

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: 17/23

Date to Members: 27/04/2023

Member's Deadline: 04/05/2023 (5.00pm)

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

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

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

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

NOTES FOR COUNCILLORS

– formal arrangements for referral to committee

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

c. All applications for non-material amendments

d. All applications to discharge planning conditions

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

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

Additional guidance for Members

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

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

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

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

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

A template for referral is set out below:

Referral from Circulated Schedule to Development Management Committee

1. Application reference number:

2. Site Location:

3. Reasons for referral:

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

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

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

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

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

Date:

To be emailed to MemberReferral@southglos.gov.uk

CIRCULATED SCHEDULE 27 April 2023

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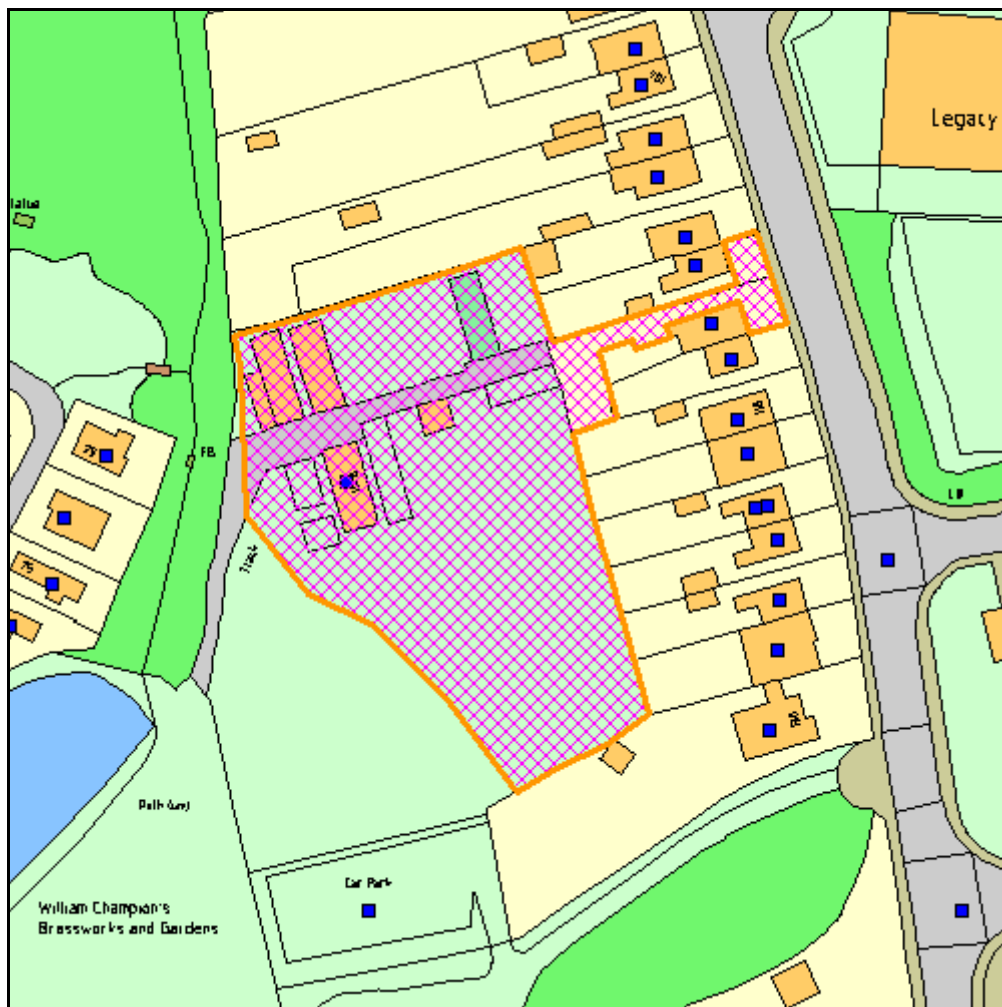
ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	P22/01299/O	Approve with Conditions	Land Behind 114 Tower Road North Warmley South Gloucestershire BS30 8XN	Parkwall And Warmley	Siston Parish Council
2	P23/00612/F	Approve with Conditions	Land At 64 Beesmoor Road Frampton Cotterell South Gloucestershire BS36 2RP	Frampton Cotterell	Frampton Cotterell Parish Council

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

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

CIRCULATED SCHEDULE NO. 17/23 -27th April 2023

App No.:	P22/01299/O	Applicant:	Jean-Felix Aniel-Quiroga
Site:	Land Behind 114 Tower Road North Warmley South Gloucestershire BS30 8XN	Date Reg:	24th February 2022
Proposal:	Erection of 5 dwellings (Outline) with access, landscaping and layout to be determined, all other matters reserved.	Parish:	Siston Parish Council
Map Ref:	367005 173008	Ward:	Parkwall And Warmley
Application Category:	Minor	Target Date:	8th May 2023



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100023410, 2008.

N.T.S.

P22/01299/O

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 the receipt of objections from Siston Parish Council and more than 3no. residents contrary to the officer recommendation below.

1. THE PROPOSAL

- 1.1 This application seeks outline consent for the erection of 5no. dwellings, with access, landscaping and layout to be determined, all other matters reserved.
- 1.2 114 Tower Road North is a two-storey, semi-detached house constructed in the 1920's. The house is situated on the western side of Tower Road North and lies within a row of similar dwellings. Vehicular access to the rear of the house is afforded by a driveway leading from Tower Road North, which runs between nos.114 and 112. The application site to the rear of no.114 is an area of open land, which was formerly a Nursery in the same ownership of no.114; this area is now overgrown. A number of old Nursery buildings previously stood on the land one which is still evident. To the south of the former Nursery is Warmley House, a mid 18th century Grade II* Listed Building built by William Champion. The house and surrounding area, which includes nine listed buildings, a Registered Historic Garden and a Scheduled Ancient Monument, is of national importance, as it was at Warmley that Champion first pioneered the commercial production of zinc in Europe. To-day the site is the only remaining 18th century integrated industrial complex in the country to have encompassed a full range of industrial processes, from the smelting of metal to the production of finished goods. The industrial complex, together with the former Nursery site and houses along Tower Road North, all lie within the Warmley Conservation Area.
- 1.3 The application has been revised since originally submitted, increasing the meadow, reduction in built form by proposing two semi-detached properties in place of two detached properties, reduction in boundaries and boundary treatments, and minor changes in layout responding to concerns by Transport DC. Also submitted were a Heritage Statement, Ecological Impact Assessment and Arboricultural Report. Full re-consultation has been undertaken.

2. POLICY CONTEXT

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

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013
CS1 High Quality Design

CS2	Green Infrastructure
CS4A	Presumption in Favour of Sustainable Development
CS5	Location of Development
CS8	Improving Accessibility
CS9	Managing the Environment and Heritage
CS16	Housing Density
CS17	Housing Diversity

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

PSP1	Local Distinctiveness
PSP2	Landscape
PSP3	Trees and Woodland
PSP5	Undesignated Open Spaces within Urban Areas and Settlements
PSP8	Residential Amenity
PSP11	Development Related Transport Impact Management
PSP16	Parking Standards
PSP17	Heritage Assets and the Historic Environment
PSP19	Wider Biodiversity
PSP20	Flood Risk, Surface Water and Watercourses
PSP43	Private Amenity Space Standards

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted) 2007

Technical Advice Note: Assessing Residential Amenity (June 2016)

Warmley Conservation Area Adopted SPD & Design/Management Guidelines (Adopted 1997)

3. RELEVANT PLANNING HISTORY

- 3.1 PK16/2118/O - Erection of 4no. dwellings (Outline) with access, landscaping, scale and layout to be determined. All other matters reserved – Refused 01.09.2016
- 3.2 PK18/0297/CLP - Application for a Certificate of Lawfulness for the proposed erection of 2no. single storey outbuildings to form double garage and studio for uses incidental to the enjoyment of the existing dwellinghouse. – Lawful 16.03.2018
- 3.3 P19/10007/O - Erection of 1 No. detached dwelling (Outline) with access, landscaping and layout to be determined all other matters reserved. – Refused 11.11.2019
- 3.4 P19/19026/O - Erection of 1 No. detached dwelling (Outline) with access, landscaping and layout to be determined all other matters reserved. (Resubmission of P19/19026/O). – Approved 08.04.2020
- 3.5 P21/00389/RM - Erection of 1 no. dwelling approval of reserved matters to include appearance and scale (to be read in conjunction with P19/19026/O) – Approved 24.09.2021

- 3.6 P21/00611/F - Creation of vehicular access onto classified highway (Class C).
– Approved 01.04.2021

4. **CONSULTATION RESPONSES**

- 4.1 Siston Parish Council – *“Siston Parish Council wish to restate their original objections, which remain their objections to the revised application.*

It is the opinion of SPC that the access to this proposed development is too narrow. It would be hazardous to anyone, especially a child, coming out of the houses on either side of it and also for any pedestrian entering or exiting the site.

The large vehicles needed to deliver building materials would barely get through and it will cause problems on Tower road.

Although SPC is not against a minimal controlled form of residential development on this site, there needs to be recognition of the need for a preservation and a future management plan for areas such as the Elm Walk and restored open pasture land.

We have concern at the siting of a large dwelling in the north western corner of the identified site which it is feared will form an intrusive feature in the views from Warmley House.

We are also concerned at the ever increasing number of HGVs and other motor vehicles using Tower Road North to access sites off it, with this also resulting in continuous on-street parking.

In the belief that every effort should be made to prevent any further increase in on-street parking, it is strongly felt that any development approved for this site must be required to also provide for adequate dedicated visitor parking.”

- 4.2 Ecology – No objection subject to mitigation, lighting strategy, CEMP and enhancement plan.
- 4.3 Tree Officer – No objection subject to works being carried out in accordance with Arb Report
- 4.4 Landscape – No objection subject to detailed planting plan, landscape and ecological management plan and boundary and hard surface treatments
- 4.5 Conservation – *“Taking all of the revisions into account, including the partial removal of the boundary wall to no.112, the Heritage Statement concludes in paragraph 8.4.15 that “Any development of the site would have a modest impact on the settings of the designated heritage assets, which would result in less than substantial harm, as is the case here, however this is low.” I would agree that the proposed development would result in less than substantial harm to the setting and thus significance of the designated heritage assets at Warmley Brassworks. The architect has sought to mitigate harm through design and layout of the buildings and the landscaping which now reflects the*

2016 application, but some harm will remain by virtue of the urbanising effect of the dwellings and loss of the openness of the existing field. With the proposed improvements to the western boundary of the site, the introduction of the planting belt, appropriate management of the meadow (details to be confirmed) I would agree that the level of harm would be towards the lower end of the spectrum.”

- 4.6 Transport – No objection subject to minor revisions and conditions requiring a CEMP, provision of access roads, EVCP and demolition of outbuildings.
- 4.7 Drainage – No objection
- 4.8 Historic England – *“Historic England has concerns regarding the application on heritage grounds.*

We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs 195, 199, 200 and 202 of the NPPF.

In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess. As well as section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

Historic England has identified that the proposal will cause less than substantial harm to the Heritage Assets that make up Warmley Brass Works. This harm, although less than substantial, would have to be justified (NPPF 200) or outweighed by public benefits (NPPF 202).

We recommend that if you are minded to grant this permission:

- Further information on the management of the meadow area is provided, this may be via a suitable condition and Landscape Management Plan.*
- A suitable condition is added to ensure the works to Elm Walk are undertaken as part of the wider landscaping strategy.*
- Removal of permitted development rights to ensure there is no unsuitable development in the future.*

We also support the comments of your Conservation Officer and their recommendations also need to be followed.”

- 4.9 Avon Gardens Trust – Objection – *“Avon Gardens Trust have considered the information contained in this application for the building of five dwellings on an area of land that has the potential for archaeological heritage value. At the very least, an archaeological ‘Watching Brief’ should be in place.*

In addition, the arboriculture report has not taken into consideration that the proposed housing requires to be screened from the Grade II Registered Park and Gardens of Special Historic Interest.

Avon Gardens Trust therefore object to this application.”

4.10 Coal Authority – No objection subject to conditions relating to intrusive investigations, remediation and mitigation, and a signed statement.

4.11 Archaeology -

Other Representations

4.12 Local Residents

12no. objection comments have been received, summarised as:

- Density not changed
- Very busy access of limited width
- Proposed kerb limits access width
- Parking space in front of 112 limits sight lines
- Increase in accidents
- Land unsuitable for development
- Loss of nature areas
- Financial benefit only for the developer
- Should not put houses in a Conservation Area
- Owners of driveway have not consented
- Two vehicle cannot fit on access road
- Front walls should be retained
- Overlooking
- Negative impact on Warmley House Gardens
- Light pollution
- No need for additional housing
- Site has been derelict for 12 years
- Site has been allowed to deteriorate which should not be a reason to redevelop
- Not clear how the proposals are a public benefit
- Inadequate visitor spaces
- No consideration given to drainage
- Only one building left as existing
- Issues with coal mining

5. ANALYSIS OF PROPOSAL

Overview of planning history

5.1 This site has extensive planning history, some of which is relevant to the proposal. A brief overview is therefore considered necessary.

5.2 PK16/2118/O - Erection of 4no. dwellings (Outline) with access, landscaping, scale and layout to be determined. All other matters reserved – Refused 01.09.2016

This application proposed a similar quantum of development as the proposal for consideration. Less than significant harm, at the lower end of the scale, was

found but considered to be outweighed by the public benefits. The proposal was refused for the following reasons:

1. The erection of four dwellings, if permitted, would intensify the use of a substandard access by virtue of inadequate width at the junction with the public highway. The proposed access is unsuitable for two-way traffic movements and lacks a pedestrian footway. Insufficient evidence has been submitted to prove that adequate visibility can be achieved from the site access on to the public highway, which potentially increases the risk of conflicts between users. Movements to and from the site would interrupt the safe and free flow of traffic on the public highway. The proposal fails to make adequate provision for the access of service and emergency vehicles. The cumulative impact of the above is considered to be severe in relation to the scale of development proposed and detrimental to highway safety and cannot be overcome through the use of appropriate planning conditions. This amounts to significant and demonstrable harm. The proposed development is therefore contrary to Policies CS1 and CS8 of the South Gloucestershire Local Plan Core Strategy (Adopted) 11th December 2013 and Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006 (Saved Policies).

2. The proposal would result in an increased level of noise and disturbance to result from the traffic generated by the proposal passing through a very narrow access between nos. 112 and 114 Tower Road North and adjacent to the windows in the side elevation of no.112, to the significant detriment of neighbouring residential amenity. This amounts to significant and demonstrable harm contrary to the requirements of the NPPF para.17 which seeks to provide a good standard of amenity for all existing and future occupants of land and buildings and Policy CS1 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11 Dec. 2013.

3. The site is likely to contain protected and priority species and as such the proposed development is likely to have a significant and demonstrable harm upon those species. No evidence has been submitted to demonstrate that adequate mitigation can be provided as part of the development. The application is therefore contrary to Policy CS9 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec. 2011 and Policy L9 of The South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

- 5.3 P19/10007/O - Erection of 1 No. detached dwelling (Outline) with access, landscaping and layout to be determined all other matters reserved. – Refused 11.11.2019

This application proposed a single dwelling in the north-eastern corner of the site, immediately behind 110 and 112 Tower Road North. The application was refused for the following reasons:

1. The proposed development, by virtue of its siting, would be out of keeping and incongruous with the existing form and context of this part of the Warmley Conservation Area and in turn harming its special qualities. Although this harm is identified as 'less than substantial', it carries considerable weight in the planning balance and has not been outweighed by the public benefits of the

scheme. The proposal is therefore contrary to policies CS1, CS2, CS9 and CS29 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; policies PSP1, PSP2, PSP3 and PSP17 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; the 2019 National Planning Policy Framework; and the Planning (Listed Buildings and Conservation Areas) Act 1990.

2. Insufficient information has been submitted with the application to enable the local planning authority to be satisfied that the site would be safe, stable and suitable for development. Accordingly, the proposal is contrary to Policy PSP22 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and the 2019 National Planning Policy Framework.

- 5.4 P19/19026/O - Erection of 1 No. detached dwelling (Outline) with access, landscaping and layout to be determined all other matters reserved. (Resubmission of P19/19026/O). – Approved 08.04.2020

P21/00389/RM - Erection of 1 no. dwelling approval of reserved matters to include appearance and scale (to be read in conjunction with P19/19026/O) – Approved 24.09.2021

These applications were a resubmission of P19/10007/O, in the same north east corner. An enhanced landscape plan was submitted and as such it was determined that no harm was caused to nearby heritage assets. A Coal Mining Risk report was also submitted and considered to be acceptable. In the application currently under consideration, Plot 1 is sited in the same location as the approved dwelling. If this application were to be granted, both could not be physically constructed as the location, scale and layout are the same. These consents remain extant.

- 5.5 P21/00611/F - Creation of vehicular access onto classified highway (Class C). – Approved 01.04.2021

This application was for a new vehicular access point for 114 Tower Road North. It was determined that the new access would not cause harm to highway safety. The boundary walls to the front of 114 required removal for the access, which although was regrettable, given the number of walls at neighbouring dwellings that have been removed, and the fact that the wall could be removed at any time under permitted development, it was not considered reasonable to refuse the application on that basis. This consent has been implemented.

Principle of Development

- 5.6 The site is located wholly within the Settlement Boundary. Following the appeal decisions for PT18/6450/O and P21/03344/F, it can be demonstrated that the Council does have a 5YLS, however the Settlement Boundaries are out of date and the Council does not have a plan led approach to housing development that accounts for the wider housing market area. Policies CS5 and CS34 and therefore out of date.

- 5.7 Although Policies CS5 and CS34 are out of date, it is acknowledged that the site is within one of the sustainable areas identified as where development should be directed towards. Although para 11 is not engaged in this instance, the provision of 5no. dwellings towards the 5YLS, given that the locational policies CS5 and CS34 are out of date, must be given significant weight.
- 5.8 On this basis, there is a presumption in favour of approving this application. However, it is necessary to consider the benefit of this proposal against any adverse impact and weigh these factors in the balance with the benefits.

Impact on Heritage Assets and visual amenity

- 5.9 The land to the rear of 114 & 116 Tower Road North is located within the Warmley Conservation Area approximately 140 metres to the north of Warmley House, a grade II* listed building. The area is of national importance as it was at Warmley that Champion first pioneered the commercial production of zinc in Europe.
- 5.10 Today, the site is the only remaining 18th century integrated industrial complex in the country to have encompassed a full range of industrial processes from the smelting of metal to the production of finished goods. In addition to the zinc and brass mill (windmill tower, ranges and ice house) and clocktower, the estate also comprises Champion's former home - Warmley House and its surrounding gardens. The garden is a rare example of an 18th century industrialist's garden and includes many unusual features, some of which are constructed using recycled waste from the works. These features include the grottos, Echo Pond, a former thirteen-acre lake, a statue of Neptune, the mound, chequered walled garden, boathouse and summerhouse. Altogether there are nine listed buildings, a registered historic garden and a Scheduled Monument. The conservation area has been designated to help protect the character and setting of these features and buildings which form an important part of the heritage of South Gloucestershire.
- 5.11 The character of the conservation area has been studied and a series of assessments, design guides and management strategies have been published by the Council and adopted as Supplementary Planning Guidance.

Character Assessment

- 5.12 Tower Road North forms the eastern boundary and one of the main access routes through the conservation area. It is a busy road and is characterised by a mix of residential and modern industrial development.
- 5.13 To the west of the road is a row of mainly semi-detached, mid 20th Century houses, all two storeys in height with rendered walls above brick plinths, clay tile roofs and a mix of timber and uPVC windows. The buildings are mostly all symmetrical about the party wall, with a pair of gabled, projecting bay windows facing the road, a single central chimney stack and hipped roofs with the ridge parallel to the road. Extensions are mostly small, single-storey, flat or pent-roof structures added to the rear elevations. There are, however, some exceptions

where two storey extensions have been built to the rear and, in some cases, the side.

- 5.14 Each pair of semi-detached properties is separated from the next by an access drive leading to the rear gardens. The majority of properties have small single storey garages located to the rear of the property aligned with their ridges perpendicular to the road. This spacing allows important views and glimpses between the houses through to the wooded area of Warmley Gardens situated to the west. The mature trees and vegetation can be seen rising above the ridges of the houses and as a green backdrop to them, providing a clue to the presence of the gardens.
- 5.15 Whilst the properties along Tower Road North are of no special architectural or historic interest, their uniformity of design, scale, massing and spacing creates a pleasant rhythm and sense of coherence in this part of the conservation area. The views and glimpses of the wooded areas and trees of Warmley Gardens between and above the properties also make an important contribution to the character and appearance of the conservation area.
- 5.16 To the rear of 114/116 Tower Road North is the former Nursery site. The Nursery site is mostly open in character and provides a buffer between the houses along the Tower Road North frontage and the historic gardens site to the rear. Today, the site is largely laid to scrubby grass with individual small trees and some play equipment visible. The backs of the semi-detached properties can be seen clearly from within the Gardens, especially by the Echo Pond (Scheduled Ancient Monument, Grade II Registered Historic Park and Garden and Conservation Area) where they create a well-defined built edge to the open, rural space of the former Nursery site. Their similar roof form, scale and mass and their consistent ridge and eaves heights create a pleasant rhythm comparable to the elevations facing Tower Road North. Rear extensions tend to be visually and physically subservient to the main building, leaving the original form and appearance of the buildings unaltered in most cases.
- 5.17 Views of the site from Warmley House (Grade II* listed) do vary from season to season but when the trees are not in leaf, there are views and glimpses out over the Nursery site from Warmley House, since it would have comprised part of a vista taking in the Statue of Neptune (Grade II listed) and the Summerhouse (Grade II listed) to the north.

Relevant policy and guidance

- 5.18 Para 194 of the National Planning Policy Framework states:

In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where

necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate deskbased assessment and, where necessary, a field evaluation.

5.19 Para 199 of the National Planning Policy Framework states:

When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

5.20 Para 200 states:

Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

5.21 Para 202 states:

Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

5.22 Policy PSP17 of the Policies, Sites and Places Plan and policy CS9 of the Core Strategy relate to conservation, and seek to protect the character and appearance of conservation areas and the significance and setting of heritage assets. These policies are up to date and in accord with the provisions of the National Planning Policy Framework.

5.23 In addition to the policies identified above, the Warmley Conservation Area has a series of adopted Appraisals, Design Guides and Management Guidance covering development affecting the setting, character and appearance of the conservation area. The following extracts are relevant to this particular site:

Warmley Conservation Area

Advice Note 30. (Adopted as SPG 17th July 1997)

Warmley House & Gardens Character Area - Enhancement Strategy:

- *Protect and maintain existing historic features, buildings, walls, paths, trees, important views, vistas and garden layout.*
- *Seek to enhance the setting of the garden with landscaping to reduce the impact of obtrusive features and modern development*

Conservation Area Preservation and Enhancement Strategy

- *Ensure any new development is sensitive to the historic context.*
- *New development needs to be sympathetic to the character and appearance of the conservation area. It is important that it does not adversely affect the setting of the historic gardens, existing historic features or harm the underground archaeological resource.*

Design Guidance No.2

Private Nursery site to rear of Tower Road North

(Adopted as SPG 17th July 1997)

Enhancement Strategy/ Design Guidance

- *The redevelopment of the nursery site or the adjoining rear gardens to properties on Tower Road North will not be permitted due to the adverse impact this would have on the historic gardens and of Warmley House itself.*

Management Guidance No. 1

Warmley House Gardens

(Adopted as SPG 17th July 1997)

Enhancements / Management Guidance

- *Improve privacy and security along the boundaries with the provision of attractive and robust landscaping i.e. to the rear of houses on Tower Road North and Kingsway Trailer Park.*
- *Development on adjoining land which would detract or impinge on the setting of the garden and historic buildings will be resisted.*

Assessment

- 5.24 The application site has been vacant for many years and is largely overgrown despite some evidence of occasional domestic use and maintenance. The boundary with Warmley Gardens is poor, with wire-mesh attached to the top of the natural stone boundary wall and extending full height along the leat walk. Although the site feels quite wild, it does provide an open buffer between the buildings on Tower Road North and Warmley Gardens which helps to reinforce an appreciation of the historic site's original countryside setting. As set out in the Design and Access Statement, there has continued pressure on this site to accommodate a new use following the closure of the former Nursery and near complete removal of the buildings associated with this use. It is an area of land that makes a contribution to the setting of the conservation area and the listed Warmley House by virtue of its openness, current absence of built form and its function as a buffer against the houses along Tower Road North and the larger warehouses beyond. This view is not, however, a picturesque one, nor is the setting of the Gardens an unaltered one, with the Trailer Park being a prominent feature immediately against the western edge of the gardens, and the industrial development affecting the southern edge of the site. Warmley Gardens is an historic asset of exceptional significance, yet it is a site that is undervalued by virtue of it being so constrained and hidden from view. The site has in fact been identified as being 'At Risk' by Historic England. The deteriorating condition of the individual assets within the gardens is a tangible problem, but the indirect impact of existing development, and pressure from future development, around the periphery of the site is also a recognised issue.
- 5.25 The land itself is of low historic significance compared to the area within the registered park and garden, it being more likely used as pastures for the horses associated with the brass-making industry. Its value lies more in its openness, absence of development and the residual sense of rurality which provides a buffer against the 20th and 21st century development to the east.

- 5.26 The proposal is only at outline, with layout to be determined at this stage. The revisions have addressed the main concerns in respect of the quantum of development in the sense that the development now mirrors the PT16 application with 4 structures on site, albeit with one comprising a pair of 2-bed, semi-detached dwellings. This ensures that the built form no longer extends south to the site boundary and the grade II* listed Warmley House, and the landscaping belt of trees more closely aligns with that previously proposed and which was considered acceptable from a heritage perspective. To the north, the garden to Plot 2 is pulled away from the leat, woodland floor planting is introduced to filter views beneath the tree canopy, and a quickthorn hedge used to define the rear gardens of the properties instead of the open estate railings. The hedging with integrated mesh fencing should overcome concerns over the erection of close-board or similar fencing however PD rights for fencing along this boundary should be removed to protect the views from the registered park and garden as should PD rights for outbuildings.
- 5.27 The orientation of the dwellings and the alignment of the road remains as previously illustrated and the recently submitted Heritage Statement makes some cogent points in respect of the urbanising effect of having the road aligned to the west as opposed to the east of the buildings. The alignment also pulls Plot 3 away from the meadow so there is a slight improvement to the openness on this side. Natural surveillance is described as being maintained by having the rear gardens as shown, these being more likely to be in use during the day compared to the fronts of the buildings. The proposed alignment does, however, limit public access into the meadow area which would have been much more accessible in the PT16 proposal and which was described as a 'communal meadow'. By changing the orientation of the buildings and having the rear gardens form part of the landscape belt of trees, access into and use of the meadow by residents is not as clear-cut and the sense of shared/communal ownership is lost. A management plan for the meadow area will be required by condition.
- 5.28 The boundary treatment for the western edge of the site is proposed to be a metal 'estate railing' 1.2m high of black five rail type to replace the unattractive chain link and barbed wire fence. This would be a considerable improvement to the setting of the gardens at Warmley and its implementation should be secured via condition prior to the first occupation of Plots 2-5. Its exact alignment should be agreed following a detailed site survey to establish the line of the leat to avoid further damage to or loss of buried archaeology.
- 5.29 Within the development, the areas in front of the plots are quite sterile with swathes of grass and very little planting and there is, therefore, scope for improvement – the grass area south of plot 3 for instance could be landscaped with shrubs and perennials. The northern boundary to plot 3 should be a hedge rather than the close-board fencing. To the front of the site, in front of 114 and 112 Tower Road North, part of the historic boundary wall is being removed to facilitate the using of the front garden area for one parking space. A triangular raised planter reusing material from the wall is proposed as mitigation. While this avoids losing the material from the site, it doesn't have the same visual impact or sense of enclosure as a traditional boundary wall so

there will be residual harm caused by this element of the works. However, as noted in P21/00611/F a number of walls at neighbouring dwellings have been removed, and the wall could be removed at any time under permitted development.

Conclusion

- 5.30 The site itself is of low significance in terms of its intrinsic historic interest, but it does make a positive contribution to the setting of the registered Park and Garden at Warmley House, and the setting of the designated heritage assets therein. This contribution comes from the sense of openness and rurality that it retains in an area affected by suburban development and industrial estates. It is an area that is subject to continual pressure for development, as evidenced in the Design and Access Statement, while the condition of the land and boundaries does lessen the appearance of the site. The 2016 outline application, following negotiation, achieved a quantum and layout of development that was felt to achieve an acceptable balance between introducing new development on the site and protecting the setting of the designated heritage assets and the character and appearance of the conservation area. It, therefore, sets the bar against which this application is being judged.
- 5.31 Taking all of the revisions into account, including the partial removal of the boundary wall to no.112, the Heritage Statement concludes in paragraph 8.4.15 that *“Any development of the site would have a modest impact on the settings of the designated heritage assets, which would result in less than substantial harm, as is the case here, however this is low.”* It is agreed that the proposed development would result in less than substantial harm to the setting and thus significance of the designated heritage assets at Warmley Brassworks. The architect has sought to mitigate harm through design and layout of the buildings and the landscaping which now reflects the 2016 application, but some harm will remain by virtue of the urbanising effect of the dwellings and loss of the openness of the existing field. With the proposed improvements to the western boundary of the site, the introduction of the planting belt, appropriate management of the meadow (details to be confirmed), the level of harm would be towards the lower end of the spectrum.
- 5.32 It, therefore, triggers paragraph 202 of the NPPF, which requires the harm to be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use, taking into account the great weight that should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Archaeology

- 5.33 The application is accompanied by an archaeology and heritage statement. There are still concerns, however the heritage statement does note that there has been previous development on the site, and a broader lack of archaeology identified directly on the site.

- 5.34 However, previous development is unlikely to have entirely removed archaeology that may have been on site. Barns and nursery structures tend to have lesser footprints than domestic dwellings (e.g. they don't tend to have cut foundations but piled corners or involve very little ground disturbance to erect) and as such it cannot be argued that archaeology (if it was present) no longer exists because of this. No intrusive investigation has occurred on the site. Furthermore, the site was part of Champion's Brassworks estate and although no direct evidence for its use is known some evidence relating to this might occur on site, particularly as the full extent of Champion's operations are unknown.
- 5.35 There is no objection to the scheme from an archaeology perspective, however despite the previous construction on site the proximity to the core of the Brassworks and the probability it was in the ownership of Champion during the time of the Brassworks, means that there remains some archaeological potential. Conditions relating to archaeological investigation and findings are therefore necessary.

Transport and highway safety

- 5.36 The proposal is located within a settlement boundary and as such is in a sustainable location. Application PK16/2118/O was refused due to providing a substandard access width. This application proposes the use of the existing driveway of both 112 and 114 Tower Road North. Residents have raised concerns that the owners of 112 will not provide consent for the access to be used. The owners of 112 have had the correct notice served upon them, and no indication has been given by the owners that access rights will not be granted. For planning purposes, the correct procedure has been followed.
- 5.37 Concerns have been raised regarding the width of the proposed access. Measuring 4.6m with 0.5m raised margins at either side, the access is of sufficient width to allow one way traffic between the existing houses. There is space for cars to pass one another at either end of the narrow section and traffic speeds and volume will be suitably low to enable safe passage of pedestrians along the private access road. A raised planter is provided to the front of 114 to prevent cars from parking within the passing place and to retain visibility splays, which can be provided from a 2m set back and are suitable for the scale of development.
- 5.38 Car parking for the existing dwellings is to be provided with one space to the front and one space to the rear, matching the existing provision. Plot 1, with 4no bedrooms, is provided with 2no. parking spaces. Plot 2, with 3no. bedrooms, is provided with 2no. parking spaces. Plot 3, with 4no. bedrooms, is provided with 2no. spaces. Plot 4, with 2no. bedrooms, is provided with 1no. space, and Plot 5, with 2no. bedrooms, is provided with 2no. spaces. One visitor space is also provided. This is compliant with PSP16.
- 5.39 The carry distances between the furthest dwellings and the bin collection point are beyond those set out in the Council's Waste Management Supplementary Planning Document and Manual for Streets, however this would not justify a

refusal reason. Future occupiers should be advised that waste and recycling will need to be transported to the collection area.

- 5.40 There is no Transport objection to the scheme, subject to conditions relating to a CEMP, provision of access road and car parking, EVCP and cycle spaces.

Landscape and trees

- 5.41 The site comprises the tarmac access track between No. 112 and 114 (semi-detached 2 storey properties) together with part of their frontage, and a large swathe of land to the rear of these properties as well as Nos. 110 to 128. 2m high chain link fencing extends around much of the N, W and S perimeter, with a more varied fence along its eastern perimeter. A section of 1.4m stone wall also delineates the western boundary opposite Echo Pond. A line of self-sown vegetation lies north of the wall, beyond which a belt of mature trees straddles an informal footpath along a leat, to link with a block of woodland adjacent to the Siston Brook further north. The southern boundary is also delineated by mature tree planting and understorey vegetation, and a 3.5m hedge runs along the northern boundary. AIA has identified a number of Category B Horse Chestnuts and Alders, and 1No. Walnut within the site. Several storage areas and with built structures associated with the site's former nursery usage lie within the northern margin of the site either side of the access track, with amenity grassland and scattered areas of dense scrub characterising its wider area.
- 5.42 Warmley House Gardens Management Guidance 1 shows that planting is required to provide screening between the site and Echo Pond within the registered historic garden. Such tree planting also represents the opportunity to enhance the connectivity of existing the woodland habitat provided by trees along the W and S site boundaries.
- 5.43 The submitted Heritage Statement (October 2022) considers the intervisibility between the site and heritage assets. Paras. 8.2.17 and 18 note that mature trees both along the site boundary and on the terrace limit any inter-visibility with the house and the site in summer, less so in winter months. Para. 8.2.18 notes that views of the house are limited within the gardens by the mature trees, although there is greater visibility with the area around Echo Pond, than directly with the site. Para. 8.2.20 considers that topography will limit the intervisibility between the site and grottos to the west of Warmley House. Para. 8.4.15 concludes that development of the site will have a modest impact on the setting of the designated heritage assets.
- 5.44 All site trees (over 75mm girth) are protected by merit of lying within a Conservation Area. The Tree Officer is satisfied that the Arboricultural Report, prepared by Silverback Arboricultural Consultancy Ltd and dated September 2022, provides sufficient information to ensure that the trees on and off site will be protected during development, subject to appropriate conditions.
- 5.45 Proposed Site and Landscape Plan 708-2-P2 Rev. A shows a greater sense of separation between the new housing and adjacent Warmley House Gardens (registered historic park and garden). The boundary hedge planting is welcomed as this will provide lower level screening beneath the new tree

canopies. However, there is the opportunity to locate a couple of focal/specimen trees (planted at larger stock sizes in the meadow area to the SW of Plot 5, which would also provide further softening of the development edge. It is recognised that the new planting will need to establish and mature over a number of years before it provides an appreciable level of screening.

- 5.46 A simple maintenance schedule has been provided, but a more comprehensive landscape and ecology management plan (LEMP) will need to be agreed as either a condition (including sensitive pruning of understorey vegetation to maintain appropriate low level screening and habitat areas as appropriate) together with confirmation of the persons/organisation that will be responsible for undertaking management.
- 5.47 Proposed hard landscape finishes and boundary treatments are indicated and are generally acceptable. An updated plan will need to be agreed as either a condition of any planning permission or at the RMA stage.
- 5.48 Subject to conditions relating to tree protection, detailed planting plans, LEMP and updated hard landscaping plan, there is no landscaping objection.

Ecology

- 5.49 An Ecological Impact Assessment (EclA) report has been submitted (Abricon Ltd, February 2023). A Preliminary Ecological Appraisal (The Landmark Practice, November 2021) has previously been submitted and this was reviewed on 10th March 2022. This report referenced a previous ecological survey undertaken in 2019, which was not submitted with this application and has not been reviewed.
- 5.50 The site is not covered by any ecological designations. The PEA report (The Landmark Practice, November 2021) confirmed the habitats on site in 2021 comprising of dense scrub, scattered scrub, amenity grassland, tall ruderal, boundary hedgerows/tree lines and buildings. The EclA confirmed the habitats on site in 2022 as being unchanged from the 2021 assessment, and the habitats present comprised of common and widespread species. The EclA report recommended a Construction Ecological Management and Enhancement Plan (CEMEP) for the proposed development, and a Biodiversity Net Gain (BNG) assessment. It is noted that proposed landscaping plans include retaining and enhancing the northern boundary hedgerow by additional native species planting. Soft landscaping plans also include planting of medium and large trees and shrubs, a tree belt and woodland floor planting, which is welcomed.
- 5.51 The PEA report (The Landmark Practice, November 2021) identified suitable foraging habitat for bats, and the site was assessed as being of moderate quality. A reduced scope of bat transect activity surveys were recommended and these surveys were undertaken by Abricon Ltd in the spring, summer and autumn of 2022 and comprised of three walked transect surveys and remote monitoring. The results of the survey indicated bat activity levels were highest along the north and west site boundaries, but commuting/foraging bats were also recorded along the northern, eastern and southern boundary hedgerows and treeline. Bat activity levels were considered to be relatively low during the surveys, and seven different species were recorded over all surveys, most frequently soprano pipistrelle and common pipistrelle. Static detector monitoring results were similar to that of the walked transects, with an

- additional species being recorded (lesser horseshoe). The report concluded that the western hedgerow and southern treeline were of local importance for bats and mitigation measures included recommendations for boundary hedgerows to be kept as dark corridors where light levels cannot exceed 0.5lux. A sensitive lighting scheme is required for the proposed development and is to be submitted to the Local Planning Authority (LPA) prior to commencement of works.
- 5.52 The PEA report (The Landmark Practice, November 2021) stated that the three buildings on site held negligible potential for roosting bats, however no detailed descriptions of the buildings were provided in the report, and it was not supported by photographs of each specific building. Clarification has been provided in an updated report. The three buildings on site were assessed to provide negligible roosting opportunities for bats.
- 5.53 A Proposed Mitigation and Enhancement Plan has been included within the EclA report, including locations of proposed bat boxes. Further detail on the proposed bat boxes (including height of installation and specification of bat boxes) can be expanded on in the CEMEP, in conjunction with sensitive lighting plans, to ensure they are located away from external lighting, and at appropriate heights.
- 5.54 The PEA report (Landmark Practice, 2021) assessed the site as having suitable terrestrial habitat on site for GCN and more common amphibians. However, the closest pond was found to be dry at the time of the PEA survey in 2021, and the other ponds were 400m from the site with no connecting habitat to the proposed development site. As such, GCN were scoped out of further surveys at that time, and recommendations were provided in the PEA report including that in the event a GCN is recorded during any part of the works, works are to cease, and a suitably qualified ecologist/Natural England is to be consulted. The reptile presence/absence surveys undertaken by Abricon in 2022 recorded a smooth/palmate newt within the proposed development site, but no GCN were recorded during these visits. The EclA report recommended a precautionary approach to works, to avoid potential harm to amphibians. A detailed Precautionary Working Method Statement (PWMS) will be required, and can be included in the proposed CEMEP, to ensure the proposed development avoids potential harm to GCN/other amphibians. A Proposed Mitigation and Enhancement Plan has been included within the EclA report, including locations of proposed hibernacula, and these locations are considered suitable.
- 5.55 The PEA report identified bird nesting habitat on site and timing restrictions were recommended. The EclA report also provided appropriate mitigation measures to avoid potential harm to nesting birds. A Proposed Mitigation and Enhancement Plan has been included within the EclA report, including locations of proposed bird boxes which are broadly suitable. Further information will be required prior to commencement, including the height of bird box installation and specification of bird boxes to be used.
- 5.56 The PEA report (The Landmark Practice, November 2021) identified suitable habitat on site for reptiles and presence/absence surveys were recommended.

These surveys were undertaken by Abricon in 2022 and no reptiles were recorded on the proposed development site, though a smooth/palmate newt was recorded on one occasion. The EclA report recommended a CEMEP be provided, to include a method statement for sensitive vegetation clearance. This will be required prior to commencement of works. A Proposed Mitigation and Enhancement Plan has been included within the EclA report, including locations of proposed hibernacula which are suitable.

- 5.57 No signs of badgers were recorded on site in 2021 or 2022, and appropriate mitigation was recommended in the PEA report (Landmark Practice, November 2021) and EclA report (Abricon Ltd, February 2023) to avoid potential harm to badgers.
- 5.58 There is suitable habitat for hedgehogs and appropriate mitigation has been recommended in the PEA report (Landmark Practice, November 2021) and EclA report (Abricon Ltd, February 2023). A Proposed Mitigation and Enhancement Plan has been included within the EclA report, including hedgehog holes which are in suitable locations.
- 5.59 A Proposed Mitigation and Enhancement Plan has been included within the EclA report, including provision for insect houses and bee bricks. The specification of these features can be expanded on in the CEMEP.
- 5.60 There is no ecological objection, subject to conditions relating to mitigation, lighting design strategy, CEMP, and ecological enhancement plan.

Residential Amenity

- 5.61 Application PK16/2118/O was refused in part due to the impact of the narrow access upon the existing dwellings at 112 and 114. As discussed, the width of the access has been increased in this application, providing greater separation between vehicles and the side elevations of the dwellings. Acoustic windows are to be provided to the side elevations of 112 and 114. This is considered to be sufficient to prevent significant impact upon existing residents.
- 5.62 The proposal retains the garden areas of the existing dwellings. Plot 1, with 4no bedrooms, is provided with 240m² amenity space. Plot 2, with 3no. bedrooms, is provided with 220m² amenity space. Plot 3, with 4no. bedrooms, is provided with 230m² amenity space. Plot 4, with 2no. bedrooms, is provided with 130m² amenity space, and Plot 5, with 2no. bedrooms, is provided with 100m² amenity space. All are above the requirements set out in PSP43.
- 5.63 The separation distance between the proposed dwellings and the existing dwellings is 30m at a minimum, suitable for 2 storey dwellings. Due to the proposed dwellings layout, there would be limited intervisibility between each other, subject to position of windows at reserved matters stage. Plots 1 and 2 would face the bottom portion of the garden at 108 Tower Road North, with the main house being sited around 10m from the boundary and a single storey element around 3m. The closest dwelling to the boundary is Plot 1, which already has extant consent under P19/19026/O and P21/00389/RM. No material loss of privacy is considered to result from the single storey element

due to its siting and modest height, and the two storey element has sufficient separation distance.

- 5.64 Overall, there is not considered to be any significant harm caused to residential amenity as a result of the proposal.

Coal

- 5.65 The Coal Authority records indicate that the site lies in an area of probable unrecorded underground coal mine workings at shallow depth. If shallow workings are present then those pose a potential risk to surface stability and public safety. The applicant has submitted some coal mining information to accompany the planning application; in this case a Coal Mining Risk Assessment, dated November January 2020 and prepared by Bristol Coalmining Archives Ltd. This does not cover the full extent of the current application site area.

- 5.66 It is noted that the author of the Coal Mining Risk Assessment concludes that there is a potential risk posed to the development by past coal mining activity. They therefore recommend that intrusive site investigations are carried out on site. The design of the intrusive site investigations must take full account of and cover the application site (red line boundary) currently under consideration.

- 5.67 Where SUDs are proposed as part of the development scheme consideration will need to be given to the implications of this in relation to the stability and public safety risks posed by coal mining legacy. The developer should seek their own advice from a technically competent person to ensure that a proper assessment has been made of the potential interaction between hydrology, the proposed drainage system and ground stability, including the implications this may have for any mine workings which may be present beneath the site.

Potential Contamination

- 5.68 The historic use of the site as a nursery may have caused contamination which could give rise to unacceptable risks to the proposed development. No desk study has been undertaken thus far. Therefore, a pre-commencement condition will be required to ensure appropriate investigations and, if necessary, remediation is undertaken.

Equalities

- 5.69 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.

Planning Balance

- 5.70 The proposal has been found to cause less than substantial harm, at the lower end of the scale, to the setting and thus significance of the designated heritage assets at Warmley Brassworks.
- 5.71 Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, taking into account the great weight that should be given to the asset's conservation (and the more important the asset, the greater the weight should be), irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 5.72 As set out in para 5.7, the provision of 5no. dwellings must be given significant weight. Other public benefits of the scheme include increased landscaping along the boundary, replacement of unsuitable existing boundary treatments, ecological gain, facilitating the ongoing maintenance of what is currently a deteriorating site, and the creation of an accessible meadow.
- 5.73 In terms of heritage, the question should not be addressed as a simple balancing exercise but whether there is justification for overriding the presumption in favour of preservation. Only when harm has been minimised should the unavoidable 'residual harm' be weighed against public benefits. For the reasons given in the report, relating to the revised layout and landscaping, the revised plans mitigate to some extent the less than substantial harm.
- 5.74 In this case, the public benefits of the proposal are considered to outweigh the harm to the setting of the heritage assets.

6. CONCLUSION

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

7. RECOMMENDATION

- 7.1 That permission is granted.

CONDITIONS

1. Details of the scale and appearance of the building(s) (hereinafter called "the reserved matters") shall be submitted to and approved by the local planning authority before any development takes place and the development shall be carried out as approved.

Reason:

This is an outline permission only and the reserved matters shall be made to the Local Planning Authority.

2. Application for approval of the reserved matters shall be made to the Local Planning Authority 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).

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

Reason:

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

4. Notwithstanding the provisions of Schedule 2 of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no development as specified in Part 1 (Class E) (outbuildings) or any minor operations as specified in Part 2 (Class A), other than such development or operations indicated on the plans hereby approved, shall be carried out without the prior written consent of the Local Planning Authority.

Reason:

The erection of unsuitable outbuildings or boundary treatments have the potential to cause to the setting of the registered park and garden, and require consideration against the Development Plan.

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

The CEMP shall include but not necessarily be limited to:

- (i) Measures to control the tracking of mud off-site from vehicles.
- (ii) Measures to control dust from the demolition and construction works approved.
- (iii) Adequate provision for the delivery and storage of materials.
- (iv) Adequate provision for contractor parking.

- (v) Temporary access arrangements for construction traffic including use of a banksman for all reversing manoeuvres, signage and measures to protect pedestrians using the footway.
- (vi) Details of Main Contractor including membership of Considerate Constructors scheme or similar.
- (vii) Site Manager contact details.
- (viii) Processes for keeping local residents and businesses informed of works being carried out and dealing with complaints.

Reason:

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

This is a pre-commencement condition at details must be agreed prior to works commencing on site.

6. The dwellings shall not be occupied until the access roads and parking spaces have been completed in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The details shall include road construction and surfacing, surface water drainage and lighting.

Reason:

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

7. The dwellings shall not be occupied until 7Kw 32 Amp Electric Vehicle Charging Points and two covered and secure cycle parking spaces have been provided for each dwelling in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason:

To promote sustainable travel and to accord with SGC policies PSP176 and CS8.

8. Within one month of the outbuildings at no 114 being demolished two covered and secure cycle parking spaces shall be provided for that dwelling in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason:

To replace cycle storage space lost with the demolition and to accord with SGC Policy PSP16.

9. The raised planter sited to the front of 114 Tower Road North must be provided prior to the occupation of the site, and retained in perpetuity.

Reason:

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

10. The development shall be carried out strictly in accordance with the submitted Arboricultural Report, prepared by Silverback Arboricultural Consultancy Ltd and dated September 2022, with tree protection measures placed on site prior to the commencement of development.

Reason:

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

12. A detailed hard and soft landscape scheme shall be submitted and approved as part of the reserved matters application, including detailed planting plans specifying the location, species, stock size, planting centres and quantities of all proposed tree and structure planting and details of all proposed boundary and hard landscape surface treatments, including proposed levels and any soil retention/retaining walls that may be required. The landscaping shall be installed prior to occupation in accordance with the approved details.

Reason:

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

13. Prior to occupation a landscape and ecological management plan shall be submitted to and approved in writing by the local planning authority, covering the enabling works operations/period and a subsequent 20 Year management period, identifying existing and proposed landscape and ecology related site assets, associated management objectives, schedules of annual maintenance work together with longer term management operations. This shall include details of the management and operation of the meadow area and contact details of the management company. The development shall be managed in accordance with the approved details.

Reason:

To ensure the landscaping is adequately maintained in accordance with PSP2 and PSP19.

14. The development shall proceed in strict accordance with the Mitigation Measures provided in the Preliminary Ecological Appraisal (The Landmark Practice, November 2021) and Ecological Impact Assessment (Abricon Ltd, February 2023). This includes sensitive timing of vegetation removal and consideration for wildlife during the construction period.

Reason:

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

15. Prior to commencement, a "lighting design strategy for biodiversity" for the boundary features and any native planting shall be submitted to and approved in writing by the local planning authority. The strategy shall:

Identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and

Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly

demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority

Reason:

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

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

Reason:

To protect against harm to protected species and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy PSP19 of the Policies Sites and Places DPD (Adopted) November 2017; and the National Planning Policy Framework. This is a pre-commencement condition as the details must be agreed prior to works commencing.

17. An Ecological Enhancement Plan (EEP) shall be submitted and approved as part of the reserved matters to expand on the enhancements proposed in the Ecological Impact Assessment (EclA) (Abricon Ltd, February 2023). The EEP is also to include a Biodiversity Net Gain Assessment using DEFRA metric 3 to achieve an increase of 10%.

Reason:

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

18. Prior to the commencement of development, specifications for the acoustic windows in 112 and 114 Tower Road North shall be submitted to and approved in writing by the Local Planning Authority. The windows shall be installed prior to the commencement of development in accordance with the approved details.

Reason:

To protect occupiers against increased noise from traffic movement in accordance with PSP8. This is a pre-commencement condition to ensure residents are protected from noise caused by construction traffic.

19. 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 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.

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.

20. 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 and approved in writing by the Local Planning Authority. 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.

21. There is information to suggest historic use of the site as a nursery and land within 250m of the site as unknown filled ground may have caused contamination which could give rise to unacceptable risks to the proposed development.

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.

Reason:

This is prior to commencement of development to avoid any unnecessary remedial action in future and to ensure that adequate measures have been taken to mitigate against contaminated land to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

22. Intrusive Investigation/Remediation Strategy - Where following the risk assessment referred to in condition 21, land affected by contamination is found which could pose unacceptable risks, no development shall take place until detailed site investigations of the areas affected have been carried out. The investigation shall include surveys/sampling and/or monitoring, to identify the extent, scale and nature of contamination. A report shall be submitted for the written approval of the local planning authority and include a conceptual model of the potential risks to human health; property/buildings and service pipes; adjoining land; ground waters and surface waters; and ecological systems.

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

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

Reason:

This is prior to commencement of development to avoid any unnecessary remedial action in future and to ensure that adequate measures have been taken to mitigate against contaminated land to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

23. Verification Strategy - Prior to first occupation, where works have been required to mitigate contaminants (under condition 22) 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.

Reason:

To ensure that adequate measures have been taken to mitigate against contaminated land to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

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

These approved schemes shall be carried out before the development (or relevant phase of development) is resumed or continued.

Reason:

To ensure that adequate measures have been taken to mitigate against contaminated land to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

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

Reason:

In order to ensure the adequate protection of archaeological remains, and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework. This is a pre-commencement condition as suitable protection must be in place prior to works starting on site.

26. The development shall not be brought into its intended use until (i) the post investigation assessment has been completed in accordance with the approved Written Scheme of Investigation and (ii) that the provision made for analysis, publication and dissemination of results, and archive deposition (where necessary), 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.

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

24 Feb 2022			SITE LOCATION PLAN
24 Feb 2022	3343 01	A	SITE ACCESS VISIBILITY SPLAYS
24 Feb 2022	3343 T06	A	VEHICLE TRACKING - FIRE TENDER IN/OUT
24 Feb 2022	343 T07	A	VEHICLE TRACKING - FIRE TENDER
24 Feb 2022	P1		EXISTING SITE PLAN
30 Mar 2023	P2 B		PROPOSED SITE AND LANDSCAPE PLAN

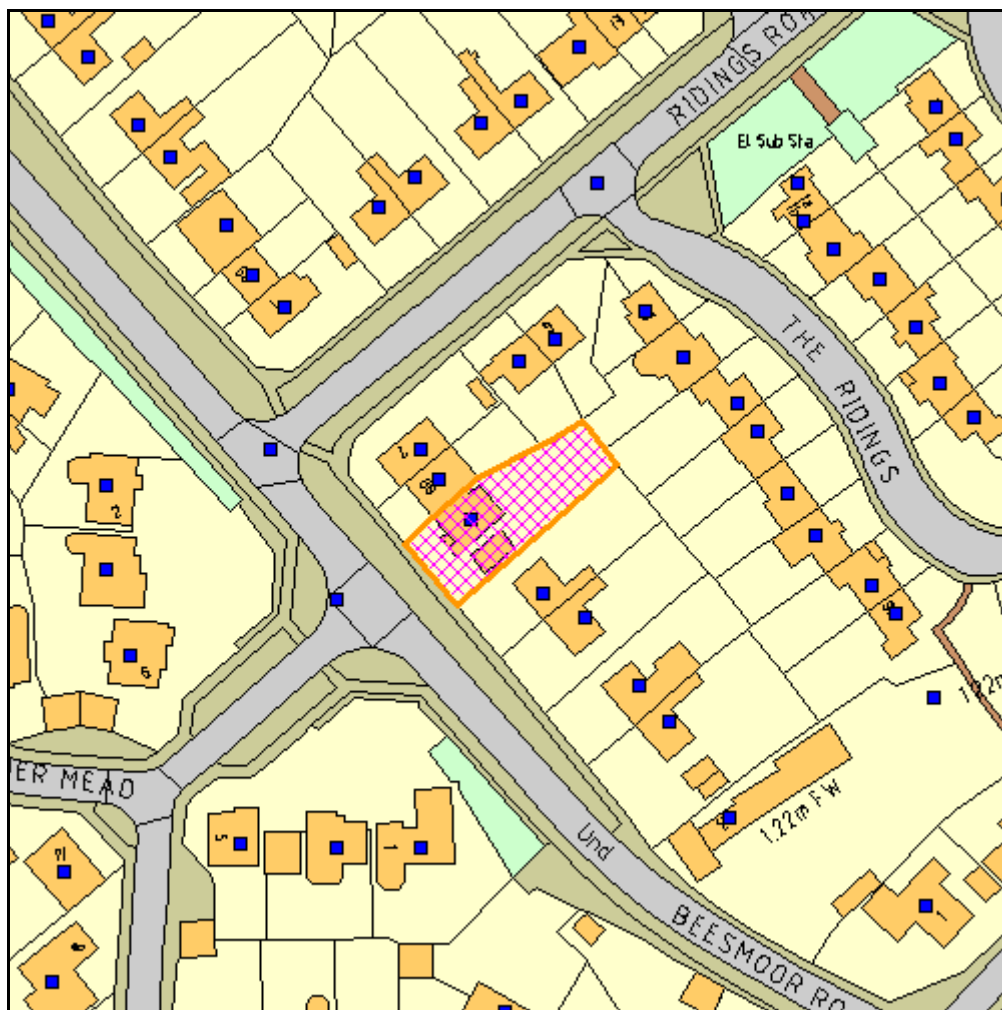
Reason:

To define the terms and extent of the permission.

Case Officer: Rae Mepham
Authorising Officer: Marie Bath

CIRCULATED SCHEDULE NO. 17/23 -27th April 2023

App No.:	P23/00612/F	Applicant:	Mr Greg Davies Hpm Limited
Site:	Land At 64 Beesmoor Road Frampton Cotterell South Gloucestershire BS36 2RP	Date Reg:	15th February 2023
Proposal:	Erection of 1 no. attached dwelling with associated works.	Parish:	Frampton Cotterell Parish Council
Map Ref:	367092 180804	Ward:	Frampton Cotterell
Application Category:	Minor	Target Date:	8th May 2023



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100023410, 2008.

N.T.S.

P23/00612/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 4no. 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. attached dwelling with associated works.
- 1.2 The site lies within an established area of residential development within Frampton Cotterell and forms part of the residential curtilage to the side (south-east) of No.64 Beesmoor Road, a two-storey end terrace property.
- 1.3 Since the application was initially submitted revised plans have been accepted by the LPA. The changes are limited to the alteration of proposed parking provision. Due to the nature of the amendments, a re-consultation was carried out with regards to the 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 **PT01/1051/F**. Erection of front porch. **Approve with Conditions**. 15/05/2001.
- 3.2 **PT00/2705/F**. Erection of rear conservatory. **Approve with Conditions**. 21/11/2000.

4. **CONSULTATION RESPONSES**

4.1 Frampton Cotterell Parish Council
No objection.

4.2 Highway Structures
No comments received.

4.3 Lead Local Flood Authority
No objection subject to the imposition of informative.

4.4 Sustainable Transport – Transportation DC
(20/04/2023) The revised plan overcomes the concerns raised previously. No objection to the proposal subject to the imposition of relative informative and condition.

(14/03/2023) Not acceptable in current format. Whilst the number of car parking spaces is correct, the dimensions do not meet the minimum requirements set out in PSP16.

The applicant is advised to contract Streetcare to get the relevant permissions and specifications for vehicle crossovers all of which would need to be considered in the event that the applicant is able to re-design and overcome the above objection.

4.5 Westerleigh Parish Council
No comments received.

4.6 Local Residents
4no. comments of objection have been received from local residents. The following points have been raised.

- Although driveway parking is on the plans, in reality there will be overspill of vehicles on the grass verge and Beesmoor Road. Leading to potential accidents given road is not visualised due to the obstruction caused by the parking.
- Overfilling of an already squeezed residential area
- Removes an appropriately spaced area between properties

- Will contribute to causing chaos on your roads for the close and wider community
- Building traffic
- Building sites damaging our roads
- Unsafe crossing for children and pedestrians during and after the build
- Increasing noise levels in a quiet neighbourhood area
- Used to be a lovely village but houses seem to be popping up everywhere
- Proposer has not thought about the people who have been living on the street for many years who are going to be subjected to disruption
- Overdevelopment
- Cramped
- Closeness to neighbouring boundary
- Loss of daylight entering my garden
- Loss of privacy

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 submits 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 PSP1 and PSP38 of the Policies, Sites and Places Plan seek to ensure that development proposals are of the highest possible standards of design. This means that developments should 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.

- 5.4 The properties along Beesmoor Road in the vicinity of the site are predominantly family sized semi-detached dwellings and short terraces dating back to the 1930's. Generally, the properties at this location feature pitched roofs with gable-ends. A variety of materials are present.
- 5.5 The proposed residential unit would be located on a generous plot of land to the south-east side of No.64, currently occupied as drive, garden and siting of existing detached garage, which is proposed to be demolished. The design

approach of the proposed dwelling is noted in that to a degree it attempts to replicate the siting and form of No.2 Ridings Road, the existing gable-ended property at the opposite end of the terrace. It is acknowledged that the proposed dwelling would present around a 0.7 metre reduction in width compared to that of No.2. Nevertheless, when viewed within the wider street scene the reduction would be negligible and the dwelling would not appear uncharacteristically narrow. Furthermore, the proposed materials to be used in the construction i.e. rendered walls, tiled roof and all new openings set in white uPVC windows casements would also be in-keeping with neighbouring houses.

5.6 Having attended a site visit to the application site, it is recognised that the properties located to the north side of Beesmoor Road and surrounding streets are generally set within wide plots, as a result relatively large gaps exist between each pair of semis and terraces. In saying that, the gaps don't tend to be quite as generous as with the case of the application property. Furthermore, officers identified examples whereby this gap has been lost due to expansion though the erection of two-storey side extensions, for example No.70 Beesmoor Road, No.11 Ridings Road and No.3,4,5 and 9 The Ridings. It is noted that the new residential unit would not sit tight against the site boundary but be set-back by around 0.8 metres to allow an external side access to the rear garden. Overall, the plot represents a good opportunity for in-fill development within the urban area. The proposed dwelling would conform well to the existing building lines and pattern of development within the street scene. As such, the new residential unit if built, would be representative of an acceptable design quality and would respect the character of the site and its context. The proposed development therefore complies with policies CS1, PSP1, and PSP38.

5.7 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

5.8 As is often the case with two-storey new dwellings, the key issues that may present themselves are overbearing and loss of light with reference to surrounding dwellings. In this instance the potentially affected neighbours of the proposed development would be the host dwelling and adjacent property No.62 Beesmoor Road. With regards to No.62, although the proposed development would project (approx.) 5.2 metres closer to the south-east boundary, protrude around 4 metres forward of its front building line and 1.2 metres beyond the rear elevation. A separation distance of 4 metres would continue to exist between the new dwelling and neighbour due to the proposed side access path and No.62 being set back from the shared boundary, this strip of curtilage serving as driveway. It is also noted that there is only one opening positioned to

No.62's side (north-west) elevation and this is the properties main entrance door which therefore serves a room of non-primarily living accommodation.

- 5.9 Turning attention to the host dwelling, the proposed residential unit would project (approx.) 1.2 metres forward of its principle front building line and 3.5 metres beyond its original rear elevation. Nevertheless, it should be noted that the host dwelling benefits from single-storey extensions which project to the front and rear, as such resulting in the new dwelling only proceeding to extend beyond the hosts existing footprint by 0.9 metres to the rear. The proposal has been assessed against the 45 degree test set out in the Adopted Householder Design Guide SPD. The only opening that would not be satisfied is the existing properties first-floor rear window. However, as indicated on the submitted drawings, this window serves the family bathroom and the SPD specifically states that the test only applies to rooms of primary living accommodation.
- 5.10 As a result of the proposed additional fenestration, loss of privacy and overlooking must also be assessed. Alike the existing properties within the terrace, the main openings serving the new dwelling would be positioned to the front and rear elevations. Therefore, no new line of overlooking would be created. One window is proposed to the dwellings side (south-east) elevation, however said window would serve the landing, a space of non-primary living accommodation.
- 5.11 All-inclusive, the impact on the level of amenity afforded to neighbouring dwelling by virtue of overbearing, loss of light and loss of privacy is acceptable. It is accepted that there may be a limited degree of overshadowing to neighbouring dwellings but not to a sufficient degree to warrant refusal of the application.

Amenity of future occupants

- 5.12 The submitted plans indicate that all rooms serving as primary living accommodation for the existing and proposed dwelling would benefit from a window of sufficient size. Future occupants would therefore be provided with adequate natural light and outlook in all habitable rooms.
- 5.13 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. With regards to the provision of amenity space, the proposed 4-bed property would be provided with (approx.) 84m² of private garden space to the rear. Whereas around 106m² would remain serving the existing 3-bed host dwelling. The private amenity space associated with both properties would therefore be in excess of the councils design standards, complying with policy PSP43.
- 5.14 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.

- 5.15 The site is located within an existing built-up area. Accordingly, the site can be considered to be in accordance with the location requirements of PSP11. PSP16 states that both 3 and 4-bed dwellings are to provide a minimum of 2no. off-street parking spaces. Therefore, a total of 4no. parking spaces are required on-site to serve the existing and proposed dwellings in line with the Council's parking standards.
- 5.16 The submitted drawings indicate that the extent of the front curtilage would be converted to hardstanding. The existing access serving the host dwelling would then be widened leading to 3no. parking spaces. A new access would also be created north of the existing lamp post which would lead to an additional car parking space, as such making up the 4no. on-site parking spaces required. A bin store and cycle storage in the form of a shed for the new dwelling have also been provided which is acceptable. A compliance condition will be attached to any favourable decision notice, stating that the proposal shall not be occupied until the access and parking arrangements have been completed in accordance with the submitted plans. On that basis, the proposed scheme is in compliance with PSP16.
- 5.17 Due to the council's recent declaration of a climate change emergency, it is also not considered unreasonable to condition the installation of 1no. electric vehicle charging point for the new residential unit prior to first occupation. This will also encourage sustainable transport methods in accordance with policy PSP8.
- 5.18 Furthermore, it is of note that while Streetcare have confirmed the revised parking layout is acceptable in terms of loss of grass verge. The applicant would still be required to contact Streetcare to obtain relevant licences and agree the specification prior to the commencement of work to form the new/extended vehicle crossovers to serve the existing and proposed properties. This would be secured via the imposition of an informative.
- 5.19 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.
- 5.20 Drainage
The Lead Local Flood Authority have reviewed the supporting documents. The proposed development is acceptable subject to the imposition of relative informative.

5.21 Consideration of likely impact on Equalities

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

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

6. CONCLUSION

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

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

7. RECOMMENDATION

7.1 That the application 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 14th February 2023)

Application Form

Design and Access Statement

Existing Plans and Elevations (3563/1)

Proposed Plans and Elevations (3563/2)

Existing Site Plan (3563/3)

Location Plan (3563/5)

(Received 19th April 2023)
Proposed Site Plan (3563/4) Rev B

Reason

To define the terms and extent of the permission.

3. The proposal shall not be occupied until the access and car parking arrangements have been completed in accordance with those shown on the Proposed Site Plan (3563/4 Rev B) (received 19th April 2023). These arrangements shall subsequently be retained in situ unless agreed in writing by the Local Planning Authority.

Reason

In the interests of highway safety to accord with Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and PSP11 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017 and the National Planning Policy Framework.

4. The proposed development hereby permitted shall not be occupied until the cycle storage (shed) and bin store have been provided in accordance with those shown on the Proposed Site Plan (3563/4 Rev B) (received 19th April 2023). These shall subsequently be retained in situ unless agreed in writing by the Local Planning Authority.

Reason

To ensure appropriate waste serving and cycle storage and to accord with PSP11 and PSP16 of the South Gloucestershire Local Plan: Policies Sites and Places Plan (Adopted) November 2017.

5. The proposed development hereby permitted shall not be occupied until one 7Kw 32 Amp electric vehicle charging point has been fully installed for the new dwelling. This charging point must then remain in situ unless otherwise approved by the council.

Reason

In the interest of ensuring the provision of facilities to promote sustainable travel and to accord with CS8 of the South Gloucestershire Local Plan: Policies Sites and Places Plan (Adopted) December 2013.

6. 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 CS1 and CS22 of the South Gloucestershire Local Plan; Core Strategy (Adopted) December 2013.

Case Officer: Chloe Summerill
Authorising Officer: Marie Bath