable walking and/or cycling routes that are an appropriate distance from key services and facilities. Additionally, Policy PSP16 sets out the Council's criteria for parking specifications. It states that parking space provision per dwellinghouse is proportionate to bedroom number. Cycle parking is also required, in accordance with schedule A of PSP16.
- 5.21 The site is within an urban area which is well served by key services and facilities. Accordingly, the site complies with the locational requirements of PSP11. The existing parking arrangement for the host property No.59 Kingsfield would not be affected by the development. The new residential unit would possess a garage and an area of hardstanding which is large enough to accommodate any vehicles associated with it, as well as space for turning. The garage can also be used for cycle parking.
- 5.22 Local objection has been raised during the consultation process regarding the implications the proposed dwelling and its associated access would have on Kingsfield Lane due to its single track nature which is described as already being congested. A neighbour has also raised a previous appeal decision ref. PK04/2902/O which was refused and appeal dismissed on ground of highway safety.
- 5.23 From reading the Inspectors Appeal Decision he was concerned about the narrowness of Kingsfield Lane and its increase in use by pedestrians and cyclist accessing the nearby Leisure complex. *The characteristics of Kingsfield*

Lane between the Appeal site and Tyler Close resulting in drivers of opposing vehicles having to reverse either out onto Tyler Close or back around a blind bend. Since that Appeal a development of a single dwelling PT18/5603/F has been permitted and constructed between No.45 and Tyler Close. This development includes a wide access with setback boundary walls enabling both adequate visibility for vehicles exiting and sufficient space for cars to pass one another along the lane at this point. The widened access also provided additional space for pedestrians to take refuge from passing cars. As such a betterment was provided by that development.

- 5.24 The current proposal also includes a widened section of the lane to provide visibility splays and space for cars and pedestrians to pass one another. This again provides betterment over the existing situation. The nature of the lane restricts vehicle speeds and the risk of any collisions. This is borne out by the fact that there have been no reported Road Traffic Collisions since 2004. There are already around 16 dwellings accessed from Kingsfield Lane. One extra dwelling would only increase vehicular traffic by a proportionately small number of vehicle movements of around 4 to 5 a day according to the TRICS national database.
- 5.25 Having regard to all of this information the proposed development would not result in any highway safety harm and no objection is raised from the Transport Officer. Notwithstanding the above, a condition would be attached to any approved decision notice requiring a site specific Construction Environmental Management Plan (CEMP). This is in addition to a compliance condition stating that the proposed development shall not be occupied until the access and parking arrangement, have been completed in accordance with the submitted plans.
- 5.26 Landscape
As raised previously within the report, in order to create a new vehicle access off Kingsfield Lane to serve the new dwelling, section of established existing hedgerow located along the southern boundary of the site would require full removal, whilst other section repositioned. The section of hedge to be removed would be (approx.) 4 metres wide, as such, the majority of the boundary abutting the lane would continue to be vegetated, which would help obscure the new dwelling from public view and in large retain the natural leafy street scene of the lane. A condition would be attached to any favourable decision notice to secure the replanting of hedges.
- 5.27 Drainage
During the course of the application, a proposed drainage layout plan and infiltration calculations were requested and accepted by the LPA. Following the submission of this additional details the Lead Local Flood Authority raise no objection to the application.
- 5.28 Coal
A Coal Mining Risk Assessment was submitted and reviewed by the Coal Authority. The Coal Authority concurs with the conclusions of the Coal Mining Risk Assessment report; that coal mining legacy potentially poses a risk to the proposed development and that investigations are required, along with possible

remedial measures, in order to ensure the safety and stability of the proposed development. The development proposals are therefore acceptable, subject to the imposition of relevant conditions.

5.29 Archaeology

It has been identified that the application site is within the boundaries of the historic settlement called Kingsfield, which may have medieval origins. Furthermore, the site is within a broader area of historic mining activity and the coal report submitted with the application implies that there is potential for historic mining activity on the site. As such, any historic mining activity and other heritage need to be recorded. Recommend the imposition of relevant conditions.

5.30 Environmental Protection

The councils Environmental Protection Officer has raised that there is information to indicate that land less than 250m east of the site is a historic landfill site which could give rise to unacceptable risks to the proposed development. As such, in order to ensure that the site is suitable for its proposed use and in accordance with the National Planning Policy Framework, conditions are recommended for inclusion on any permission granted.

5.31 Other Matters

Comments raised by local residents regarding disturbance during the build have been noted. However, the construction phase of any build is temporary. Officers find it unreasonable to refuse the application on these grounds alone. Nevertheless, the application site is situated within a built up residential area and the proposed development sits within close proximity to neighbouring properties boundaries. As such, a compliance condition regarding the hours of working will be attached to any favourable decision.

5.32 It is of relevance to note that all pre-commencement conditions have been agreed by the applicant.

5.33 Consideration of likely impact on Equalities

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

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

6. CONCLUSION

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

CONDITIONS

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

Reason

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

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

(Received 22nd February 2023)
Design and Access Statement
Location Plan
Proposed Elevation (4257/P1) Rev P1
Existing Site Block Plan (4257/P4) Rev A

(Received 09th March 2023)
Coal Mining Report

(Received 29th March 2023)
Proposed New Drive Entrance with Splay (4257/H1) Rev A

(Received 15th May 2023)
Coal Mining Assessment

(Received 21st June 2023)
Proposed Drainage Layout (4257/DP) Rev A

(Received 05th September 2023)
Infiltration Calculations
Soakaway Size

(Received 10th October 2023)
Proposed Floor Plans (4257/P2) Rev B

Garage Cross Section and Garage Plans (4257/P3) Rev B
Proposed Site Block Plan (4257/p5) Rev C

Reason

To define the terms and extent of the permission.

3. No windows other than those shown on the plans hereby approved shall be inserted at any time in the side elevations of the property hereby approved, unless the Local Planning Authority gives consent in writing to any variation.

Reason

To protect the privacy and amenity of neighbouring occupiers, and to accord with Policy PSP38 of the South Gloucestershire Local Plan: Policies Sites & Places Plan (Adopted) November 2017; and the National Planning Policy Framework.

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

The CEMP shall include but not necessarily be limited to:

- i. Measures to control the tracking of mud off-site from vehicles.
- ii. Adequate provision for the delivery and storage of materials.
- iii. Adequate provision for contractor parking.
- iv. Measures to coordinate the arrival and departure of construction and delivery vehicles to avoid conflict and obstruction of Kingsfield Lane including the use of a banksman.
- v. Temporary signage to warn road users of the construction site access.
- vi. Site Manager contact details.
- vii. Processes for keeping local residents and businesses informed of works being carried out and dealing with complaints.

Reason

In the interests highway safety and to accord with Policies PSP11 of the adopted South Gloucestershire Policies, Sites and Places DPD.

5. The development shall not be occupied until the access, car and cycle parking arrangements have been completed in accordance with the submitted details.

Reason

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

6. The access shall be surfaced with a consolidated material (not loose stone or gravel) for at least the first 5m from the back edge of the highway.

Reason

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

7.
 1. No development shall commence until;
 - a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past shallow coal mining activity; and

b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

2. Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reason

The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 183 and 184 of the National Planning Policy Framework and to accord with Policy CS9 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec. 2013 and Policy PSP22 of The South Gloucestershire Local Plan : Policies Sites and Places Plan (Adopted) Nov. 2017. This is a pre-commencement condition as investigation works and appropriate mitigation are required to ensure the future safety of the occupiers of the development and prevent the need for retrospective mitigation after the development is commenced/completed and to take account of the past mining activities within the area.

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

Reason

In 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.

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

Reason

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

10. A) Desk Study - Previous historic uses(s) within 250m of the site may have given rise to contamination. No development shall commence until an assessment of the risks posed by any contamination shall have been carried out and submitted to and approved in writing by the local planning authority. This assessment must be undertaken by a suitably qualified contaminated land practitioner, in accordance with British Standard BS 10175 Investigation of potentially contaminated sites and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), and shall assess any contamination on the site, whether or not it originates on the site.

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

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

The approved remediation scheme shall be carried out before the development is occupied.

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

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

Reason:

To prevent remedial action and to ensure safety of the site, in accordance with paragraph 174 of the NPPF.

11. The hours of working on site during the period of construction shall be restricted to 07:30 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturday; and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site.

Reason

To protect the residential amenity of the occupants of nearby dwellings; and to accord with Policy PSP38 of the South Gloucestershire Local Plan: Policies Sites & Places Plan (Adopted) November 2017; and the National Planning Policy Framework.

12. Notwithstanding the submitted plans, the proposed roof material to the new residential unit and detached garage will be brown double roman tiles.

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.

13. The dwelling hereby permitted shall be constructed in accordance with the reduced site levels as shown on drawing 'Garage Cross Section and Garage Plans (4257/P3) Rev B'.

Reason

To protect the character and appearance of the area and the amenities of the occupiers of nearby dwelling houses, in accordance with Policies PSP8 and PSP38 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (adopted) November 2017 and Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

14. The proposed landscape scheme specifying the re-planting of existing mature hedge shall be implemented no later than the first planting season following occupation of the new residential dwelling.

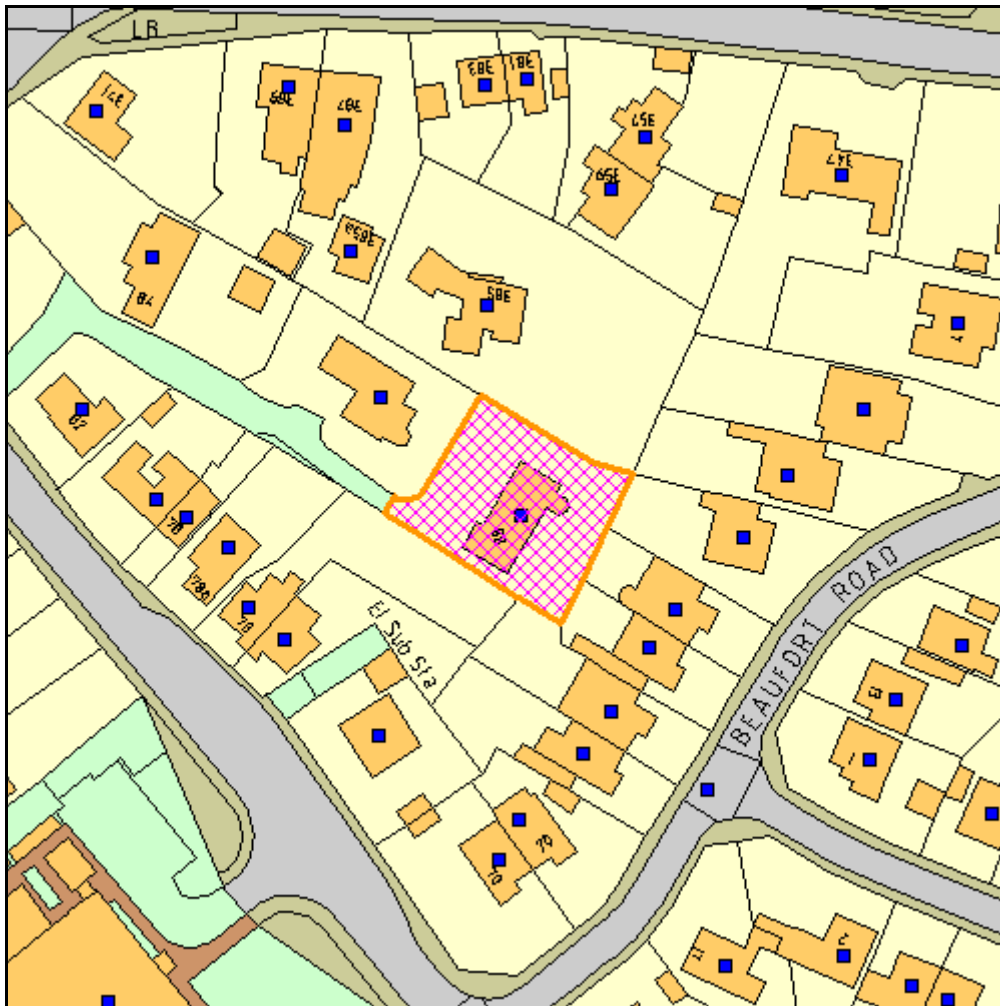
Reason

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

Case Officer: Chloe Summerill
Authorising Officer: Marie Bath

CIRCULATED SCHEDULE NO. 42/23 -20th October 2023

App No.:	P23/02490/H	Applicant:	Pamela Vear
Site:	88 Rectory Road Frampton Cotterell Bristol South Gloucestershire BS36 2BT	Date Reg:	30th August 2023
Proposal:	Demolition of existing conservatory and erection of single storey rear extension to form additional living accommodation. Erection of first floor extension over existing double garage and utility to facilitate conversion to self-contained annexe.	Parish:	Frampton Cotterell Parish Council
Map Ref:	366399 181959	Ward:	Frampton Cotterell
Application Category:	Householder	Target Date:	24th October 2023



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100023410, 2008.

N.T.S.

P23/02490/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.

REASON FOR REFERRAL TO CIRCULATED SCHEDULE

This application appears on the circulated schedule due to the receipt of three letters of objection contrary to the officer recommendation.

1. THE PROPOSAL

- 1.1 Full planning permission is sought for the demolition of existing conservatory and erection of single storey rear extension to form additional living accommodation. Erection of first floor extension over existing double garage and utility to facilitate conversion to self-contained annexe.
- 1.2 The application site is a detached dwelling within the Frampton Cotterell designated settlement boundary. The dwelling is comprised of yellow brick and render.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework July 2021
National Planning Policy Guidance

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

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

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

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

2.3 Supplementary Planning Guidance

Design Checklist SPD (Adopted) August 2007
Householder Design Guide SPD (Adopted) March 2021
Residential Parking Standard SPD (Adopted) December 2013

3. RELEVANT PLANNING HISTORY

- 3.1 P86/2049 - Erection of 3 detached dwellings with integral garages; construction of access drive (in accordance with the revised details received by the council on 7TH august 1986). Approved. 04.09.1986.

4. CONSULTATION RESPONSES

- 4.1 RNS Frampton Cotterell Parish Council
The comments received are summarised below:
- No objection

Other Representations

- 4.2 Local Residents
Four neighbouring representations have been received, three objections and one support comment, these are summarised below:

Objections:

- The first floor extension would result in an invasion of privacy into the property of number 76 Rectory Road, giving direct views into the garden.
- The first floor extension, close to the shared boundary, would be overbearing in scale and out of keeping with the surrounding properties.
- Extend the property so substantially may in time lead to increased traffic in the small private road where it is situated; disturbance of noise/activity and potentially a change of usage is inappropriate within its setting
- I would like to object on the grounds of loss of privacy and light
- As you will see from the photos attached the second story building above the existing garage will overlook directly into our bedrooms. Resulting in a huge invasion of privacy
- As 88 Rectory road is built on higher ground than ours we feel this a valid consideration.
- Whilst the trees mentioned in the application provide some screen these trees are not evergreen trees and drop all their leaves, so only providing a screen for a very small time of the year
- Object to this building application on the grounds of privacy, loss of light and size of the building becoming overpowering
- 1987 No 88 was built. We then had a very large house with 3 windows all overlooking and dwarfing my property. Their garden back garden is only 17.5m from our boundary. I have a very small garden
- Over the years a conservatory was added to the right side of the property. I have a full view of that
- The owners state the trees act as privacy screening. Which I can confirm does not happen. I can see most of all the windows all of the year, especially when there are lights on.
- These trees, because of their size cut out all of the light and especially sunshine from my house and small back garden from about 3-00 pm every day
- I feel that the second story extension forming the annex will exacerbate this situation. Also adding extra windows to the already existing 6.

- The construction of these works will need scaffolding etc. and I will lose all my privacy which is causing me great concern. With builder's working at great heights
- The site photos provided do not necessarily give the full impression of height, size and view
- Just experienced 18 months of building works to my next-door neighbour's property, something I do not wish to repeat.

Support:

- Makes good use of an existing property which is better for the environment than a new build
- It will revitalise the look of the property
- We too are 'overlooked' but we respect your right to develop your property within the regulations set by the authorities
- Your trees are a wonderful asset to the wildlife of the area which is one of the attractions of living in this village

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

PSP38 of the South Gloucestershire Council Policies, Sites and Places Plan (adopted November 2017) permits development within existing residential curtilages (including extensions) in principle where they do not unduly harm the design, visual amenity and residential amenity of the locality or prejudice highway safety or the provision of adequate private amenity space. PSP38 is achieved through CS1 of the South Gloucestershire Council Core Strategy (adopted December 2013), which requires development to demonstrate the highest standards of design and site planning by demonstrating that siting, form, scale, height, massing, detailing colour and materials are informed by, respect and enhance the character, distinctiveness and amenity of both the site and its context. Additional guidance on achieving good design for householder developments is set out in the Household Design Guide supplementary planning document (SPD), which was formally adopted in March 2021. The development is acceptable in principle, subject to the following detailed consideration.

5.2 Design and Visual Amenity

The dwelling is one of three large dwellings located with a small cul-de-sac off the main highway, with no through footway, resulting in a lack of public presence within the area. The dwelling is also screened by neighbouring dwellings, and as such views from the wider area are limited.

5.3 The proposed first floor extension is to facilitate a self-contained annex. The extension would measure approximately 7.6m deep, 5.25m wide, with an eaves height of 4.8m and a ridge height of 6.65m. The proposed materials include tiles and render to match the existing.

5.4 The dwelling is situated at the end of a private road and is surrounded by neighbouring dwellings. Given its siting, the dwelling is not widely visible from

- publicly accessible areas. The garage conversion represents a limited form of development, the proposed design of the garage door in-filling is appropriate and would represent a cohesive alteration.
- 5.5 The proposed single storey rear extension would measure 3.06m deep, 3.75m wide, with an eaves height of 2.5m and a maximum height of 3.3m, this extension is 70cm wider than the existing conservatory it is replacing. The proposed extension represents a subservient and appropriate design with a mono-pitch roof. The design of this extension is not seen to impact upon the visual amenity of the dwelling or wider street scene. The proposal also includes alterations to the rear elevation such as the installation of bi-fold doors, given the limited nature of these works, the proposal is seen to be acceptable.
- 5.6 The proposed first floor extension would be situated approximately 0.3m below the ridge of the main dwellinghouse. Contained within the Householder Design Guide SPD is guidance on how to aid in subservience and overall design, the proposal includes a hipped roof form which mimics the existing dwellings hipped roof. The guidance also discusses a setback of 300mm from the principal elevation for first floor side extensions, although the proposal does not include a setback at first floor, given the ground floor protrudes further out than the first floor, in this case, a setback would
- 5.7 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.
- 5.8 The proposed works to the garage shall create a habitable space and also introduce two windows with the principal elevation. The existing side elevation windows would serve the new kitchen and living room. Although the proposal would increase views from these windows, as the conversion of the garage into a habitable space does not require planning permission and given the windows currently exist, it would be unreasonable to refuse the application based on the increased views outwards. The proposed windows within the principal elevation would be situated circa 18m from the nearest dwelling opposite, and 10.5 away from the front boundary, given these distances, there are no associated overlooking concerns.
- 5.9 The proposed single storey rear extension would replace an existing conservatory. The extension would be situated circa 7.2m away from the boundary, given the offset from the boundary, there are no overbearing or overshadowing concerns. In terms of overlooking, the proposed extension includes one window within the rear elevation and windows and a door within the side elevation. It is noted the existing glazed conservatory provides views from every elevation. The distance to the boundary as well as the screening along the boundary provided by the hedgerow sufficiently mitigates any potential overlooking concerns.

- 5.10 The proposed first floor extension would be situated approximately 2.3m off the boundary with No76, and have a separation distance to the rear elevation of No76 of 27.6m. The proposal shall increase the massing at first floor when compared to the existing. Although the increase in massing would be felt when utilising the rear private amenity space of No76, it is noted that their rear private amenity space is wide (circa 33m wide) as such the extension would not unacceptably enclose this amenity space. The offset from the boundary as well as the distance from the neighbouring dwellinghouse (No76) would sufficiently combat the concerns relating to overbearing or overshadowing impacts.
- 5.11 In terms of overlooking, the proposed first floor extension does not include any windows within the side elevation. The proposal includes two windows within the principal elevation. These windows shall provide views outwards, the nearest dwelling No86 is situated approximately 19m away at ground floor or 22m away at first floor, the Householder Design Guide SPD outlines that in order to protect neighbouring amenity, a minimum back to back distance of 20m should be achieved. Although No86 and the applicants dwelling are not back to back, given the distance from one another, the proposed principal elevation windows are not seen to unacceptably increase the level of overlooking when compared to the existing situation. In terms of impact upon other neighbouring dwellings the nearest are No74 and No76 which are situated at an acute angle from the applicants dwelling, the distance between the dwellings rear elevations and the proposed windows are 26.2m and 27.6m respectively. These distances and the acute angle are sufficient to combat any overlooking concerns into the neighbouring dwellings. In terms of the increased overlooking into the rear gardens, the LPA recognises that the dwelling and neighbours are situated within a residential area, and as such, expect a certain level of overlooking, the proposed windows would introduce additional views towards these rear gardens, and this has been considered, however in this instance, the increase in views are not seen to unacceptably impact upon the residential amenity of these neighbours.
- 5.12 The side extension would be situated opposite the rear elevation of No72, both No74, No76 have sections of their rear gardens between the rear boundary of No72 and the applicants side elevation. As such the extension would be situated circa 21m away from the rear boundary of No72. This separation distance is seen to combat any potential overbearing or overshadowing impacts. It is additionally noted that the distance between the rear elevation of the dwelling (No72) and the proposed first floor extension is 27.6m. In terms of overlooking, the lack of windows within the side elevation would result in a development which would not impact upon the level of overlooking.
- 5.13 The rear boundary of the applicants dwelling is bordered by No10, No12, No14 and No16 Beaufort Road. The proposal includes one window within the rear elevation at first floor which would serve a bedroom, the existing dwelling has two windows at first floor. The rear elevation of the nearest dwelling to the proposed window is No12, which is circa 18m away at ground floor, with a first floor separation distance of circa 20.5m. The Householder Design Guide SPD outlines that a back to back separation distance at first floor of 20m should be achieved. The distance to the neighbouring first floor windows (No12) falls within compliance with the design standard laid out within the Householder

Design Guide SPD. Although the window will result in additional views into private amenity space, given the existing level of overlooking from the first floor windows, the proposal is not seen to unacceptably increase these views. As such the proposed works would not result in a loss of neighbouring amenity (privacy). It is noted that included in the supporting statement is reference to two large trees to the rear, which according to the agent would provide screening. The LPA have received two objections which suggest a lack of full screening from these trees, and also attest to the seasonal variation of screening. As screening from shrubbery and trees cannot be guaranteed, especially given the seasonal nature of trees, any potential screening from the trees has not been considered as part of this application.

- 5.14 The LPA note that the applicants dwelling is greater in scale than the neighbouring dwellings to its rear. In terms of the potential overbearing and overshadowing impact, the proposed first floor extension would be situated circa 11.1m off the shared rear boundary with No12. The Householder Design Guide SPD outlines a 25 degree test, which is applied to establish whether the proposal would protect the level of light for No12, the proposal meets the 25 degree test. This compliance with the 25 degree test and the distance from the boundary with No12, satisfies any concerns relating to overshadowing or overbearing impacts.
- 5.15 In terms of the impact upon No14, the proposed first floor window would be situated approximately 19.9m away from the ground floor rear elevation (of the converted garage) and circa 21.5m from the first floor windows of No14. As noted above the Householder Design Guide SPD establishes a minimum separation distance at first floor of 20m, the proposal complies with this minimum separation distance. It is noted that the proposed window would increase views into No14's rear private amenity space, and this has been considered. However it is also noted that the existing dwelling has five windows which serve habitable rooms which provide views of No14 rear garden, the additional one window is not seen to be unacceptable due to the existing level of views provided by the existing rear elevation windows.
- 5.16 The proposed first floor extension would also be located 11.1m off the shared rear boundary with No14. As mentioned above, the Householder Design Guide SPD outlines a 25 degree test, which is applied to establish whether the proposal would protect the level of light for No14, the proposal meets the 25 degree test. This compliance with the 25 degree test and the distance from the boundary with No14, satisfies any concerns relating to overshadowing or overbearing impacts.
- 5.17 The rear boundary of No10 is circa 14.6m away from the proposed extension, with the rear elevation situated circa 30m away from the proposed first floor extension. These separation distances are seen sufficient to combat any overlooking or overbearing concerns. In terms of the impact upon No16, the separation distance at first floor is circa 21m, it is also noted No16 is not located directly opposite. The distance between the window and the rear elevation at first floor is seen sufficient to mitigate the increased views. In terms of the overbearing impact, the rear garden of No16 is 4.5m away from the proposal at the closest point, however due to the orientation of the dwellings,

and the layout of No16 rear garden, the proposed extension would not enclose the rear garden. Although the additional massing would be felt within the corner nearest the applicants dwelling, the first floor extension would not unacceptably impact upon the whole rear private amenity space of No16.

5.18 Private Amenity Space

The proposed development would not prejudice the provision of adequate private amenity space in accordance with PSP43. The remaining rear garden (circa 270sqm) is sufficient to meet the needs of the occupiers and meet the standards laid out within PSP43

5.19 Parking Standards

PSP16 requires developments to provide levels of parking based upon the number of bedrooms at a dwelling. Where an increase is proposed, proposals should demonstrate that adequate off street parking can be provided to accommodate increase in demand.

5.20 The proposal seeks to convert two existing garages into habitable spaces as well as increase the number of bedrooms to six. As per PSP16 the parking requirements for a 5+ bedroom house is three off-street spaces. The dwelling currently possesses 3 parking spaces. As such the proposal meets the standards as laid out within PSP16.

5.21 Other matters

Firstly, the LPA have not received any photos from objectors, however the case officer is satisfied that sufficient existing evidence has allowed for a thorough consideration of the proposal. Additionally regarding the comment that suggest the accompanying photos do not necessarily give the full impression, a site visit was conducted by the case officer, as well as careful consideration given to the scale of the proposal.

5.22 Regarding the comments received surrounding impact and noise of building works, as well as builder's on-site utilising scaffolding. Given the location within a residential area, a level of noise disturbance is to be expected as a result of any building works. Noise generation from building works of this scale are not a material consideration.

5.23 Comments have been received regarding a potential increase in traffic leading to additional noise. The extension would be used as an annex, as such it is accepted additional noise will likely be generated, as well as traffic, however given the sufficient parking spaces at the dwelling, this increase in traffic is not seen to unacceptably impact upon the wider area. Further comments relate to a potential change of use being inappropriate, given the proposal is not a change of use application, nor indicates a change of use, this comment is given no planning merit.

5.24 The supporting comment was also noted and considered as part of the application.

5.25 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.

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

6. CONCLUSION

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

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

7. RECOMMENDATION

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

CONDITIONS

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

Reason

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

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

Site Location Plan - received on 29.08.2023 (Drawing No SLP-00)

Proposed Floor Plans - received on 30.08.2023 (Drawing No HP-04)

Proposed Front and Right Elevations - received on 30.08.2023 (Drawing No HP-05)

Proposed Rear and Light Elevations - received on 30.08.2023 (Drawing No HP-06)

Reason:

To define the terms and extent of the permission.

Case Officer: Thomas Servini
Authorising Officer: Marie Bath