

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: 12/23

Date to Members: 24/03/2023

Member's Deadline: 30/03/2023 (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 24 March 2023

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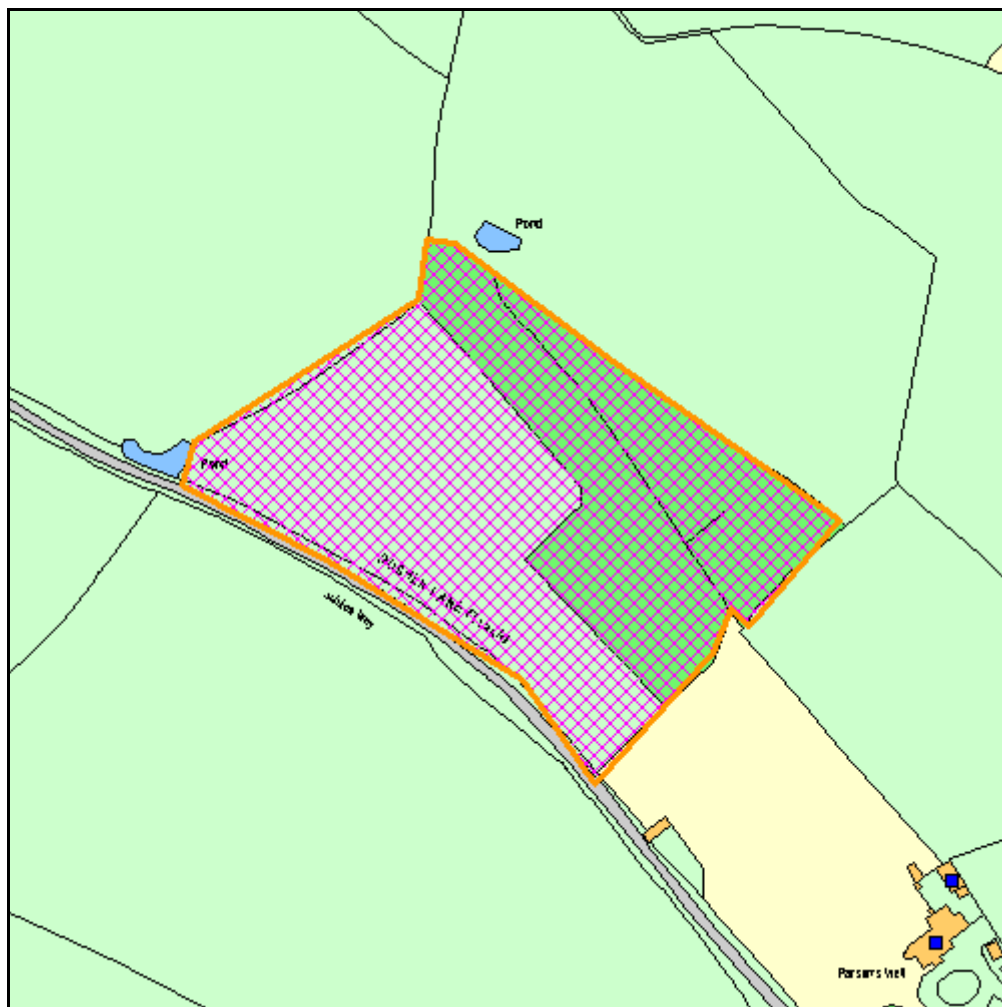
ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	P22/02215/F	Split decision See D/N	Land Off Parsons Well Village Road Littleton Upon Severn South Gloucestershire BS35 1NR	Severn Vale	Aust Parish Council
2	P23/00606/F	Approve with Conditions	48 Mackie Grove Filton South Gloucestershire BS34 7NF	Filton	Filton Town Council

Dates and officer deadlines for Circulated Schedule Easter Bank Holidays 2023

Schedule Number	Officers Deadline reports to support	Date to Members	Members deadline	Decisions issued from
14/23	5pm Wednesday 5 th April	9am Thursday 6 th April	5pm Friday 14 th April	Monday 17 th April
15/23	5pm Tuesday 5 th April	9am Thursday 13 th April	5pm Friday 14 th April	Thursday 21 st April

CIRCULATED SCHEDULE NO. 12/23 -24th March 2023

App No.:	P22/02215/F	Applicant:	Mr Paul Britton
Site:	Land Off Parsons Well Village Road Littleton Upon Severn South Gloucestershire BS35 1NR	Date Reg:	14th April 2022
Proposal:	Erection of 1 no. agricultural building, the siting of a static caravan for welfare purposes, with associated hardstanding and works (resubmission of P21/02692/F).	Parish:	Aust Parish Council
Map Ref:	359349 190036	Ward:	Severn Vale
Application Category:	Minor	Target Date:	31st March 2023



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P22/02215/F

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

REASON FOR APPEARING ON CIRCULATED SCHEDULE

This application appears on the Council's Circulated Schedule procedure following over 3no objection comments, contrary of the officer recommendation detailed below.

1. THE PROPOSAL

- 1.1 The application seeks planning permission for the erection of 1 no. agricultural building (18m x 9m, and a ridge of 5m) with associated hardstanding, and a static caravan for the use of a welfare unit at Land Off Parsons Well, Village Road, Littleton Upon Severn.
- 1.2 The application site is located within a rural location and is washed over by the Bristol and Bath Green Belt. The site also sits within the Severn Estuary Coastal Zone, and is classified as being within Flood Zone 3 (within an area benefitting of flood defences). A public footpath route lies parallel to the wooded NE site boundary, and the Jubilee Way long distance route passes the site frontage along Rushden Lane.
- 1.3 This application forms a resubmission of the withdrawn application ref. P21/02692/F – the main difference being that no residential accommodation is now proposed.
- 1.4 Further material has been received since the point of submission comprising a business plan/ economic strategy. A revised block plan was also received removing statements related to development inside of the red line plan.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design

CS5 Location of Development

CS9 Managing the Environment and Heritage

CS34 Rural Areas

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

PSP1 Local Distinctiveness

PSP2 Landscape

PSP7 Development in the Green Belt

PSP20 Flood Risk Management
PSP29 Agricultural Development

- 2.3 Supplementary Planning Guidance
Design Checklist SPD (Adopted)

3. **RELEVANT PLANNING HISTORY**

- 3.1 P21/02692/F. Withdrawn, 27/1/2022
Siting of 1 no. mobile home, erection of 1 no. agricultural building with associated hardstanding and works (resubmission of P20/18720/F).
- 3.2 P20/18720/F. Withdrawn, 11/6/2020
Siting of 1 no. mobile home, erection of 1 no. agricultural building with associated hardstanding and works.
- 3.3 P85/1126. Refused, 13/3/1986
Use of land for stationing of a mobile home in association with the management of a vineyard. Construction of septic tank.

4. **CONSULTATION RESPONSES**

Aust Parish Council

No objection.

“However, councillors are concerned about the presence of a static caravan on the site - the caravan was included in previous similar applications but excluded from this one.

“The site is under 5 hectares and it seems unlikely that the caravan will qualify under Class B permitted development rights.”

Other Consultees

Sustainable Transport

No objection.

Lead Local Flood Authority

No objection, FRA requested.

Landscape Officer

No objection, opportunities to improve planting.

Ecology

No objection.

Tree Officer

No objection subject to Arboricultural Report compliance.

Archaeological Officer

No objection, Archaeological Watching Brief required.

Environmental Agency

No objection, informatives provided.

Other Representations

Local Residents

12 support and 5 objection comments have been received, these are summarised below:

Supporting Comments

- Supporting the rural economy and small holdings;
- Suitable for the proposed use;
- Community asset; and
- No harm other land or outlook.

Objecting Comments

- Amateur project with limited needs, not commercial;
- No utilities available;
- Road to the property unsuitable;
- 'Trojan Horse' application for future development;
- Too large;
- Harm to landscape/ Green Belt;
- Septic tank does not comply for existing discharge rules;
- Could be leakage to receptors;
- Set an unwanted precedent;
- No 'very special circumstances';
- Unlikely to be financially unviable;
- Planning conditions would not work;
- Mobile home on-site without consent; and
- Poor ecological survey.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

This application seeks retrospective planning permission for the erection of an agricultural barn. The principle of development rests on compliance with Green Belt policy, in addition to the related agricultural and ecological policies contained within the local development plan. Other material considerations include that of design, amenity, landscaping and flood risk.

Green Belt

5.2 Paragraphs 145 and 146 of the NPPF restrict development within the Green Belt, however buildings for agricultural are regarded as appropriate forms of construction.

5.3 Policy PSP29 also allows for agricultural development, provided that there are no existing, underused buildings reasonably available, and that the proposal is reasonably necessary for the purposes of the use and is designed as such.

- 5.4 The first limb of policy PSP29 is met as there are no existing buildings for such a use on site. Regarding the second test, the applicant has provided the following statements:

“With our current stock density, we get through between 80-120 conventional bales of hay and circa. 40 bales of straw per year. This can vary depending on grass availability due to poor growth, especially if summers are extremely dry, where more hay would need to be fed. 2 bales side by side cover approx. 1 m², where they are stacked 10 bales high, the hay would cover 6 m², and straw 2 m². Along with this we also have concentrate feed, which are in 20kg bags, which we use around 25 – 30 bags per month. The open bags are stored in feed bins of which we have 7, the remaining bags are then sacked ready to be used, and all of this would cover circa. 6 m²

“The barn won’t be used solely for winter housing. The pens that will be set up in the barn will be fully mobile, allowing us to adjust the size, and layout as and when required, i.e. During lambing, with 30 ewes (each requiring 1.2 m² – 1.4 m²) we would need a pre-lambing/ group pen, which would cover 36 – 42m². From here they would then go into a lambing pen which are 2 m² each, where we need 1 pen to every 8 sheep, therefore a minimum of 4 pens. When strong and healthy enough they can return to the field, however if this is not the case, then they would need to be moved to a nursing pen, where they now require 2 – 2.2 m² per ewe with lamb at foot, so if 25% needed the nursing pen, that would be 16 m².

“The only exception to the mobile pens would be a 2-3 concrete block pens which would be set up year round. These would be used for pig farrowing, and where an injured or sick animal would require extra attention. To ensure compliancy for use as a farrowing pen, they would be 6 m² each. Within the main barn area, we would also have a dedicated area set up for milking the goats, which would take up approx. 4 m² of floor space.

“The workshop end of the barn will be used for storing all sorts of different tools which are used around the farm every day, from strimmer’s, chainsaws, rakes, shovels etc. as well as a mini digger with a footprint of 3 m², compact tractor with loader covering 6 m², quad 1 m², workbench, cupboards and shelving for tools. By keeping the machinery out of the elements, we are less likely to have breakdowns, which results in lower costs, less time wasted carrying out repairs, however when maintenance is required, then there would be a clean and safe environment to carry out such work.

- 5.5 Upon review of the business plan, firstly it’s noted that the applicant intends to work with veteran charities and local schools to provide educational opportunities. Whilst this intention is indeed admirable, and would provide a social benefit – it is of limited weight. The business plan does however divulge further into the cost benefit for the longer economic well-being of the croft. In summary, the proposed barn would allow for bulk purchase/ storage of fodder, in addition to other benefits for a small amount of livestock and storage of materials, allowing for increased operations and an increased profit margin. Whilst it is understood that the small scale of the land acts as a barrier and caps the overall productivity, the business case provided is logical in

demonstrating that proposed barn is reasonably necessary in allowing, or at a minimum, attempting to assist, a commercially viable agricultural operation. With regards to the design, the barn is clearly designed for agricultural use. Subject to a removal condition to ensure the future protection of the countryside, in addition to a condition to ensure the building remains part of the farming unit, so it cannot be sold-off/ rented as a separate entity, so to prevent cumulative harm to the character of the rural location, on balance, no objections are raised to the agricultural building.

- 5.6 With regards to the proposed static caravan to be used as a 'welfare unit', it would provide a rest room, washing facilities and minor storage of welfare items ancillary to the farming enterprise. Whilst it is reasonable to provide such facilities at any event, given the scale of operations, including that of the quantity of livestock, and the matter that a static caravan has retains the capability for residential occupation, and is designed for such purposes, produces a conflict with the second limb of policy PSP29. Furthermore, any condition to prevent residential use/occupation (even on a temporary basis) of the caravan would be unenforceable unless permanently monitored, thus forming an unrealistic prospect.
- 5.7 There would also be conflict with policy CS34 which seeks to protect the character of rural areas, in addition to paragraph 149 of the NPPF as the building would not be specifically for the purposes of agriculture. Harm to the openness of the Green Belt would also arise, albeit to a limited degree. Nonetheless, substantial weight must be afforded to the protection of the Green Belt and therefore the level of harm is amplified.
- 5.8 Notwithstanding the above, it would not be unreasonable should a small area for basic toilet and wash facilities to be provided within the proposed barn, in addition to the storage of basic welfare items such as tea and coffee making facilities – this would not change the use of the barn, it would not require a separate planning consent, nor have any material impacts on the agricultural functions or the character of the area.
- 5.9 With regards to the proposed agricultural access/driveway, this is regarded as an engineering operation. Thus whether it is inappropriate development depends on whether it would affect the openness and purposes of the Green Belt. Openness has two dimensions, spatial and visual. Effectively, the proposal would be created by removing a layer of topsoil and then lay a compact base of gravel. This would have little affect on openness in itself, however the use of vehicles traversing the route would have an effect to a limited extent. Concerns are also drawn to the extent of the large 'parking and storage area' as this would result in further harm to the openness of the Green Belt, the level of harm would be dependent on the extent of use – for which in this instance is not controllable via conditions. No case very special circumstances has been presented to outweigh this harm.
- 5.10 With regards to PSP29 and the track and parking area being reasonably necessary, it is reasonable to expect the occupant famer to make perhaps 1 or 2 trips to and from the land each day, and to be able to park their vehicle within the land holding – however not necessarily in the centre on the site as per the

proposed parking area. Deliveries of bedding and fodder would be more infrequent, as to would be the movement of any livestock, for which the latter could be easily loaded at the site entrance. As agricultural vehicles are designed specifically for off-road use, and taking into account the limited required vehicular access to the barn, the proposed hardstanding drive and parking and storage area is not considered to be reasonably necessary for the purposes of agriculture. In this instance, a traditional agricultural track of compacted earth and scattered stone would be suitable, thus allowing grass to grow though should it not be used, equally allowing for the top layer to be eroded under a higher frequency of use.

5.11 Given the above, the proposed agricultural barn is found to be acceptable subject to relative conditions controlling its use. The proposed access track and parking area is however contrary to both the policies in the local plan and the NPPF. The proposed static caravan would be contrary to both local and national policy, and is therefore unacceptable in principle. Subject to the assessment of the other material considerations below, a Split Decision could be issued.

5.12 Design in the landscape/Visual Impact

Policy CS1 of the Core Strategy seeks to ensure that development proposals are of the highest possible standards and design. This means that developments should have appropriate: siting, form, scale, height, massing, detailing, colour and materials which are informed by, respect, and enhance the character, distinctiveness and amenity of both the site and its context. Policy CS1 is fully compliant with design guidance in the NPPF. Policy PSP2 and CS34 seek to protect and enhance the landscape.

5.13 In terms of siting, the barn would be located with a central break to the treeline spanning the width of the field and would have a limited impact on the landscape. With regards to its form and detailed design, the approach taken is typical of an agricultural building and no objections are raised.

5.14 Residential Amenity

Given the location of the application site away from any neighbouring residential properties it would not have impacts upon neighbouring properties.

5.15 Transport

The proposed development would not result in a severe or unacceptable impact to highway safety.

5.16 Flooding and Drainage

The site also sits within the Severn Estuary Coastal Zone, and is classified as being within Flood Zone 3 (within an area benefitting of flood defences). As no residential uses or more vulnerable uses are proposed, no objections have been raised by the Environmental Agency subject to the recommended informatives so to ensure environmental compliance.

5.17 Ecology

Due to the development works being erected on existing hardstanding and bare earth, and that no suitable GCN habitats would be impacted, the works can

therefore proceed under a precautionary working method statement, which would form a pre-commencement condition as agreed with the applicant.

5.18 Equalities

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

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

6. CONCLUSION

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

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

7. RECOMMENDATION

7.1 That the application be **SPLIT** subject to the conditions.

7.2 The erection of the proposed agricultural building is to be **APPROVED** subject to conditions.

7.3 The placement of the static caravan is to be **REFUSED**.

7.4 The formation of a driveway and parking and storage area is to be **REFUSED**.

CONDITIONS

1. Part Approval

Erection of an agricultural building

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).

CONDITIONS

2. Part Approval

Erection of an agricultural building

Notwithstanding the reference to the proposed static caravan, driveway and parking and storage area, the development/works hereby permitted shall only be implemented in accordance with the plans as set out in the plans list below:

Received by the council on 13th April 2022: Proposed Flood Plan, Location Plan, Proposed Elevations. Received by the council on 13th March 2023: Proposed Block Plan.

Reason:

To define the terms and extent of the permission.

CONDITIONS

3. Part Approval

Erection of an agricultural building

Should the use of the building for agricultural purposes permanently cease, and if planning permission has not been granted, or has not deemed to be granted, for an alternative use, and there is no outstanding appeal, the building shall be dismantled and the materials shall be removed from the land. The land, so far as is practicable, must be restored to its former condition before development took place, or to such a condition as shall otherwise have been agreed in writing by the Local Planning Authority.

Reason

To prevent unsustainable development, and to protect the character and appearance of the area and the rural location to accord with Policies CS1, and CS34, of the South Gloucestershire Local Plan: Core Strategy (Adopted) 2013; PSP1 and PSP2 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (adopted) 2017.

4. Part Approval

Erection of an agricultural building

The building hereby granted permission, must only be used for agricultural uses in association with the land contained within the red line of the site location plan. The buildings must not be let, sold, divided, or used as an independent unit away from the land as indicated on the site location plan.

Reason

To prevent unsustainable and unnecessary cumulative development, to protect the character and appearance of the area and the Rural Location to accord with Policies CS1 and CS34, of the South Gloucestershire Local Plan: Core Strategy (Adopted) 2013; PSP1 and PSP2 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (adopted) 2017.

5. Part Approval

Erection of an agricultural building

No development shall commence on site until a precautionary working method statement, to ensure that great crested newts are not harmed during the works, has been submitted to and approved by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details. If suitable great crested newt habitat is to be impacted, then the works must cease until further great crested newt surveys have been carried out and reviewed by the LPA.

Reason:

To prevent remedial action and to ensure the works are carried out in an appropriate manner and in the interests of wider biodiversity, and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and Policy PSP19 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted (2017) and the National Planning Policy Framework. With further regard to the species protected under the Conservation of Habitats & Species Regulations 2017 ('European Protected Species) and Wildlife & Countryside Act 1981 (as amended).

1. Part Refusal

Placement of a Static Caravan for welfare purposes

The proposed static caravan, is not designed for agricultural purposes and is not reasonably necessary for the purposes of agriculture. The siting of the static caravan would also fail to respect the character of the rural area, in addition to being excluded from the exception list of appropriate development in the Green Belt, and would also result in a level of harm to the openness of the Green Belt. This element of the application is therefore contrary to policies PSP1, PSP2 and PSP29 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) 2017, policies CS1 and CS34 of the South Gloucestershire Local Plan: Core Strategy (Adopted) 2013, and paragraph 149 of the NPPF.

2. Part Refusal

Access Drive and Parking and Storage Area

The proposed Access Drive and Parking and Storage Area is not reasonably necessary for the purposes of agriculture, and would also result in harm to the openness of the Green Belt. These element are therefore contrary to policies PSP1, PSP2 and PSP29 of the South Gloucestershire Local Plan: Policies, Sites and Places

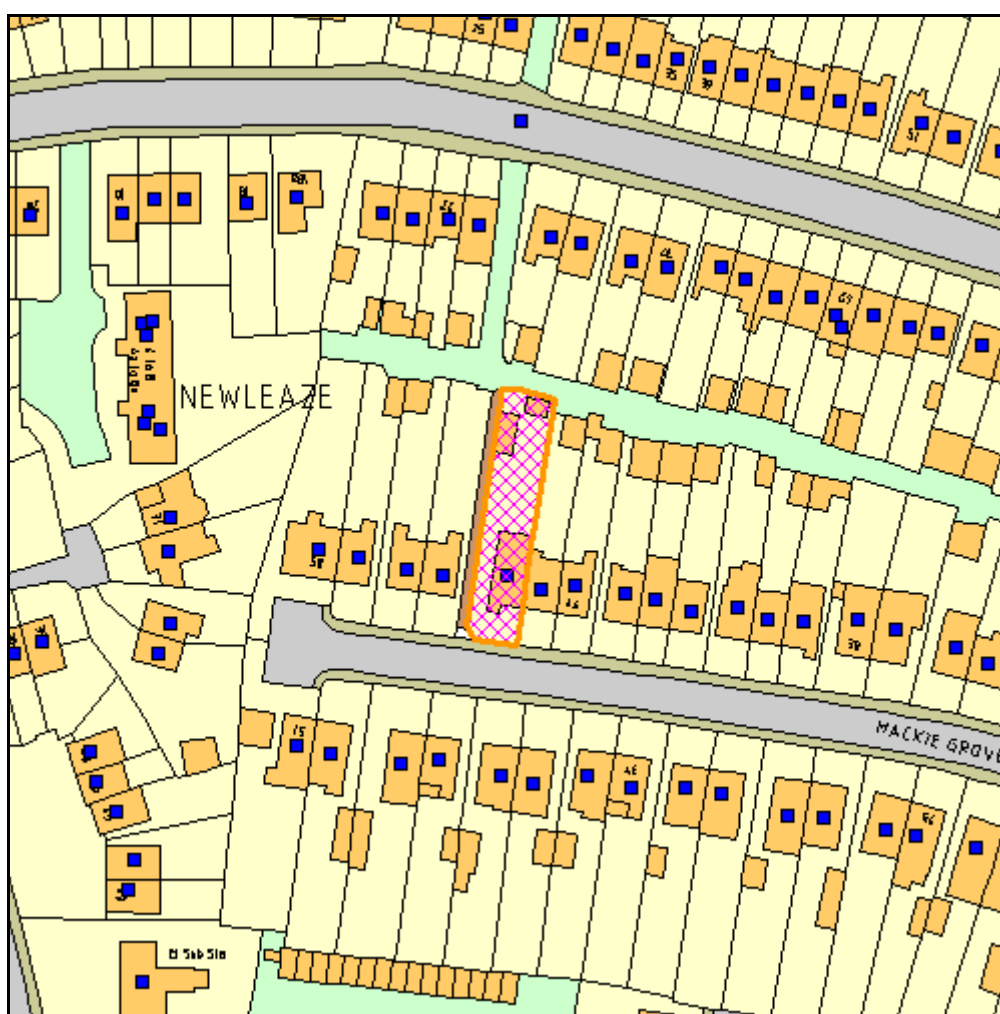
Plan (Adopted) 2017, policies CS1 and CS34 of the South Gloucestershire Local Plan:
Core Strategy (Adopted) 2013, and the provisions of the NPPF.

Case Officer: Thomas Smith

Authorising Officer: Helen Ainsley

CIRCULATED SCHEDULE NO. 12/23 -24th March 2023

App No.:	P23/00606/F	Applicant:	Mr Jake Colwill Innova Property
Site:	48 Mackie Grove Filton South Gloucestershire BS34 7NF	Date Reg:	15th February 2023
Proposal:	Change of use from a dwellinghouse (C3) to a large house in multiple occupation for up to 8 people (sui generis), including the erection of a hip-to-gable and rear dormer roof extension and a single-storey side extension.	Parish:	Filton Town Council
Map Ref:	360600 178891	Ward:	Filton
Application Category:	Minor	Target Date:	11th April 2023



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P23/00606/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.

CIRCULATED SCHEDULE

This report is referred to the Circulated Schedule following objections received contrary to Officer recommendation.

1. THE PROPOSAL

- 1.1 The applicant seeks full planning permission for the Change of use from a dwellinghouse (C3) to a large house in multiple occupation for up to 8 people (sui generis). Details show the original description as including the erection of a hip-to-gable and rear dormer roof extension and a single-storey side extension. These elements have been removed from the description of development as they are being considered separately under an application for a certificate of proposed lawfulness ref P23/00585/CLP.
- 1.2 The application site is 48 Mackie Road, Filton. This is a modest semi-detached property situated within a residential cul-de-sac or small terraces and semi-detached two storey dwellings.
- 1.3 During the course of the application and following comments from the Transport Officer, revised plans showing changes to the proposed parking arrangement were submitted for consideration.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework
National Planning Guidance

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1	High Quality Design
CS4A	Presumption in Favour of Sustainable Development
CS5	Location of Development
CS8	Improving Accessibility
CS9	Managing the Environment and Heritage
CS15	Distribution of Housing
CS16	Housing Density
CS17	Housing Diversity
CS25	Communities of the North Fringe of Bristol

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

PSP1	Local Distinctiveness
PSP8	Residential Amenity
PSP10	Active Travel Routes

PSP11	Transport Impact Management
PSP16	Parking Standards
PSP38	Development within Existing Residential Curtilages
PSP39	Residential Conversions, Subdivision, and HMOs
PSP43	Private Amenity Space Standards

2.3 Supplementary Planning Guidance

South Gloucestershire Household Design Guide (Adopted) 2021
 South Gloucestershire SPD: Residential Parking Standards (Adopted) 2013
 Community Infrastructure Levy (CIL) & Section 106 Planning Obligations Guide
 SPD – (Adopted) March 2015
 South Gloucestershire Council Waste Collection: guidance for new
 developments SPD (Adopted) Jan 2015

3. RELEVANT PLANNING HISTORY

- 3.1 P23/00585/CLP Change of use from C3a dwellinghouse to small house in multiple occupation for up to 6 people (C4) to include the erection of a hip-to-gable and rear roof extension, single storey side extension and demolition of existing front porch.
 Pending consideration.
- 3.2 PT00/3234/F Erection of single storey rear extension and raised patio with timber decking.
 Approved 30.1.01
- 3.3 P96/2118 Erection of garage
 Approved 16.9.96

4. CONSULTATION RESPONSES

- 4.1 Filton Town Council
 Overdevelopment.
 Not in keeping with neighbouring properties.
 Loss of bio diversity FTC would request that a green roof be used. Concerns raised regarding increased road users on a cul-de-sac

Statutory

- 4.2 DM Transport:
 Whilst the applicant indicates that parking will be provided in accordance with the Council's guidance, access/egress from the two spaces at the rear looks restricted. As such prior to commenting further I would like to see vehicle tracking that shows both spaces can be independently accessed.

Updated comments:

The space behind the two spaces to the rear is now sufficient to enable vehicles to access these spaces, and as such is considered acceptable.

Other Representations

4.3 Local Residents

21 letters have been received from local residents objecting to the proposal.
The points raised are summarised as follows:

Traffic:

Parking problems will be exacerbated
Two disabled parking bays are hardly ever used
Recycling and bin lorries already have difficulty coming up the street
Increased danger to those living in the street especially children and elderly from volume of traffic and construction vehicles
4 parking spaces is not enough for a 6 or 8 bed HMO

Character of the area:

A big house will spoil the street-scene
Filton being ruined by so many HMOs
High level of HMOs in Filton – shown to have negative impact on the area
An HMO of this size will erode community
Parking spaces at bottom of garden out of character – everyone else puts their cars in a garage

Design:

Householder design guide states a new extension should be a third of width of principal / front elevation – this would be more than half the width
The ground floor extension is not set back from the front of the dwelling so as to appear subordinate
Brick work should be continued across the front extension to help integration
No access to rear around the side of the house – not in-keeping with other properties on the street
Plans omit required minimum 75mm between house and boundary
Rear dormer should be set back from sides, ridge and eaves but plans do not show by the required amount

Impact on amenity:

Noise
Anti-social behaviour
Public nuisance
Lack of commitment to maintaining standard of the area
Insufficient garden space for 8 students
Extension would block light for neighbours

HMOs

Disagree with the number of HMOs in the highlighted area – there are many more
The cul-de-sac already has at least 3 HMOs

Other:

Commercial investment for greedy landlords
Security – cars at bottom of garden will be at risk of vandalism
Inadequate waste provision

Concerns about improper sewage maintenance / use
Adverse impact on house prices
Bristol City Council does not allow these sort of applications due to their impact on local community and additional burden on council services
Footpath next to the property has no tarmac or lighting and building up to the boundary edge will further block light and visibility thereby impacting on pedestrian safety
Would appreciate the planting of trees to make a positive contribution to the area

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

The proposal is within an existing urban area where residential development is encouraged under both local and national planning policies. The proposal is considered to be acceptable in principle, subject to other material considerations.

5.2 Houses in Multiple Occupation

The applicant seeks permission for the Change of use from a dwellinghouse (C3) to a large house in multiple occupation for up to 8 people (sui generis).

5.3 Policy PSP39 makes the following provisions :

Where planning permission is required for Houses in Multiple Occupation (HMOs), these will be acceptable, provided that they would

- 1) not impact on the character and amenities of the area within which they are located; and
- 2) not prejudice the amenity of neighbours; and
- 3) provide adequate amenity space; and
- 4) refuse storage and servicing; and
- 5) provide parking in accordance with the Council's parking standards

5.4 In addition, Policy PSP8 maintains that development proposals will only be acceptable provided that they do not 'have unacceptable impacts on residential amenity of occupiers of the development or of nearby properties'. Unacceptable impacts could result from noise or disturbance, amongst other factors, which could arise from HMOs functioning less like traditional single households on a day-to-day basis.

5.5 Prejudicing the amenity of neighbours can arise at a localised level when developments of such HMO uses are inappropriately located, or become concentrated, particularly at an individual street level.

5.6 The Houses in Multiple Occupation Supplementary Planning Document (SPD) (Adopted) 2021 has been produced for change of use applications for proposals from C3 to large HMOs. The SPD provides a way of using available data (licensed HMOs) to provide tangible and substantiated evidence regarding the concentration of HMOs and overall housing mix within the locality of the proposal. The SPD is a useful tool for considering whether the impact and housing mix would be acceptable.

- 5.7 As set out in Policy CS17, providing a wide variety of housing type and sizes to accommodate a range of different households, will be essential to supporting mixed communities in all localities.
- 5.8 Policy CS17 does not define what is meant by 'mixed communities' in all localities. Instead, it acknowledges that implementation of this policy, and PSP39, will be made on a case basis through the development management process. Therefore, the HMO SPD aims to acknowledge that some intensification, if carried out sensitively, and where it would not adversely affect the character of an area, can contribute to the local mix and affordability of housing, viability of local services, vitality of local areas and contribute to the Council's housing delivery targets.
- 5.9 As there are localities which are already experiencing concentrations of HMOs, the SPD requires consideration of existing localities that are already experiencing levels of HMOs which harm the ability to support mixed communities and preventing impact on character and amenities, and applications which would result in a level of HMOs that could contribute towards harmful impacts.
- 5.10 Additional Explanatory Guidance 2 sets out that the following factors should be taken into account when determining if the proposal would contribute to harmful impacts in respect of a mixed community and the character and amenity of an area:
- An additional HMO in localities where licensed HMO properties already represent more than 10% of households, or,
 - More than 20% of households within a 100m radius of the application property.
- 5.11 According to the Council's mapping system the Census output area for the site indicates an existing 3.6% licenced HMO capacity. There are 3 no. HMOs within a 100m radius of the property giving a total of 2.7% of households in the area.
- 5.12 The provision of another HMO in this location is considered to comply with policies PSP39, PSP8 and CS17.

Character and visual amenity

- 5.13 The application site is located within a small residential cul-de-sac with semi-detached hipped roofed properties representative of the main character of this road. Part of the development proposed for this site includes the installation of a large rear flat roofed dormer and a single storey side extension. .
- 5.14 Under The Householder Design Guide SPD (Adopted March 2021), flat-roofed box dormers are not usually considered appropriate and side extensions should be stepped back from the front building line. It is acknowledged that while permitted development allowances have enabled flat roofed dormers to appear in great numbers across South Gloucestershire, they do not represent good design and do not comply with the requirements of the Council's design policies

and so in most cases they are not acceptable forms of development. Had the scheme been assessed under adopted policy it would have been refused on design grounds.

- 5.15 However, the applicant has submitted a certificate of lawfulness for the alterations to the exterior of the dwelling and the change of use to a small HMO. Permitted development allows for many changes to properties without the need for planning permission meaning as long as the proposed development accords with the permitted development regulations, the owner can proceed. Prior to this the owner will have informed the LPA of their intention by means of a certificate of proposed lawfulness application whereby the LPA is merely required to check that the scheme accords with the permitted development regulations.
- 5.16 There is no consideration of planning merit, the application is based on the facts presented. The submission is not an application for planning permission and as such the Development Plan is not of relevance to the determination of this application; the decision rests upon the evidence that has been submitted. If the evidence submitted demonstrates that the proposed use is lawful, on the balance of probabilities, the Local Planning Authority must grant a certificate confirming that the proposed development is lawful.
- 5.17 Case law has shown that where the development proposed under such a certificate has a high probability of going ahead as the alternative to a full planning application then this is given significant weight in the determination of the full application.
- 5.18 In this instance although the certificate is being determined under a separate application, having looked at the plans, Officers conclude that it is highly likely that the developer would proceed with the alterations to the property using permitted development rights (which would include the change of use from the existing dwelling to a small HMO).
- 5.19 Comments from neighbours regarding the design and impact on the character of the area are noted. Although Officers too have concerns regarding the proposed extension (rear dormer and side extension in terms of their overall design and appearance) because they comply with permitted development rights then no objection can be raised using adopted policies or supplementary planning policies such as the Householder Design Guide. For this reason it is highly likely that an Inspector would not support a refusal.

Residential amenity:

- 5.20 Comments received have cited impact on the living conditions of closest neighbours in terms of affecting their light. It is noted that the proposed single storey side extension would be around 2.7 metres away from the side of the adjacent property, separated by the footpath. It is also noted that the main kitchen window for this dwelling is located on this side elevation and the light entering this property would be somewhat altered. Some weight is given against the proposal for this reason. The window, however, would be approximately opposite the end of the proposed extension and although there would be changes for this neighbour the impact would be limited.

- 5.21 With regards to amenity space there is no policy that sets out the standard for HMOs. Given that HMOs would be occupied by individuals, it is therefore not unreasonable to apply the same standard of amenity space requirement as stipulated for a one bed flat. This required 5sqm of private space. For 8 individuals, this equates to 40sqm of garden/amenity space. Plans show that this amount of space would be exceeded and as such there can be no objection raised.
- 5.22 In terms of residential amenity for the proposed occupiers, all rooms have natural light and have shared common areas, although these will also be controlled by HMO licensing.
- 5.23 Comments made by local residents cite other areas of concern such as increase in noise, anti-social behaviour, not looking after the property, being disrespectful of the residential street. Refuse matters will be dealt with in the below section but noise and anti-social behaviour are not issues that can be dealt with under a planning application. Should there be such instances that adversely impact on neighbours they are advised to contact the landlord and the proper authority which would be The Police Authority.
- 5.24 The proposal is considered to accord with adopted policy and on this basis is recommended for approval.

Transport

- 5.25 The existing residential property has 3 bedrooms which is proposed to be extended and then be converted for use as an HMO property with 8-bedrooms.
- 5.26 According to Policy PSP16 (parking standards), the parking requirement for a 3- bed dwelling is for 2 car parking spaces. Parking standards for HMOs are based on 0.5 space per bedroom. Therefore, for the 8-bed HMO, the parking requirement for this is 4 spaces. Plans show that 4 parking spaces can be accommodated on site : 2 to the front and 2 to the rear (accessed off the rear lane). In these terms the proposal accords with policy.
- 5.27 Neighbours have mentioned refuse lorries have difficulty coming up the road and the proposal would exacerbate this situation. It is, however, unlikely that the alterations to the dwellinghouse would create additional problems to an extent that the application should be refused.
- 5.28 Comments have been made regarding the security of cars that would be parked at the bottom of the garden off the rear access lane. Unfortunately this is not a planning matter and the safekeeping of vehicles is not something that can be taken into consideration in this assessment.
- 5.29 Potential safety issues have been raised for users of the footpath which is described as being unlit and unpaved. A tall street lamp is however, noted on Mackie Grove, opposite the entrance to the footpath which then leads down to the rear access lane behind the application site. This lamp is modern and tall and it is therefore considered that it would continue to light the footpath as it

- currently does. The side extension would therefore not result in any additional safety issues for pedestrians using the footpath.
- 5.30 Some comments have raised highway safety issues for residents during the construction period. The proposal is for alternations to an existing dwellinghouse but a suitably worded condition will be attached to the decision notice regarding delivery times and general construction site good practice.
- 5.31 It has been pointed out that the street has 3no. disabled parking bays which are not always used. This is not something that should be raised with the licensing department of Street Care.
- 5.32 The size of refuse bins has been highlighted. Officers have examined the proposed plans and conclude that the proposed arrangements accord with requirements set out in the Waste SPD document but a compliance condition will be attached to the decision notice to ensure this is met.
- 5.33 Given the above the proposal complies with policy and is recommended for approval.
- 5.34 Impact on Equalities
The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society. As a result of that Act the public sector Equality Duty came into force. Among other things, the Equality Duty requires that public bodies to have due regard to the need to: eliminate discrimination; advance equality of opportunity; and, foster good relations between different groups when carrying out their activities.
- 5.35 Under the Equality Duty, public organisations must consider how they could positively contribute to the advancement of equality and good relations. This should be reflected in the policies of that organisation and the services it delivers.
- 5.36 The local planning authority is statutorily required to apply the Equality Duty to its decision taking. With regards to the Duty, the development contained within this planning application is considered to have neutral impact.
- 5.37 Other Matters
A number of matters raised from the consultation responses have not been addressed in the main body of this report. These will be considered below.
- 5.38 *Greed of developers:* In a free market developers are at liberty to choose how to make investments. This is not a planning matter and falls outside the remit of this report.
- 5.39 *Effect on price of property:* This is not a planning matter and falls outside the remit of this report.
- 5.40 *Sewage problems:*
An assumption has been made that the potential tenants will abuse the sewage system by using it to dispose of inappropriate items. This is merely

supposition, again not a planning matter and the appropriate utilities company should be contacted if an issue arises.

6. **CONCLUSION**

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The recommendation to **grant** permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017 set out above, and to all the relevant material considerations set out in the report.

7. **RECOMMENDATION**

- 7.1 It is recommended that the application be **APPROVED** subject to the conditions written on the decision notice.

CONDITIONS

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

Reason

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

2. Development shall proceed in accordance with the following plans:

As received by the LPA on 14.2.23:

Location plan - PL.01

Combined existing plans - PL2.03

Proposed floor plans - PL02.04

Proposed elevations - PL2.05

As received by the LPA on 8.3.23:

Existing and proposed block plans - PL2.02A

Reason:

For the avoidance of doubt.

3. The provision of bins and bin store in terms of size and numbers shall proceed in accordance with details set out in the South Gloucestershire Waste Collection SPD (Adopted) 2015.

Reason:

To ensure the correct waste provision for the property and to comply with the South Gloucestershire supplementary planning policy Waste Collection (Adopted) 2015.

Case Officer: Anne Joseph
Authorising Officer: David Stockdale