

# 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: 27/23**

**Date to Members: 07/07/2023**

**Member's Deadline: 13/07/2023 (5.00pm)**

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

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

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

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

## NOTES FOR COUNCILLORS

### – formal arrangements for referral to committee

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

c. All applications for non-material amendments

d. All applications to discharge planning conditions

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

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

### **Additional guidance for Members**

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

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

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

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

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

**A template for referral is set out below:**

## **Referral from Circulated Schedule to Development Management Committee**

1. Application reference number:

2. Site Location:

3. Reasons for referral:

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

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

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

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

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

**Date:**

To be emailed to [MemberReferral@southglos.gov.uk](mailto:MemberReferral@southglos.gov.uk)

# CIRCULATED SCHEDULE - 07 July 2023

ITEM NO.	APPLICATION NO.	RECOMMENDATION	LOCATION	WARD	PARISH
1	P22/02386/F	Approve with Conditions	Hareswood Cottage Westerleigh Hill Westerleigh South Gloucestershire BS37 8RB	Boyd Valley	Westerleigh And Coalpit Heath Parish Council
2	P23/00094/F	Approve with Conditions	85 Falcon Drive Patchway South Gloucestershire BS34 5RA	Charlton And Cribbs	Patchway Town Council
3	P23/00101/F	Approve with Conditions	Land At 119 Bristol Road Frampton Cotterell South Gloucestershire BS36 2AU	Frampton Cotterell	Frampton Cotterell Parish Council
4	P23/00503/F	Approve with Conditions	Land At Wyck Beck Road And Fishpool Hill Bentry South Gloucestershire BS10 6SW	Charlton And Cribbs	Almondsbury Parish Council
5	P23/00545/HH	Approve with Conditions	52 Breaches Gate Bradley Stoke South Gloucestershire BS32 8AZ	Bradley Stoke South	Bradley Stoke Town Council
6	P23/00742/PIP	Approve	Land To Rear Of 229-221 North Road Yate South Gloucestershire BS37 7LG	Frampton Cotterell	Iron Acton Parish Council
7	P23/01377/PIP	Approve	Land At The Stables Tanhouse Lane Yate South Gloucestershire BS37 7LP	Frampton Cotterell	Iron Acton Parish Council
8	P23/01464/HH	Approve with Conditions	22 Abbots Road Hanham South Gloucestershire BS15 3NG	Hanham	Hanham Abbots Parish Council
9	P23/01601/HH	Approve with Conditions	111 Park Lane Frampton Cotterell South Gloucestershire BS36 2EX	Frampton Cotterell	Frampton Cotterell Parish Council

**CIRCULATED SCHEDULE NO. 27/23 - 7th July 2023**

<b>App No.:</b>	P22/02386/F	<b>Applicant:</b>	Mr Malby
<b>Site:</b>	Hareswood Cottage Westerleigh Hill Westerleigh South Gloucestershire BS37 8RB	<b>Date Reg:</b>	11th May 2022
<b>Proposal:</b>	Demolition of existing dwelling and outbuildings and erection of 1 no. dwelling with detached garage and associated works (Resubmission P21/06892/F).	<b>Parish:</b>	Westerleigh And Coalpit Heath Parish Council
<b>Map Ref:</b>	369638 179283	<b>Ward:</b>	Boyd Valley
<b>Application Category:</b>	Minor	<b>Target Date:</b>	17th July 2023



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P22/02386/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.

## **INTRODUCTION**

This application appears on the Circulated Schedule due to the receipt of an objection from the parish Council which is contrary to the officer recommendation.

## **1. PROPOSAL**

- 1.1 This application seeks full planning permission for the demolition of an existing dwelling, and the erection of 1no. replacement dwelling, with associated works, at Hareswood Cottage Westerleigh. The existing dwelling is set back from the highway within a large plot located on the northern side of Westerleigh Road in an isolated location in open countryside between Westerleigh and Wapley. It lies outside any settlement boundaries and within the Green Belt.
- 1.2 The existing large detached dwelling appears to be Victorian, is finished in Pennant stone with brick quoins.
- 1.3 The application follows two previously refused applications on this site for a replacement dwelling. The initial submission for the replacement dwelling (P21/01335/F) was refused in May 2021. It was then resubmitted (P21/06892/F) and refused in January 2022 for four refusal reasons:
- 1.4 *1. The site is situated outside the existing urban area and it is not within a defined rural settlement; it is therefore in a location where development should be strictly controlled. The proposed development would conflict with the spatial strategy of the District: the replacement dwelling would be materially larger than the existing dwelling. The proposed development is therefore contrary to policy CS5 and CS34 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; policy PSP40 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017 and the provisions of the National Planning Policy Framework.*
- 1.5 *2. The site is located within the Bristol and Bath Green Belt and the proposal does not fall within the limited categories of development normally considered appropriate within the Green Belt. In addition, the applicant has not demonstrated that very special circumstances apply, such that the normal presumption against development in the Green Belt should be overridden. The proposal is therefore contrary to the provisions of Policy CS5 and CS34 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013, Policy PSP7 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017, and the National Planning Policy Framework.*
- 1.6 *3. Insufficient information, particularly with reference to bats, has been provided contrary to Policy PSP19 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 National Planning Policy Framework.*

1.7 *4. Insufficient information has been provided in order to allow the Local Planning Authority to adequately assess the impact of the risk of the local coal mining legacy in respect of the proposed development. The submitted Coal Mining Risk Assessment provided does not adequately address the impact of coal mining legacy on the specific scheme currently proposed and the relocation of the development is now partly within a defined High Risk Area. It is therefore contrary to Policy CS1 of the South Gloucestershire Local Plan; Core Strategy (Adopted) December 2013 and Policy PSP22 of the South Gloucestershire Local Plan; Policies, Sites and Places Plan (Adopted) November 2017.*

1.8 The differences between the current application and the refused one are as follows:

1.9 *Size of existing and proposed dwelling:*

1.10 Measurements taken on site of existing dwelling which has a footprint of 11.4m x 8m- hence 91sqm. (Now found to be larger than the original plans showed).

1.11 New proposed dwelling reduced in size from 13.3m x 12.5m footprint to 11m x 10m, hence from 166 sqm to 110sqm

1.12 Height reduced from 8.5m to 8m

1.13 Large detached garage no longer proposed.

1.14 Dwelling relocated away from trees

1.15 Red line of residential curtilage reduced in size.

1.16 Dwelling materials amended to include Pennant Stone

1.17 Bats: A third dusk survey for bats was carried out in September 2022.

1.18 Coal Mining: Coal Mining Risk Assessment submitted with the application.

## **2. POLICY CONTEXT**

2.1 National Guidance  
National Planning Policy Framework  
National Planning Practice Guidance

2.2 Development Plans

The 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 Accessibility  
CS9 Managing the Environment and Heritage  
CS15 Distribution of Housing  
CS16 Housing Density  
CS17 Housing Diversity  
CS34 Rural Areas

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

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

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (SPD) Adopted Aug 2007  
Development in the Green Belt SPD Adopted June 2007  
Trees and Development Sites SPD Adopted 2021  
Green Infrastructure: Guidance for New Development SPD adopted April 2021

**3. RELEVANT PLANNING HISTORY**

- 3.1 P21/01335/F: Demolition of existing dwelling and outbuildings and erection of 1no. dwelling with detached garage and associated works. Refused: 17/05/2021.
- 3.2 P21/06892/F: Demolition of existing dwelling and outbuildings and erection of 1 no. dwelling with detached garage and associated works (Resubmission of P21/01335/F). Refused 14.01.2022, (reasons set out in Para. 1 above).

**4. CONSULTATION RESPONSES**

4.1 Westerleigh Parish Council

Westerleigh Parish Council OBJECTS to this application for the same reasons as the previous two applications (P21/06892/F and P21/01335/F) were objected to, and subsequently the reasons for refusal of those applications by SGC. The previous objections were as follows: Westerleigh Parish Council does not object in principle to the idea of replacing the building but does OBJECT on the grounds that the proposed increase in size (calculated as the volume) is disproportionate and thus constitutes inappropriate development in

the Green Belt. The concern being that it conflicts with policies CS5 (Location of Development), PSP7 (Development in the Green Belt) and PSP40 (Residential Development in the Countryside). PSP7 (Development in the Green Belt) para 4.7 states that: The term original building in the Policy refers to the volume of a building when the original planning permission for its construction was given, or, for older buildings, the volume of the building on July 1st 1948 (when the Town Planning Act was introduced).

Also, on P22/02386/F the Parish Council requests that the Planning Officer double checks the calculations for the volume of the proposed dwelling plus garage for compliance with policy PSP7 (Development in the Green Belt). For example, the plans quote the area of the garage as 50 sq m but this does not appear to include the intended first floor which adds another 30 sq m in area.

#### 4.2 Coal Authority

The application site falls partly within the defined Development High Risk Area; therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application. The central part of the site lies in an area where historic unrecorded coal mining activity is likely to have taken place at shallow depth. Voids and broken ground associated with such workings can pose a risk of ground instability and may give rise to the emission of mine gases. An untreated mine entry and its resultant zone of influence pose a significant risk not only to surface stability but also public safety.

The planning application is accompanied by a Coal Mining Risk Assessment report. Based on a review of relevant sources of coal mining and geological information, the report concludes that recorded mine shafts in the surrounding are sufficiently distant to pose no risk to ground stability in the part of the site where development is proposed.

The report does, however, conclude that possible unrecorded shallow coal mine workings in a single coal seam pose a potential risk of instability at the site. It goes on to make appropriate recommendations for the carrying out of intrusive ground investigations, in the form of the drilling of boreholes, in order to establish ground conditions and the presence or otherwise of shallow coal/workings.

There is no objection from the Coal Authority subject to the undertaking of intrusive site investigations, prior to the commencement of development. This 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.

#### 4.3 SGC Ecology Officer

##### *Initial comments:*

The cottage was initially assessed as being moderate suitability and two bat surveys were undertaken. One common pipistrelle was noted on the first

survey and a non echolocating bat assumed to be common pipistrelle on the second. As per the BCT guidelines, further surveys are usually required to characterise the roost, in this instance as the bat using the building was unable to be sufficiently identified on the second survey, a third emergence survey is required. Judicial review has stated that bat surveys cannot be conditioned.

*Final Comments:*

A third dusk survey was carried out in September 2022. No bats were recorded emerging. No objections subject to conditions

1. The development shall proceed in strict accordance with the Mitigation Measures provided in the Ecological Impact Assessment including precautionary working methods for vegetation clearance and obtaining an EPS licence pertaining to bats (PSP19).

2. Prior to commencement, details of external lighting are to be submitted to the local authority for review, this is to include specification and location of lighting (PSP19).

3. Prior to commencement of works a plan detailing the location and specifications of ecological enhancements detailed within Ecological Impact Assessment (is to be submitted to the local authority for review. This includes, but not limited to wildflower planting, bat and bird boxes. (PSP19

4.4 SGC Tree Officer

*Initial Comments: Objection*

The location of the garage has not changed and still requires the removal of several trees, and their retention has not been considered within the proposal. Therefore, although the Arboricultural report provides sufficient information relating to the protection of the trees proposed to be retained on the site, however the site itself is large and has a low level of canopy cover. The plans show the location of the proposed property to be in a position that requires the removal of several trees, including a B category tree, which seems unnecessary and appears to contravene Core Strategy Policy . With such a large site, surely it would be prudent to position the new property in an area where minimal tree removal is required? Whilst the proposal could sit comfortably elsewhere within the site.

It is unacceptable that B Category Sycamore and Apple trees are proposed to be removed, with the retention of 2 U Category and 2 C category trees being retained, especially when potentially 3 Ash trees will have to be removed anyway due to Ash dieback.

*Final Comments*

Due to the size of the overall site, the position of the new property needs to fully to consider the existing trees on site. The location of the property on the Arb report, without the garage, is more suitable. I would have no objection if a garage was positioned outside of the RPA of the existing trees.

4.5 Landscape Officer

No landscape objection, subject to a robust landscape design and mitigation strategy being agreed as a condition of planning: Detailed landscape plan specifying the location, species, stock size, planting centres and quantities of all proposed tree and structure planting (to be implemented in the first season

following completion of construction works); together with details of all proposed boundary and hard landscape surface treatments.

4.6 Lead Local Flood Authority

The current Full submission documents do not indicate what form of foul water drainage is to be utilised. Full details are required before drainage comments can be made.

4.7 Sustainable Transport

This proposal creates no severe or unacceptable impacts, our position remains unchanged, and there is no objection. We still wish to ensure that the site access is resurfaced with a drained, bound material to make it suitable for residential use and that the applicant provides electric vehicle.

**Other Representations**

4.8 Local Residents

No comments received.

**5. ANALYSIS OF PROPOSAL**

5.1 Principle of Development

The application site is outside of the established settlement boundary of Westerleigh. However, recent appeals relating to Land West of Park Farm (Thornbury) and Land South of Badminton Road (Old Sodbury)<sup>1</sup> have determined that the settlement boundaries on which CS5 rely are out of date. Following the issuing of the Thornbury appeal decision, the Council has however been able to update its annual monitoring report (AMR) and is able to demonstrate a 5-year housing land supply. The most up-to-date figure as of 15<sup>th</sup> March 2023 is 5.26 years.<sup>2</sup>

Whilst the Council has a 5 year HLS, the settlement boundaries being out of date means that, in accordance with paragraph 11(d) of the NPPF, the 'tilted balance' is engaged. This is because the policies such as CS5, CS34 and PSP40 are considered 'out of date' for decision making purposes. This means in practice that permission should be granted unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (footnote 7); or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole

In the case of the current application, as the site is located within the Green Belt, footnote 7 applies. Hence the tilted balance is not automatically applied.

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<sup>1</sup> APP/P0119/W/21/3288019 and APP/P0119/W/22/3303905 respectively.

<sup>1</sup> Authority's Monitoring Report, March 2022, page 36.

The application site is located within the open countryside, outside of any defined settlement boundary and is clearly separated from the nearest settlement by approximately 220m and is located on Westerleigh Hill, which is a busy classified road and is not served by any formal footpath. Policy PSP40 of the Policies, Sites and Places Plan however allows for the following:

*- The replacement of a single existing dwelling, where it is of similar size and scale to the existing dwelling, within the same curtilage, and of design in keeping with the locality, and minimises visual intrusion in the countryside.*

- 5.2 The revised new dwelling would have a ground floor footprint of approximately 110 sq.m. whereas the existing dwelling has a footprint of approximately 92.4 sq.m. The previously refused dwellings had a footprint of 190 sqm then 162 sqm. The current proposed replacement dwelling therefore has a footprint 20% larger than the existing dwelling on site.

As the roof height has now been reduced, at 8.0m it is the same height as the existing dwelling on site.

The proposed replacement dwelling is now considered sufficiently similar in size and scale to the existing dwelling to comply with the first part of this PSP40 criterion.

- 5.3 *Is the replacement dwelling within the same curtilage?*

The dwelling would be located on the same curtilage as the existing. The red line has been reduced to relate to the original curtilage rather than including the surrounding fields.

Design and visual amenity will be considered later in this report.

#### Green Belt

- 5.4 The application site is located within part of the Bristol/Bath Green Belt. the NPPF sets out that local planning authorities should regard the construction of new buildings as inappropriate development in the Green Belt. Paragraph 149 of the NPPF provides exceptions to this, one of which is:

- *The replacement of a building provided the new building is in the same use and not materially larger than the one it replaces*

- 5.5 As noted under the consideration of PSP40, it has been found that the proposed development would comply with this exception as set out in paragraph 149 of the NPPF. The new dwelling would be some 20% larger in volume than the existing dwelling. A stricter test is required than extensions in the Green Belt, which can be up to 50% increase in volume, whereas the test for a replacement dwelling is that it is not materially larger. Hence 20% is at the upper limit. It would therefore comprise appropriate development in the Green Belt.

The Parish Council comments relate to the application when it was originally submitted and the dwelling was significantly larger. The comments have therefore been addressed by the revised plans.

It is recommended that it would be appropriate, given the proposed slight volume increase, that permitted development rights for householders are removed in relation to Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Part 1 Classes A, B, D and E. This is to ensure that any volumetric additions can be first assessed by the Local Planning Authority, as anything significant would be unlikely to be acceptable.

## 5.6 Design and Visual Amenity

*Does the replacement dwelling have a design in keeping with the locality, which minimises visual intrusion in the countryside?*

The proposed new dwelling would be located adjacent to the existing dwelling, and within the existing residential curtilage. It is set well back from the public highway, but is readily visible from this main road. Due to the existing dwelling having an attractive appearance, its visible elevations being finished in Pennant stone, the design of the replacement dwelling has been amended.

It is now proposed that the elevations would be Pennant stone to the front, with render panels to the sides. The rear would be a mixture of Pennant stone and natural larch cladding. Roofiles have been amended from grey to antique red/brown plain tiles. These revised materials would ensure that there would be no significant visual intrusion into the countryside, and it would be in keeping with the locality.

*Summary of assessment of PSP40*

- 5.7 Given the above assessment, the replacement dwelling is considered to comply with the requirements of PSP40, and is therefore considered acceptable development in the open countryside.

## 5.8 Trees and Landscaping

The existing cottage is set back from the north side of the Westerleigh Road within a large plot, adjoins the eastern edge of The Dramway, and is surrounded by agricultural fields. A mature hedge extends along the northern site boundary, lower and intermittent hedge along the Westerleigh Road frontage, and much of the western boundary with The Dramway is vegetated. Trees and vegetation extending along the eastern edge of the access drive, which forms a green landmark in views along the road. The existing cottage is seen behind this driveway vegetation, especially in views from a westerly direction.

Following an lengthy process of negotiation, the proposed new dwelling has been relocated on site to avoid the significant trees either to the east or the south of the existing dwelling. Due to the applicant's wish to be able to live in the existing dwelling whilst the new one was being constructed, the new

dwelling is not in exactly the same location as the existing one, and hence the issues of trees became relevant.

- 5.9 An Arboricultural report has been submitted, which provides sufficient information relating to the protection of the trees proposed to be retained on the site. Originally however the plans showed the location of the new dwelling to be in a position that would require the removal of several trees, including a B category tree. Due to the size of the site this was deemed unnecessary. The dwelling would now be located immediately to the east of the existing dwelling, rather than the south as originally proposed. This would not require any individual tree removal, just the removal of the southern most tree from a mixed group.

Subject to conditions requiring tree protection to be carried out in accordance with the tree report, and the submission of a landscaping scheme including new tree to help further integrate the new dwelling into its surroundings there is no landscape objection.

5.10 Ecology

An Ecological Impact Assessment has been submitted.

*Designated sites for Nature Conservation (European Sites, SSSI's and local sites (Sites of Nature Conservation Interest or Regionally Important Geological Sites):* The site is not covered by any designated sites.

*Habitats (including habitats of principle importance (Priority Habitats) Section 41 Natural Environment and Rural Communities (NERC) Act 2006: - Hedgerows Species protected under the Conservation of Habitats & Species Regulations 2017 ('European Protected Species) and Wildlife & Countryside Act 1981 (as amended):*

**Bats:** The cottage was initially assessed as being moderate suitability and two surveys were undertaken. One common pipistrelle was noted on the first survey and a non echolocating bat assumed to be common pipistrelle on the second. As per the BCT guidelines, further surveys are usually required to characterise the roost, in this instance as the bat using the building was unable to be sufficiently identified on the second survey, a third emergence survey was required. As brown long eared bat were recorded using the site, it was important that a third survey is carried out as further mitigation may be required.

A third dusk survey was carried out in September 2022. No bats were recorded emerging. Common pipistrelle and myotis were recorded foraging during the survey. There are some foraging opportunities for bats on site and the majority will be retained. Sensitive lighting has been recommended which is welcomed.

**Great crested newt (GCN):** The site has areas of suitable habitat for GCN, however it is thought to be sub-optimal for the main part. A precautionary working method has been recommended which is welcomed.

*Dormice:* The hedgerows on site do offer some suitability for dormice, however limited, though the hedgerows will be retained. No further surveys are required.

*Species protected under the Wildlife and Countryside Act 1981 (as amended)*

- 5.11 *Birds:* The habitat suitable for nesting birds is to be retained and the buildings do not offer suitable opportunities, however mitigation has been recommended and this is welcomed.

*Reptiles:* There are areas on site that are suitable for reptiles, the precautionary working method is suitable and is to be strictly adhered to. *Badgers protected under the Badger Act 1992:* No evidence of badgers was recorded, however they may foraging and pass through the site. Suitable mitigation has been recommended.

*Species of principle importance (Priority Species) Section 41 Natural Environment and Rural Communities (NERC) Act and Local Biodiversity Action Plan Species.*

*Hedgehog:* The site offers suitable habitat for hedgehogs, mitigation has been recommended. It should also be noted that any non-permeable fencing installed is to have hedgehog holes created (13cm x 13cm) Invertebrates There are areas suitable for invertebrates, though the majority will be retained and enhancements are likely to benefit local invertebrate populations.

5.12 *Ecology Conclusion*

No bats were recorded emerging in the third survey. Subject to conditions requiring: 1. The development to proceed in strict accordance with the Mitigation Measures provided in the Ecological Impact Assessment; 2. External lighting; 3. Ecological enhancements, the application is in compliance with PSP19.

5.13 Residential Amenity

There are no dwellings in the vicinity of the site that could be affected by the slight relocation of the dwelling. The new dwelling would have a good standard of residential amenity, it being within a large curtilage, as existing.

5.14 Coal Mining

The application site falls partly within the defined Development High Risk Area; therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application. The central part of the site lies in an area where historic unrecorded coal mining activity is likely to have taken place at shallow depth. Voids and broken ground associated with such workings can pose a risk of ground instability and may give rise to the emission of mine gases. An untreated mine entry and its resultant zone of influence pose a significant risk not only to surface stability but also public safety.

The planning application is accompanied by a Coal Mining Risk Assessment report. Based on a review of relevant sources of coal mining and geological information, the report concludes that recorded mine shafts in the surrounding

are sufficiently distant to pose no risk to ground stability in the part of the site where development is proposed.

The report does, however, conclude that possible unrecorded shallow coal mine workings in a single coal seam pose a potential risk of instability at the site. Accordingly, it goes on to make appropriate recommendations for the carrying out of intrusive ground investigations, in the form of the drilling of boreholes, in order to establish ground conditions and the presence or otherwise of shallow coal/workings.

The Coal Authority welcomes the recommendation for the undertaking of intrusive site investigations. These should be designed and carried out by competent persons and should be appropriate to assess the ground conditions on the site in order to establish the coal-mining legacy present and the risks it may pose to the development.

The results of the investigations should be used to inform any remedial works and/or mitigation measures that may be necessary to ensure the safety and stability of the proposed development as a whole. Such works/measures may include grouting stabilisation works and foundation solutions.

- 5.15 The Coal Authority concurs with the recommendations of the Coal Mining Risk Assessment report; that coal mining legacy potentially poses a risk to the proposed development and that investigations are required, along with possible remedial measures, in order to ensure the safety and stability of the proposed development.

As stated by the Coal Authority, conditions are required to ensure that intrusive investigations are carried out prior to commencement, and required remediation measures are carried out. Finally, that prior to occupation, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. These conditions are reasonable and are proposed to be added.

5.16 Transport and Parking

The proposed parking provision would be in excess of the standard expected. The access would remain the same, and no objection is raised to these matters.

5.17 Drainage

It is acknowledged that the Council's Drainage Officer is concerned that there is insufficient foul water drainage information submitted, but given that there is an existing dwelling on site, a suitable drainage scheme can be devised.

5.18 Planning Balance

The assessment above has found that the development would form an acceptable replacement dwelling in the open countryside in accordance with PSP40. Further, it would be a replacement building which would not be materially larger than the one it replaces. The development therefore complies with an exception as set out in paragraph 49 of the NPPF, and would be appropriate development in the Green Belt. The dwelling would also not result

in harm to visual amenity, residential amenity or highway safety and as such is recommended for approval (subject to conditions).

The four reasons for refusal of the previous application- P21/06892/F- have been overcome.

#### 5.19 Consideration of likely impact on Equalities

The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society; it sets out the different ways in which it is unlawful to treat someone. As a result of this Act the public sector equality duty came into force. Among other things those subject to the equality duty must have due regard to: eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity and foster good relations between people who share a protected characteristic and those who do not. This planning application is considered to have a neutral impact on equality.

### 6. CONCLUSION

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

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

### 7. RECOMMENDATION

7.1 That planning permission is GRANTED subject to conditions.

### CONDITIONS

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

Reason

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

2. Prior to the commencement of the development hereby approved (including any ground clearance, tree works, demolition or construction), protective barriers around the retained trees in accordance with the Arboricultural Report (Wotton Tree Consultancy September 2021) shall be implemented. The development thereafter shall be implemented in strict accordance with the approved details.

Reason

In order to protect retained trees, and required prior to the commencement of development in order to ensure that the trees to be retained will not be damaged

during development works and to ensure that, as far as is possible, the work is carried out in accordance with the approved details pursuant to section 197 of the Town and Country Planning Act 1990 in accordance with Policies CS1 and CS2 of the adopted South Gloucestershire Local Plan: Core Strategy, and Policy PSP3 of the adopted South Gloucestershire Policies Sites and Places Plan. Prior to commencement is required as the condition relates to the construction period.

3. The development shall proceed in strict accordance with the Mitigation Measures provided in the Ecological Impact Assessment (Abricon Sept 2021).

Reason

To protect the wildlife and the ecological interests of the site to accord with Policy CS9 of the South Gloucestershire Local Plan Core Strategy 2013 and PSP 19 of the South Gloucestershire Local Plan; Policies, Sites and Places Plan 2017.

4. Prior to first occupation, three bird nesting boxes as detailed within the Ecological Impact Assessment (Abricon 2021) shall be installed.

Reason

To protect the wildlife and the ecological interests of the site to accord with Policy CS9 of the South Gloucestershire Local Plan Core Strategy 2013 and PSP 19 of the South Gloucestershire Local Plan; Policies, Sites and Places Plan 2017.

5. Prior to installation of any external lighting, details shall have been first approved in writing by the Local Planning Authority. All external lighting shall be installed in accordance with the specifications and locations approved.

Reason

To protect the wildlife and the ecological interests of the site to accord with Policy CS9 of the South Gloucestershire Local Plan Core Strategy 2013 and PSP 19 of the South Gloucestershire Local Plan; Policies, Sites and Places Plan 2017.

6. Samples of the materials to be used in the construction of the external surfaces of the proposed building shall be submitted to and agreed in writing by the Local Planning Authority (LPA) before being incorporated or applied to the building. Only such details as approved shall be used.

Reason

To ensure a satisfactory standard of external appearance of the development, in the interests of visual amenity and to accord with Policy CS1 of the adopted South Gloucestershire Local Plan: Core Strategy.

7. The finished floor level for the dwelling hereby approved shall be in accordance with that shown on Drawing 3, number 60523 Rev H- Block Plan.

Reason

In the interests of the character of the area, to ensure a satisfactory standard of external appearance of the development, in the interests of visual amenity and to accord with Policy CS1 of the adopted South Gloucestershire Local Plan: Core Strategy and PSP40 of the South Gloucestershire Local Plan; Policies, Sites and Places Plan 2017.

8. A detailed landscape plan specifying the location, species, stock size, planting centres and quantities of new tree planting shall be submitted to an approved in writing by the local Planning Authority. All such details as approved shall be implemented in the first season following completion of construction work.

Reason

To protect the character and appearance of the area, and in accordance with Policy PSP2 of the adopted South Gloucestershire PSP, and CS2 of the adopted South Gloucestershire Core Strategy.

9. No development shall commence (excluding the demolition of existing structures and site clearance) until;
- a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past shallow coal mining activity; and
  - b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.

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

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.

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

Reason

The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 183 and 184 of the National Planning Policy Framework.

11. The development hereby approved shall be carried out only in accordance with the following plans:

Block Plan 160523 Drawing 03 Rev H  
Site Plan 160523 Drawing 02 Rev F  
Prop elevations 13032 Drawing 07 Rev A  
Prop Floor Plans 100323 Drawing 06 Rev A  
All received by the Council 3rd July 2023

Reason

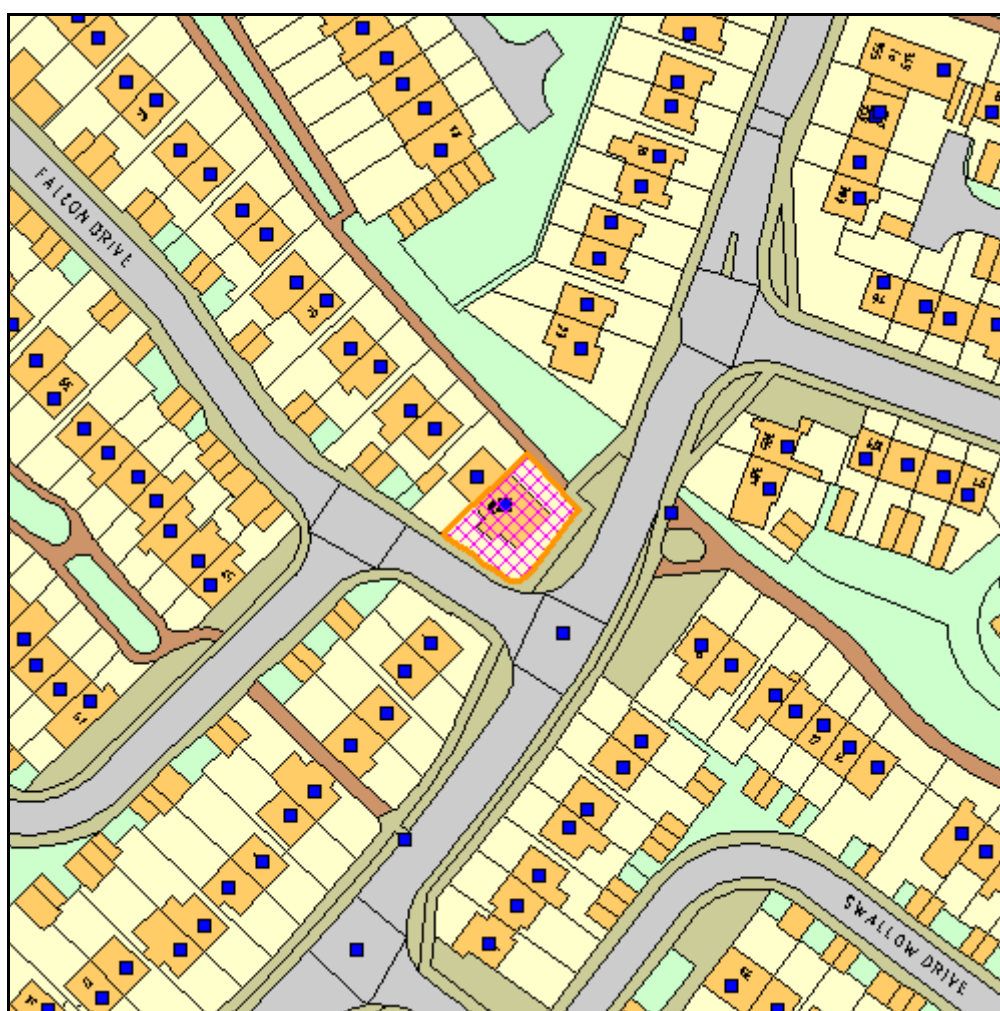
In order to define the permission for the avoidance of doubt.

**Case Officer: Helen Ainsley**

**Authorising Officer: David Stockdale**

## CIRCULATED SCHEDULE NO. 27/23 - 7th July 2023

<b>App No.:</b>	P23/00094/F	<b>Applicant:</b>	Fox And Fox Investments 1 Ltd
<b>Site:</b>	85 Falcon Drive Patchway South Gloucestershire BS34 5RA	<b>Date Reg:</b>	12th January 2023
<b>Proposal:</b>	Installation of 1no. enlarged window to facilitate change of use from residential dwelling (Class C3) to a 7 bedroom large house in multiple occupation (HMO) for up to 7 people (Sui Generis) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended) (Resubmission of P22/01469/F).	<b>Parish:</b>	Patchway Town Council
<b>Map Ref:</b>	359321 181885	<b>Ward:</b>	Charlton And Cribbs
<b>Application Category:</b>	Minor	<b>Target Date:</b>	17th July 2023



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P23/00094/F

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

## **REASON FOR REPORTING TO THE CIRCULATED SCHEDULE**

Comments received from Patchway Town Council and Ward Councillor that are contrary to Officer recommendation. 3 or more comments received from local residents contrary to Officer recommendation.

### **1. THE PROPOSAL**

- 1.1 Planning permission is sought for the installation of 1no. enlarged window to facilitate the change of use from residential dwelling (Class C3) to a 7 bedroom large house in multiple occupation (HMO) for up to 7 people (Sui Generis) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended) at 85 Falcon Drive, Patchway.
- 1.2 The application site comprises a two storey semi-detached dwelling within a larger corner plot. The dwelling has been previously extended with a two storey side extension. The dwelling displays typical characteristics of the area and benefits from off street parking as well as rear amenity space. The application site is located within the defined Bristol northern fringe settlement boundary.
- 1.3 During the course of the application a parking survey of the surrounding roads was submitted. A full re-consultation was carried out.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

National Planning Policy Framework July 2021  
National Planning Practice Guidance

#### **2.2 Development Plan**

##### **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
CS25	Communities of the North Fringe of Bristol Urban Area

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

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

PSP38	Development within Existing Residential Curtilages
PSP39	Residential Conversions, Sub-division and HMOs
PSP43	Private Amenity Space Standards

- 2.3 Supplementary Planning Guidance  
 Design Checklist SPD (Adopted) August 2007  
 Residential Parking Standard SPD (Adopted) December 2013  
 Assessing Residential Amenity TAN (Endorsed) 2016  
 Houses in Multiple Occupation SPD (Adopted) October 2021

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

- 3.1 P22/01469/F  
 Garage conversion and installation of enlarged rear window to facilitate change of use from residential dwelling (Class C3) to a 8 bedroom large house in multiple occupation (HMO) for up to 8 people (Sui Generis) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended). (Resubmission of P21/06247/F).  
 Refusal (19/05/2022)

*Refusal reason 1*

*The proposed HMO would fail to provide sufficient residential amenity for the use of future occupiers which is confirmed to be at the detriment of their wellbeing. Due to this, the development does not represent the highest standards expected in site planning and is contrary to policy PSP43 of the South Gloucestershire Council Local Plan: Policies, Sites and Places Plan (Adopted) 2017 and the National Planning Policy Framework.*

- 3.2 P21/06247/F  
 Garage conversion and installation of enlarged rear window to facilitate change of use from residential dwelling (Class C3) to a 8 bedroom large house in multiple occupation (HMO) for up to 8 people (Sui Generis) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended).  
 Refusal (05/11/2021)

*Refusal reason 1*

*The proposal would fail to provide sufficient residential amenity for the use of future occupiers of this property to the detriment of their well being. As such it would fail to represent the highest standards expected in site planning and be contrary to Policy PSP43 of the South Gloucestershire Council Policies Sites and Places Plan (Adopted) 2017 and the NPPF in general.*

- 3.3 PT99/0111/F  
 Demolition of existing detached garage to facilitate erection of two storey side extension. Erection of single storey rear extension.  
 Approve with Conditions (20/12/1999)

### 4. **CONSULTATION RESPONSES**

- 4.1 Patchway Town Council

Objection - *"This development would lead to overcrowding on the top end of the Patchway estate and would make it increasingly more difficult for our residents to park their cars where they live. Although some residents have their own driveways, most are reliant on 'on-street parking' and this development would cause further issues to our already exasperated parking problems.*

*We note that the development is proposing a House of Multiple Occupation. Whilst we appreciate the need for more housing, it has to be the correct type of housing. This development would add extra pressure on the rest of Patchway and would further increase our parking issues. The house in question, is situated on the corner of Falcon Drive and Coniston Road, a very busy section just up from a mini-roundabout.*

*Since the house's first development, we have seen an increase in parking on pavements as well as dangerous parking on the entrance to the road. If this HMO was permitted, it would add to the increasingly dangerous parking situation on this road. With regards to increasing the occupation for up to 7 people, it means that they will be living in cramped conditions and this is not good for anyone's mental health. This development should not go ahead as a HMO.*

*In addition to our previous objection, we also wish to raise issues with the character of this development. The installation of a window will have an impact on the character that this house currently has. The change would mean that this development would not be in keeping with the rest of the houses of Falcon Drive, which is primarily a street of family homes.*

*This proposed development may also put a strain on local services which are already stretched such as waste management, utilities and pavement maintenance.*

*We note that the applicant has included a parking survey within their application which details the results (over one weekday at midnight and one weekend, for two hours on a Sunday). We don't believe this is sufficient enough evidence to categorically state that there is enough parking on surrounding roads. Patchway has employment affiliations with the nearby industrial estate and as such, have a lot of workers who work in the evenings and therefore would not be home at midnight. We believe that to only carry out a survey with these limitations is poor practice and we would ask for a fuller, comprehensive survey to be completed.*

*The applicant states that the existing roads have a capacity for 11-13 vehicles however Coniston Road is a main road and bus route through the Town. Despite there not being double yellow lines all of the way around, any parking on the roadside near this development would put a strain on all of the local bus services through Patchway. The application is for a 7 bedroom HMO, if each person has a car, then this would be most of the spaces taken up with little room for visiting guests and families. We believe that parking on existing roads should not be considered due to the present parking issues as stated above."*

4.2 Councillor Isobel Walker

Objection - *"In an already over developed area, bringing more residents to one house and the additional parking spaces that would be needed, would make the area outside the property dangerous for people with mobility problems and mothers with prams or buggies. People already park on the pavements. Visibility for drivers entering and egressing Falcon Drive is an issue as this property is situated at the corner of the road. Also, the volume of rubbish created in the property already overflows outside of the boundary. I do have photographs to supply if officers require them."*

4.3 Sustainable Transport Team

Additional information in the form of a car parking survey is required.

[A parking survey of the surrounding roads was submitted and a re-consultation was carried out. No additional response was received.]

4.4 Local Residents

32no. objection comments from local residents have been received making the following points:

- There would be insufficient on-site parking which would lead to additional vehicles parking on the road. This would create disruption for neighbouring properties and decrease highway safety. The submitted parking surveys are impractical and cover too wide an area.
- There are too many HMOs and additional HMOs would put strain on local community infrastructure.
- Additional occupancy would lead to increased noise and disruption.
- There are already refuse collection issues and the proposal would make this worse.
- The size of the proposed bedrooms are insufficient.
- The proposal would devalue all properties in the local area.
- The application property is already operating as a HMO.

**5. ANALYSIS OF PROPOSAL**

- 5.1 This application seeks planning permission for the installation of 1no. enlarged window to facilitate the change of use from residential dwelling (Class C3) to a 7 bedroom large house in multiple occupation (HMO) for up to 7 people (Sui Generis) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended).

5.2 Principle of Development

The application stands to be assessed against the above listed policies and all material considerations. The determination as to whether the change of use from a residential dwelling (Class C3) to a 7 bedroom large house in multiple occupation for up to 7 people (Sui Generis) would have an unacceptable impact upon the surrounding area is primarily assessed via the tests outlined within the Houses in Multiple Occupation SPD (Adopted) October 2021. The SPD provides a way of using available data (licensed HMOs) to provide tangible and substantiated evidence regarding the prevalence of HMOs and the overall housing mix within the locality of the proposal.

- 5.3 Policy PSP39 of the Policies, Sites and Places Plan states that where planning permission is required for HMOs, these will be acceptable, provided that they would not prejudice the amenity of neighbours. Supporting text states that the term “neighbours” should be taken to mean properties adjacent to, and surrounding, the application site which have a reasonable potential to be directly affected by harmful impacts arising from the proposal(s).
- 5.4 In addition, Policy PSP8 of the Policies, Sites and Places Plan maintains that development proposals will only be acceptable provided that they do not have unacceptable impacts on residential amenity of occupiers of the development or of nearby properties. Unacceptable impacts could result from noise or disturbance, amongst other factors, which could arise from HMOs functioning less like traditional single households on a day-to-day basis.
- 5.5 Prejudicing the amenity of neighbours can arise at a localised level when developments of such HMO uses are inappropriately located, or become concentrated, particularly at an individual street level.
- 5.6 Additional Explanatory Guidance 1 sets out that the following factors should be taken into account when determining if the proposal would prejudice the amenity of adjacent neighbours:
- Whether any dwellinghouse would be ‘sandwiched’ between two licensed HMOs, or,
  - Result in three or more adjacent licensed HMO properties.
- 5.7 In the case of the current application site, 85 Falcon Drive, the proposed change of use would not result in any dwellinghouse being ‘sandwiched’ between two licensed HMOs or result in three or more adjacent licensed HMO properties.
- 5.8 As set out in Policy CS17 of the Core Strategy, providing a wide variety of housing type and sizes to accommodate a range of different households, will be essential to supporting mixed communities in all localities. Sub-division of existing dwellings and non-residential properties to form flats or HMOs can make a valuable contribution suitable for smaller households and single people as part of these mixed communities.
- 5.9 Policy CS17 does not define what is meant by ‘mixed communities’ in all localities. Instead, it acknowledges that implementation of this policy, and PSP39, will be made on a case basis through the development management process. Therefore, the HMO SPD aims to acknowledge that some intensification, if carried out sensitively, and where it would not adversely affect the character of an area, can contribute to the local mix and affordability of housing, viability of local services, vitality of local areas and contribute to the Council’s housing delivery targets.
- 5.10 As there are localities which are already experiencing concentrations of HMOs, the SPD requires consideration of existing localities that are already experiencing levels of HMOs which harm the ability to support mixed

communities and preventing impact on character and amenities, and applications which would result in a level of HMOs that could contribute towards harmful impacts.

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

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

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

5.13 In the case of 85 Falcon Drive, licensed HMO properties currently represent 0% of households in the locality. Within a 100m radius there are 101 domestic properties, 0 of which are licensed HMOs thereby representing an 0% concentration of licensed HMOs within this radius.

5.14 The principle of the proposed change of use to a large house in multiple occupation (Sui Generis) is therefore considered to comply with Policy CS17 of the Core Strategy; Policy PSP8 and PSP39 of the Policies, Sites and Places Plan; and the Houses in Multiple Occupation SPD.

5.15 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.

5.16 The only proposed change to the external appearance of the existing dwelling is the installation of 1no. enlarged window. The proposed enlarged window would match the size and appearance of the other existing windows on the dwelling. There are no design objections to this proposal. The proposed change of use to a large house in multiple occupation would not in itself result in any external alterations to the existing dwelling.

5.17 The proposal has been carefully assessed and has found to be in compliance with these policies.

5.18 Residential Amenity

Policy PSP8 of the Policies, Sites and Places Plan outlines that development proposals will be acceptable provided that they do not create unacceptable living conditions or have an unacceptable impact on the residential amenity of the occupiers of the development or of nearby properties. Unacceptable impacts could result from (but are not restricted to): loss of privacy and

- overlooking; overbearing and dominant impact; loss of light; noise or disturbance; and odours, fumes or vibration.
- 5.19 As outlined above, the proposed change of use is not considered to significantly impact upon the residential amenity of neighbouring properties. The proposed installation of 1no. enlarged window would not lead to any increased overlooking of neighbouring properties.
- 5.20 With regards to the amenity of future occupiers, the submitted plans indicate that the smallest room would have a floor area of 6.8 square metres. It is understood that guidance indicates that a room used for sleeping by 1 adult should be no smaller than 6.51 square metres. The proposal therefore accords with the standards.
- 5.21 Policy PSP43 of the Policies, Sites and Places Plan outlines the Councils minimum standards for private amenity space for new residential units. PSP43 states that private amenity space should be: functional and safe; easily accessible from living areas; orientated to maximise sunlight; of a sufficient size and functional shape to meet the needs of the likely number of occupiers; and designed to take account of the context of the development, including the character of the surrounding area.
- 5.22 Policy PSP43 specifically sets out the Councils minimum standards for private amenity space for new residential units, however there is no set standard for HMOs. Using PSP43 as a reference, a 1no. bedroom flat should have access to a minimum of 5 square metres of amenity space. Using this standard, 7 x 1no. bedroom flats would require 35 square metres of amenity space.
- 5.23 The existing private amenity space for the dwelling would remain unchanged at approximately 32 square metres. Whilst this is below the 35 square metres required by PSP43, it is important to consider that PSP43 does not specifically refer HMOs and it can be reasonable expected that a 7 bedroom HMO would use its amenity space jointly compared to 7no. 1 bedroom flats who all require their own amenity space. It is therefore considered that the proposed private amenity space would be sufficient.
- 5.24 Highway Safety and Transport  
Policy PSP16 of the Policies, Sites and Places Plan sets out the Councils minimum parking standards. A minimum of 0.5 spaces per bedroom are required for a HMO. This proposal therefore required 3.5 spaces (rounded up to 4 spaces). It is noted that 3 spaces can be achieved on-site.
- 5.25 This would leave 1 space outstanding. Parking surveys have been undertaken to assess whether this 1 space could be accommodated on street. The parking surveys were carried out on 4 roads within a 200 metre walk of the application site in accordance with the South Gloucestershire Council: Parking Survey TAN. The results of the surveys show that there was an average of 21.5 spaces available over a Sunday lunchtime (11:45 to 13:15) and 24 spaces available at 00:00 on a Wednesday.

5.26 Given the above, it is therefore considered that whilst the proposed development would lead to 1 additional vehicle parking on the public highway, this would not create any unacceptable highway safety or transportation concerns.

5.27 Equalities

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

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

5.29 Other Matters

A number of matters raised from the consultation responses have not been addressed in the main body of this report. These will be considered below:

5.30 Concerns have been raised that the proposal would devalue all properties in the local area. House prices are not a material planning consideration.

5.31 It has been mentioned that the application property is already operating as a HMO. Small HMOs (up to 6 people) do not require planning permission.

## 6. CONCLUSION

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

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

## 7. RECOMMENDATION

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

## **CONDITIONS**

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

Reason

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

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

Location Plan (Received 12/01/2023)

Block Plan (Received 12/01/2023)

1 - Ground Floor Existing (Received 12/01/2023)

2 - Ground Floor Proposed (Received 12/01/2023)

3 - First Floor Existing (Received 12/01/2023)

4 - First Floor Proposed (Received 12/01/2023)

5 - Rear Elevation Existing (Received 12/01/2023)

6 - Rear Elevation Proposed (Received 12/01/2023)

Reason

To define the terms and extent of the permission.

3. The 3no. off-street parking spaces, cycle parking, and bin store shown on the plans hereby approved, shall be provided prior to the first use of the property as a 7 person HMO and retained for those purposes thereafter.

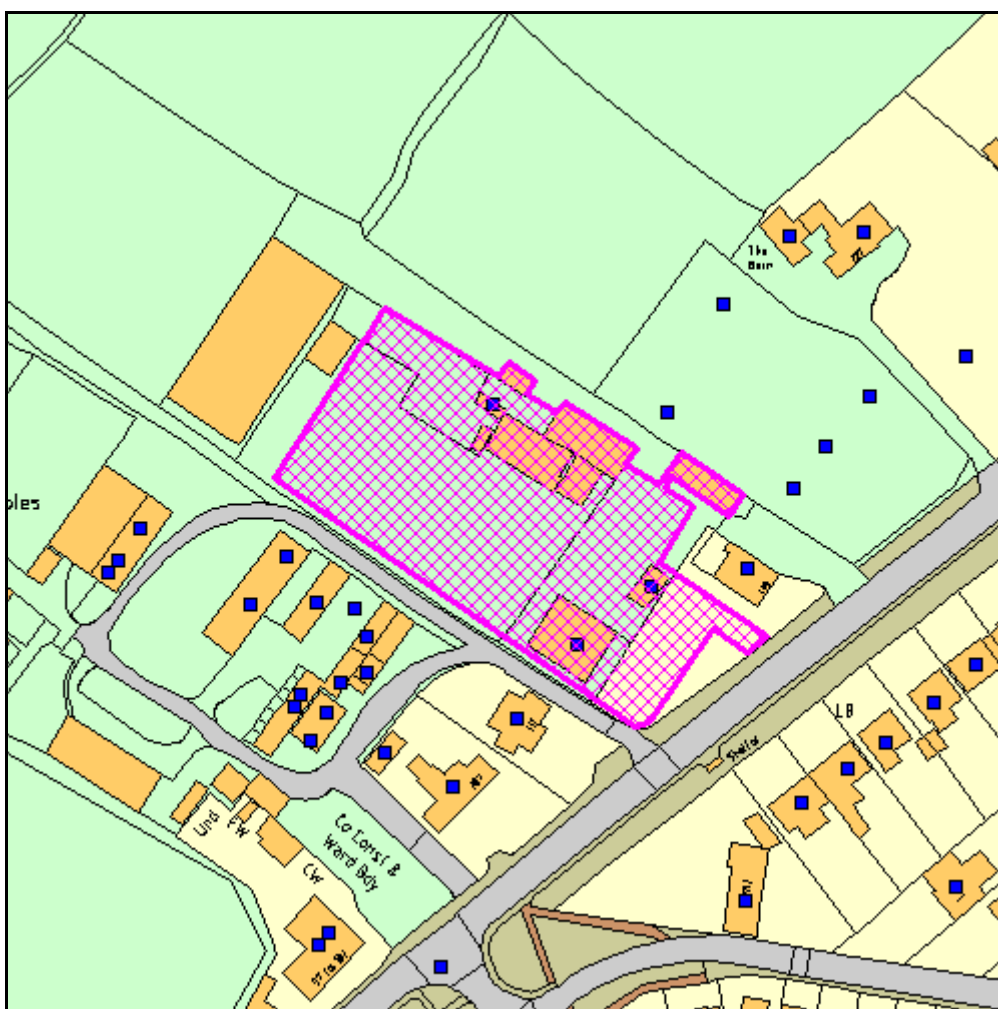
Reason

To ensure the satisfactory provision of parking facilities, cycle storage facilities and appropriate waste facilities and in the interest of highway safety, to promote sustainable transport and to accord with Policies PSP16 and PSP39 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017.

**Case Officer: Oliver Phippen**  
**Authorising Officer: Marie Bath**

**CIRCULATED SCHEDULE NO. 27/23 - 7th July 2023**

<b>App No.:</b>	P23/00101/F	<b>Applicant:</b>	Prestige Developments (Bristol) Ltd
<b>Site:</b>	Land At 119 Bristol Road Frampton Cotterell South Gloucestershire BS36 2AU	<b>Date Reg:</b>	20th January 2023
<b>Proposal:</b>	Demolition of commercial buildings. Erection of 9 no. dwellings with associated works.	<b>Parish:</b>	Frampton Cotterell Parish Council
<b>Map Ref:</b>	365702 181953	<b>Ward:</b>	Frampton Cotterell
<b>Application Category:</b>	Minor	<b>Target Date:</b>	14th July 2023



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P23/00101/F

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

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

This application appears on the Council's Circulated Schedule procedure following objections by Winterbourne and Frampton Cotterell Parish Council, contrary of the officer recommendation detailed below.

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## **1. THE PROPOSAL**

- 1.1 Full planning permission is sought for the demolition of the existing commercial buildings, and the erection of 9 no. dwellings (C3) and associated works.
- 1.2 The application site is located within an open countryside location, however the Frampton Cotterell settlement boundary runs adjacent to the site, south of Bristol Road. The site is also washed over by the Bristol and Bath Green Belt, for which again the boundary follows to the south of Bristol Road.
- 1.3 This application forms an alternative proposal to that submitted under planning application ref. P22/00161/F, for which is seeking 25 units.
- 1.4 The application site measures 0.49ha and comprises a commercial yard used for reclamation purposes (buildings and the open storage of material spread across the site). Additional uses on site include that of a vehicle repair garage (to the northern boundary), a car wash (to the rear of the residential bungalow adjacent to the site) and a dog grooming business (to the north of the bungalow). The entirety of the site is surfaced with gravel and tarmac, no soft landscaping is present.
- 1.5 With regards to the surrounding context of the area, livery stables with permission in principle (ref. P22/04212/PIP) for 6-9 dwellings adjoin to the southwest. To the northeast 5 dwellings have recently been built as permitted under application ref P19/0647/F. To the southeast is the Frampton Cotterell Ward, and to the north is agricultural land.
- 1.6 Since the point of submission, further detail has been received regarding ecological, landscaping and drainage matters. Amendments to design features have also been made in the interests of residential amenity.

## **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework  
National Planning Policy Guidance
- 2.2 South Gloucestershire Local Plan Core Strategy (Adopted) 2013  
CS1 High Quality Design  
CS5 Location of Development (inc. Green Belt)  
CS8 Improving Accessibility  
CS9 Managing the Environment and Heritage

CS13	Non-Safeguarded Economic Development Sites
CS18	Affordable Housing
CS23	Community Infrastructure and Cultural Activity
CS34	Rural Areas

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

PSP1	Local Distinctiveness
PSP2	Landscape
PSP3	Trees and Woodland
PSP7	Development in the Green Belt
PSP8	Residential Amenity
PSP11	Transport
PSP16	Parking Standards
PSP19	Wider Biodiversity
PSP20	Flood Risk, Surface Water and Watercourse Management
PSP21	Environmental Pollution and Impacts
PSP40	Residential Development in the Countryside
PSP43	Private Amenity Standards

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted) 2007  
 Residential Parking Standards SPD (Adopted) 2013  
 Residential Amenity TAN (Endorsed) 2016  
 Householder Design Guide SPD (Adopted) 2021  
 Joint Waste Core Strategy  
 Trees and Development Sites SPD (Adopted) 2021

### 3. RELEVANT PLANNING HISTORY

- 3.1 P22/00161/F. Pending Determination  
 Proposal: Demolition of commercial buildings. Erection of 25 no. dwellings (C3) including provision of public open space and private allotment gardens and associated works.
- 3.2 P20/09143/O. Application Withdrawn, 26/1/022  
 Proposal: Demolition of commercial buildings. Erection of 25 no. dwellings (C3) (Outline) with access, layout and scale to be determined, all other matters reserved.
- 3.3 P20/015/SCR. EIA Not Required, 16/6/2020  
 Proposal: Screening Opinion for P20/09143/O. Demolition of commercial buildings. Erection of 13 no. dwellings (C3) and creation of storage facility (B8) (Outline) with access, layout and scale to be determined, all other matters reserved.
- 3.4 P95/2147/CL. Permission Granted, 3/12/1998  
 Proposal: Certificate of Lawfulness. Use of land and buildings as a landscape gardener's depot and operating base for HGV lorries ancillary to said use.
- 3.5 P95/1463. Permission Granted, 13/12/1995

Proposal: Application for planning permission to retain a building for aquatic and water gardening use without complying with Conditions (a), (b) and (c) on Planning Permission N3013/6 dated 11 August 1983

- 3.6 P95/2220/CL. Permission Granted, 5/2/1999  
Proposal: Certificate of Lawfulness. Use of buildings and yard for repair and maintenance of motor vehicles, storage of parts and equipment, storage of motor vehicles.
- 3.7 N3013/6. Permission Granted, 1983  
Proposal: Erection of building for aquatic and water gardening use (in accordance with the layout plan received by the Council on 28th July 1983).

### ***The neighbouring sites***

- 3.8 PT18/3093/RVC. Permission Granted, 5/9/2018  
Proposal: Variation of condition 11 to substitute drawings 2904/103 rev D and 2904/104 rev D of planning permission reference PT18/1280/F.
- 3.9 P19/09153/F. Permission Granted, 14/8/2019  
Proposal: Erection of 5no. detached dormer bungalows, relocated access, parking and associated works. (Amendment to previously approved scheme P19/0647/F).
- 3.10 P22/04212/PIP. Permission Granted, 9/9/2022  
Proposal: Permission in principle for the erection of 6 to 9 dwellings.

## **4. CONSULTATION RESPONSES**

- 4.1 Frampton Cotterell Parish Council  
Objection. *"As with all new builds, the Parish Council would encourage developers to consider sustainability, biodiversity and the environmental impact and stress the importance of designing a sustainable building. This application appears to have not considered any of the aforementioned. In addition, it will increase pressure on the drainage system and there will be conflict between the industrial and residential area."*
- 4.2 Winterbourne Parish Council  
Objection. *"As with all new builds the Parish Council would encourage developers to consider sustainability, biodiversity and the environmental impact and stress the importance of designing a sustainable building. This application appears to have not considered any of the aforementioned."*
- 4.3 Cllr Julian Selman  
Objection. *"This is greenbelt land and so this development is inappropriate. Although the site has been developed for commercial purposes it is still on greenbelt land and should be regarded as such. On that side of the Bristol Road (outside of the settlement boundary) there is a danger of allowing many "infill" type developments of this type which will cumulatively add up to many houses and further encroachment onto the greenbelt and our countryside. The*

*Government has recently stated that brownfield sites should be prioritised over greenfield sites.*

*"A short distance beyond the site is farmland, including Perrinpit Farm to the northwest, which is also greenbelt land and will be largely covered with solar panels in the near future. So adding more development sets a dangerous precedent for the future of the rest of the land and the whole rural character of the area would be changed forever.*

*"No ecology report is submitted and it will be important to do one as there are many species recorded on site and in the surrounding area (see Bristol Regional Environmental Records Centre ([brerc.org.uk](http://brerc.org.uk)) including red-listed birds, hedgehogs and bats. A Biodiversity Net Gain is essential and would be very difficult to achieve here when the whole site will be covered in housing and initially the soil taken out and replaced with hardcore. The carbon emissions of the development will be very high because of this and the need to demolish existing buildings.*

*"There is also the question of sustainable drainage and the pressures on The River Frome, as the river is subject to multiple sewage overflows which add a considerable amount of pollution to the water and habitats along the riverbank.*

*"Energy provision for the houses should be from renewable sources and not fossil fuels.*

*"The access road to the north of the site is also a PROW (a rough track) and should be protected as such and not turned into a roadway.*

*"Finally, what is proposed does not address the housing crisis which is one of "affordability" rather than availability - these are all expensive houses and out of reach for those who wish to buy their first homes and for those on lower incomes."*

4.4 Ecology Officer

No objection, conditions recommended.

4.5 Tree Team

No objection.

*"There is very little vegetation on the existing site which will not require protection or the submission of a Tree Report. The submitted landscape proposal is an improvement to the site and the management plan is acceptable. There are no objections to this proposal."*

4.6 Landscape Officer

No objection, conditions recommended.

4.7 Lead Local Flood Authority

No objection, conditions recommended.

4.8 Housing Enabling

Not viable for affordable housing - Informative recommended.

4.9 Archaeology Officer

No objection.

4.10 Environmental Protection

No objection subject to condition.

4.11 Sustainable Transport

No objection, conditions recommended.

**Other Representations**

- 4.12 Three letters have been received from neighbouring residents, two of which stating no objection and one raising an objection. The comments have been summarised below:

*Supporting*

- Would improve the current aesthetics; and
- Permission has already been given for development next door.

*Objecting*

- Inappropriate development as Green Belt land;
- Danger of allowing too many 'infill' development which would result in encroachment to the Green Belt and countryside;
- Brownfield sites should be prioritised;
- Perrinpit Farm to the northwest, also within the Green Belt, will largely be covered in solar panels, so adding to the amount of development within the area sets a dangerous precedent;
- No ecology report and net gain hard to achieve;
- High carbon emissions as existing development would be demolished;
- Added sewage and drainage pressures;
- Energy provision for new dwellings should be sustainable;
- Access road to the north (PROW) should be protected; and
- The dwellings should be affordable.

**5. ANALYSIS OF PROPOSAL**

5.1 Principle of Development

Full planning permission is sought for the demolition of the existing commercial buildings and the erection of 9 no. dwellings (C3) and associated works. The application must be determined in accordance with the relevant policies listed above unless there are material considerations such as those in the NPPF which indicate otherwise.

### ***Principle of Development – Location***

- 5.2 The application site is outside of (but adjacent to) the established settlement boundary. However, recent appeals relating to Land West of Park Farm (Thornbury) and Land South of Badminton Road (Old Sodbury)<sup>1</sup> have determined that the settlement boundaries on which CS5 rely are out of date. Following the issuing of the Thornbury appeal decision, the Council has been able to update its authority monitoring report (AMR) and is able to demonstrate a 5-year housing land supply. The most up-to-date figure as of 15th March 2023 is 5.26 years.<sup>2</sup>
- 5.3 Whilst the Council has a 5-year HLS, the settlement boundaries being out of date means that, in accordance with paragraph 11(d) of the NPPF, the 'tilted balance' is engaged. This is because the policies such as CS5, CS34 and PSP40 are deemed 'out of date' for decision making purposes. This means in practice that permission should be granted unless:

*The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*

*Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

- 5.4 For the purposes of this application, if the site is considered to be in a sustainable location, then it would be in accordance with the provisions of the NPPF and, given it is under 10 units, the requirement for affordable housing does not apply under Policy CS18. The assessment therefore needs to be made on the above basis.
- 5.5 In this specific instance, the site lies close to the main road, Bristol Road, the local surgery is opposite as well as bus stops and a Tesco (fuel station and shop), dentist and schools are within walking distance of the site. Furthermore the settlement boundary is the other side of Bristol Road. This is coherent with the appeal decision for the application at Old Sodbury (P21/3344/F), for which due to the site being within a close location to key facilities, it was regarded as being sustainably located. The same principles therefore apply, and thus no objections are raised to its rural location.

### ***Green Belt***

- 5.6 In the situation described above, the application should only be refused if the policies of the framework (NPPF) that protect assets or areas of particular importance provide clear reasons for refusal. If they don't, then permission should then only be refused if there are any adverse impacts that clearly and demonstrably outweigh the benefits. In this case and in accordance with footnote 7 of the NPPF, land designated as Green Belt is covered by 11 (d)(i) (i.e., it is a 'protected area'). The location of the development therefore needs

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<sup>1</sup> APP/P0119/W/21/3288019 and APP/P0119/W/22/3303905 respectively.

<sup>2</sup> Authority's Monitoring Report, March 2022, page 36.

to be considered primarily in the context of the NPPF policies surrounding Green Belt.

- 5.7 The site is located within the Bristol/Bath Green Belt where the fundamental aim is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence. As per para 134 of the NPPF, the Green Belt serves five purposes:

*a) to check the unrestricted sprawl of large built-up areas;  
b) to prevent neighbouring towns merging into one another;  
c) to assist in safeguarding the countryside from encroachment;  
d) to preserve the setting and special character of historic towns; and  
e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.*

- 5.8 Whilst development in the Green Belt is strictly controlled, the NPPF provides a number of exceptions where new buildings in the Green Belt may not be inappropriate. One such exception under paragraph 149, g) is for the complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt than the existing development.

- 5.9 The application site is covered in a number of structures which scatter through the site, these include a bungalow upon entry, followed by several small units of independent operation. Moving through the site there is a good well sized parking area, before entering the main reclamation yard service area. This space is occupied with a reception building, with several units behind (appearing empty on the site visit), 2 large hangers and several other storage buildings and containers. The site was free from any kind of soft landscaping, besides the established hedgerows around the boundary perimeter. The site therefore comfortably falls under the definition of previously developed land.

- 5.10 With regards to the assessment of openness, appeals have clarified that both the spatial and visual aspects must be assessed. Looking at the spatial perspective, the application site forms previously development land, sits between areas of existing development on all sides, and is well connected to Frampton Cotterell. There would be no extension of built form, or indeed any additional sprawl or encroachment into the countryside/ Green Belt, or any other developed land.

- 5.11 Concerning the visual aspect, on approach along Bristol Road, coming from the north, you are first greeted by 1.5/ 2 storey developments. These have ample set-backs with a degree of landscaping to the frontage. Upon arrival to the entrance to the site, the main view is of hard standing, a bungalow and the industrial (single storey) building beyond – of which obscure any views to the open countryside beyond. A substantial hedgerow and tree line then follow to the west. Beyond this, there are further houses of varying size and scale. It is however noted that the land immediately west of the application site has planning in principle (PIP) consent (ref. P22/04212/PIP) for the erection of up to 9 dwellings.

- 5.12 The site as existing comprises a range of buildings with different sizes and scales, with large areas available for open and unrestricted storage. When reviewing the site as a whole, the development appears sprawled with no green infrastructure except for the site boundaries.
- 5.13 The proposed site layout would retain the exiting bungalow (no.119) and the existing access road to the rear yard, in addition to the hedgerow fronting the site. A central access road would be created, which would be tree lined and include new native planting. The proposed new dwellings would be of an executive type design, forming large (4/5 bed) 2 storey units, with pitched roofs, front gables and garages. Whilst the built mass of the proposed development would be greater than the existing, the increased visual perspective would be limited given the parameters of the site. It's imperative to make the relative visual assessment from ground level, and not from above observations. In this case, the proposed new access down the centre of the site would provide a greater sight of the development, however this would only be from a passing glimpse and would not be out of character when taking into consideration the surrounding built environment. When taking into account the improved areas of soft landscaping (for which none currently exists), the neighbouring land uses, the scale of development and visibility points from outside the site area, the proposed development would not result in visual harm to the openness of the Green Belt, nor would there be an encroachment upon it. The proposal is therefore acceptable in locational terms

***Principle of Development – Loss of B2/B8 Use***

- 5.14 The application site is in use as B2/B8, as part of a reclamation yard, in addition to other smaller businesses operating on site. Whilst policy CS13 seeks to safeguard economic development sites, the policy only protects those sites within the defined settlement boundaries of the urban areas and villages defined on the proposals map. As the site is located outside of any settlement boundary (although now out of date as discussed below), there is no policy consideration for the retention on this site. The second principle of development relates to the sites location within the countryside Green Belt.

**Design, Appearance and Landscaping**

- 5.15 The general layout follows the previous application, with properties facing towards the central street. There are a good number of street trees proposed and the arrangement of landscape features, including hedges, would provide a positive street scene.
- 5.16 The dwellings proposed would be a maximum of two storeys in height, which reflects other residential properties nearby. The dwellings would comprise a of 2 main house types that would reflect some of the features of local distinctiveness across South Gloucestershire. This includes feature gables as well as the use of natural stone, brick and red and grey double roman roof tiles. The use of these materials are considered acceptable and would help to assimilate the development into the surrounding context. Notwithstanding the submitted information, it is necessary and reasonable that conditions are imposed in relation to the submission and approval of sample panels for all external facing materials to ensure a high quality finish is achieved. Samples of the block paving would also be useful to compare. Paving slabs for paths and

patios are less significant but all these materials need to be complimentary and hold together as a collection, as such samples should also be provided for these items.

- 5.17 Overall the revised scheme would comprise a high standard of design which would reflect and respect the character, local distinctiveness and amenity of the site and its context. As such the proposal would be in accordance with Policies CS1 and PSP1. This is subject to a recommended approved plans condition as well as material conditions discussed above. Permitted development rights should also be withheld to ensure that high-quality design is safeguarded.
- 5.18 The proposed landscaping would comprise new boundary planting (hedge with trees) around the NE, NW and SW perimeter of the site, together with an avenue of new trees along the central access road which would be underplanted. Proposed tree and hedge species, stock sizes and planting densities are all acceptable and would contribute to a verdant and pleasant setting. Subject to the compliance of the maintenance schedule, the specification of tree-pit details and a drainage scheme to accommodate new tree planting locations, no objections are raised.

#### Amenity

- 5.19 The nearest dwellings to the application site are located to the northwest and south west boundaries. Starting with the dwellings to the northwest, these form relatively new build properties in a gated development known as Sunbeam Paddock. As a result of the orientation of the closest properties in Sunbeam Paddock, with the same 'side on' orientation of plots 8 and 9, in addition to the afforded separation distance (~14m), the retention of the access road, and boundary treatment, there would not be any unreasonable harm to the neighbours living conditions. Whilst it's noted that plot 9 has a first floor side window facing towards the neighbouring dwellings, it serves a bathroom and can be conditioned to be fully obscure glazed thus ensuring existing levels of privacy are retained. The rear balcony to plot 9 was also proposed, however this has now been removed due to concerns of overlooking.
- 5.20 Concerning the residential property to the southwest, this faces towards the highway and would be ~17m from the closest neighbouring rear elevation of plot 2. As the neighbouring property would be side-on to the proposal, with no windows to its flanks, the existing levels of privacy would be protected. Notwithstanding the aforementioned, the balcony to plot 2 has been removed due to concerns of possible overlooking. With the boundaries retained and the ample separation distances, the amenity of the neighbours would be protected.
- 5.21 Turning to the amenity impact regarding the existing bungalow at no.199 – it is acknowledged that this is under the existing ownership of the applicant. Nonetheless, the future living conditions of the property must still be taken into consideration. The back-to-back separation distance in this instance would be ~23m, for which complies with the requirements of the Amenity TAN. With the balcony removed, the level of amenity for no.199 would be secured.

- 5.22 Other than these properties, the nearest properties are located to the south of Bristol Road. Whilst there would be a change to the site, given the separation distance from dwellings in these locations and those properties proposed through this application, there would not be any unreasonable impacts to existing amenity levels.
- 5.23 It is noted that due to the scale of construction consultation and the potential for increased noise, traffic, and disturbance through the construction period, it is recommended that a Construction Environmental Management Plan condition is imposed in event of approval, to reduce the construction impacts of the development on occupiers to an acceptable level.

#### Future Occupants

- 5.24 The layout and positioning of the proposed dwellings are such that future occupiers will have an acceptable level of residential amenity in terms of privacy and natural light. In terms of private amenity space, through the course of the application balconies have been introduced for the apartments proposed on site to ensure future occupants have sufficient private amenity space. Garden sizes are considered to comply with policy PSP43. Subject to the removal of permitted development rights to ensure residential amenity is protected, no objections are raised.

#### Ecology and Trees

- 5.25 The NPPF sets out that if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or compensated for then permission should be refused. Further, that permission should be refused for the loss or deterioration of irreplaceable habitats unless the need for, and the benefits clearly outweigh the loss. This is also reflected in Policy PSP19. Policy CS9 sets out that new development will be expected to conserve and enhance the natural environment, avoiding or minimising impacts on biodiversity or geodiversity.
- 5.26 An Ecological Appraisal (Quantock, July 2020) and Ecological Mitigation and Enhancement Plan (Quantock, January 2023) has been submitted. The site was originally surveyed in 2020 by Quantock Ecology, with two updated walkover surveys carried out in 2022. Although it is not known when in 2022 the updated walkover surveys were carried out, no notable changes to the site were recorded.
- 5.27 The surveys confirmed that the proposed development would not result in any harm to protected species. Due to the existing development nature of the site when compared to the proposal, the BNG assessment has identified an increase in 316.87% habitat units and 65.99% in hedgerow units (now increased slightly due to additional planting). Subject to compliance with the submitted ecological mitigation and enhancement measures, in addition to the detailed location and specification of external lighting, no objections are raised.
- 5.28 Concerning trees, there is very little vegetation on the existing site which will not require protection or the submission of a Tree Report. The submitted landscape proposal is an improvement to the site and the management plan is acceptable.

#### Environmental Protection

- 5.29 Policy CS9 sets out that the re-use of contaminated land should be promoted subject to appropriate mitigation. Policy PSP21 also states that proposals for development on land, which may be affected by contamination, will be acceptable where adequate remedial measures are taken, to ensure that the site is suitable for the proposed use and will remain so.
- 5.30 The majority of the site has previously been used for commercial purposes. Records show that previous land uses include a reclamation yard; vehicle repair garage; and car wash. There is therefore a potential for contamination which could give rise to unacceptable risks to the proposed development.
- 5.31 A Desk Study and Ground Investigation report was submitted and reviewed in support of a previous application on this site (P22/00161/F (ref P0637/CS-J-1363, dated 6.5.22, by T&P Regeneration Ltd)). The desk study identifies the risk to end users from near surface contamination caused by historical and current site uses including a vehicle repair workshop. The site investigation included eighteen window sample borehole providing good coverage of the external areas of the site. Chemical testing of near surface soils from 14 samples of near surface soils was undertaken, including asbestos testing.
- 5.32 The report states that no investigation was undertaken within the structures onsite. Further consideration and risk assessment is required particularly in respect of the vehicle repair workshop. No walkover information specific to this source was presented, nor intrusive investigation/chemical testing targeting any pollutant linkage undertaken.
- 5.33 The conceptual site model should be revised to provide information specific to the vehicle workshop, and appropriate further investigation carried out in accordance with the risks identified. Therefore, the inclusion of a contaminated land condition with any permission granted still stands.
- 5.34 With regards to the noise from the neighbouring uses, during the officer site visit the buildings to the northwest of the site were seen to be in use for the storage of vehicles, with no signs of any mechanical activity being undertaken. Whilst it's appreciated this only represents a snap-shot in time, there was no evidence to suggest that significant noise would occur in the future which would be harmful to residential amenity. As it stands, no evidence has also been provided concerning noise related issues for the neighbouring developments.

#### Flooding and Drainage

- 5.35 The site is located in Flood Zone 1 where there is the lowest probability of flooding. The NPPF advises that when determining any planning applications, Local Planning Authorities should ensure that flood risk is not increased elsewhere. Careful consideration has therefore, been given to the drainage strategy proposed.

#### Drainage Strategy

- 5.36 The Lead Local Flood Authority entered into discussions with the applicant, technical details were subsequently amended, and a revised drainage strategy submitted. The proposed scheme would utilise the existing outfall point that

currently serves the front section of the site and that a headwall can be formed if required. Ordinary Watercourse Consent will be sought. The existing pipework leading to the proposed site outfall position will be decommissioned. Subject to the conditioning of SUD details, a ditch survey, and pumping station details, no objections are raised.

#### Affordable Housing, Mix and Density

- 5.37 With regards to the provision of affordable housing on the site, the proposed development falls below the minimum criteria (10 units and 0.5ha). Nonetheless, an informative can be attached so that if the site/ number of dwellings is increased, then an affordable housing contribution would be sought.
- 5.38 The proposed mix comprises 4no. four-bedroom (plots 2, 4, 6 and 9) and 5no. five-bedroom (plots 1, 3, 5, and 8), detached dwellings. Attached single garages serve plots 1-6 and 9, with detached single garage for plots 7 and 8. Whilst the proposed mix is limited and fails to incorporate smaller and potentially more affordable types of dwellings, it is not unreasonable to assume that the proposed development could free-up smaller houses in the local area for those looking to upsize.
- 5.39 Upon reviewing the density, the development would amount to 17 dwellings per hectare. This is towards the lower-end of the scale and is suiting for its edge-of-village location.

#### Transport

- 3.40 The proposed development would utilise a central access road, which provides suitable access to the highway with clear visibility splays in either direction. Off-street parking would be provided for each dwelling, in addition to visitor parking in accordance with the minimum residential parking standards. The rear gardens would provide sufficient space for cycle storage, subject to a condition to ensure that they are safe, secure and covered structures, no objections are raised. Subject to an approval, details relating to waste and recycling stores should also be conditioned so to ensure a tidy appearance in the street scene.
- 5.41 With the LLFA now in approval that sufficient drainage can be achieved, subject to details of construction details for the highway components and a site specific construction management plan, no objections are raised.

#### Planning Balance

- 5.42 Section 38 (6) of the 2004 Act requires applications to be determined in accordance with the development plan unless material considerations indicate otherwise.
- 5.43 The NPPF is an important material consideration. An objective of the NPPF is to significantly boost the supply of homes and it carries a presumption in favour of sustainable development. The NPPF sets out in para. 11 the situations where the balance is tilted in favour of approving development.

*“d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”*

- 5.44 The Council are able demonstrate a 5 Year Housing Land Supply of 5.26 years, albeit due to the recent appeal outcomes (as discussed in the beginning of the report) the associated settlement boundaries have been found to be out of date. Therefore the tilted balance is engaged in favour of the application unless in approving the application would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole.
- 5.45 In concluding the assessment as discussed above, the proposed development would provide 9 new market dwellings. With reference to the Park Farm appeal, the inspector awarded significant weight to housing delivery in the overall balance. This was because the Inspector considered that the Council's 5-year land supply was marginal, and the proposal provided an opportunity to increase the surplus and strengthen the position in the context of the Government's objective to significantly boost the supply of housing (NPPF para.60) and that an identified 5-years' worth of housing is only a minimum state (NPPF para.74). Officers can see no reason as to why this significant allocated weight should not be applied in regards to this proposal.
- 5.46 The development would re-use an existing brownfield site which benefits from sustainable access to the local amenities in Frampton Cotterell. The NPPF is clear under paragraph 120 that substantial weight should be given to using brownfield sites within settlements for homes. Whilst the settlement boundaries are out of date, when assessed both visually from the ground and spatially, the site reads as part of the wider settlement and is within a sustainable location. Again, substantial weight can be afforded to this element.
- 5.47 With regards to the Green Belt designation, the proposed development would comply with the provisions provided under paragraph 149 of the NPPF. The proposal would redevelop a brownfield site and would not have a greater impact on the openness of the Green Belt, both visually and spatially. Sufficient levels of design, ecological enhancements, transport measures and drainage would be provided, all of which attract a neutral weight as these are the standard requirements in any event.
- 5.48 When considered together, these benefits are considered to hold significant weight in favour of the proposal. No adverse impacts of approving the development have been found which would significantly and demonstrably outweigh the benefits of the proposal.

Consideration of likely impact on Equalities

- 5.49 The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society; it sets out the different ways in which it is unlawful to treat someone. As a result of this Act the public sector equality duty came into force. Among other things those subject to the equality duty must have due regard to: eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity and foster good relations between people who share a protected characteristic and those who do not. This planning application it is considered to have a neutral impact on equality.

**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 It is recommended that planning permission is GRANTED

**CONDITIONS**

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

Reason

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

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

Drawings

Received by the Council on 3rd July 2023:

Soft Landscape Proposals 1434-04C

Proposed Site Plan - 3188 301 e

Proposed Site Plan Drainage/ Materials - 3188 306f

Received by the council on 20th June 2023:

Site Location Plan - 3188 307b

Received by the council on 15th June 2023:

Plots 2 and 9 Plans and Elevations - 3188 310

Plots 4 and 6 Plans and Elevations - 3188 303a

Received by the council on 11th January 2023:

Plots 1, 3 and 5 Proposed Plans and Elevations - 3188 302  
Plots 7 and 8 Garage Plans and Elevations - 3188 305

Received by the council on 30th June 2023:  
Plots 7 and 8 Proposed Plans and Elevations - 3188 304a

Documents  
Received by the council on 22nd June 2023:  
Private Drainage Manual.

Received by the council on 11th January 2023:  
Landscape Management and Maintenance Plan

Reason  
To define the terms and extent of the permission.

3. Prior to the commencement of development above the damp proof membrane level, details by way of onsite samples of the proposed roofing materials, external facing brick and stonework (1x1m sample) and ground paving shall approved by the Local Planning Authority. Development shall be carried out in strict accordance with the approved details.

Reason  
To prevent remedial action and to ensure a satisfactory standard of external appearance and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy PSP1 of the South Gloucestershire Policies, Sites and Places Plan (Adopted) November 2017; The National Design Guide and the provisions of the National Planning Policy Framework.

4. The development shall proceed in strict accordance with the mitigation and enhancement measures provided in the Biodiversity Net Gain Calculation (Quantock Ecology, April 2023), Ecological Appraisal (July 2020) and the Ecological Mitigation and Enhancement Plan, including all details set out in Appendix 1 (Quantock, January 2023).

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

5. Prior to first occupation, the location and specification of all proposed external lighting is to be submitted to the Local Planning Authority for review. 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 approved details. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason

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

6. Prior to the commencement of development hereby approved, notwithstanding the submitted details, the following shall be submitted to the council for approval:
  1. Plans specifying all proposed boundary and hard landscape surface treatments, all finished ground levels and the presence of any retaining structures;
  2. Detailed drainage scheme designed to accommodate new tree planting locations;
  3. Details of tree pit details to demonstrate appropriate volumes of soil to allow for successful tree establishment.

There shall be no excavation or raising or lowering of levels within the prescribed root protection area of retained trees unless agreed in writing by the Local Planning Authority.

Any new trees or shrubs which die, are removed, or become severely damaged or diseased, shall be replaced with a like-for-like species and size, unless further specific permission has been given by the Local Planning Authority.

The proposed development must proceed in accordance with the approved details, with all planting taking place prior to first occupation or within the first planting season (whichever is first).

Reason

To prevent remedial action and to ensure a high quality of landscaping, to comply with policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) 2013, policies PSP1, PSP2, PSP3 and PSP19 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) 2017, and the provisions of the NPPF.

7. No development shall commence until surface water drainage details including SUDS (Sustainable Drainage Systems), for flood prevention; pollution control and environmental protection have been submitted and approved by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

A clearly labelled drainage layout plan showing:

- o the pipe networks and any attenuation features and/or flow control devices;

- o exceedance / overland flood flow routes if flooding occurs and the likely depths of any flooding; and
- o manhole and pipe node numbers (including cover and invert levels) referred to within the drainage calculations.

Updated drainage calculations to show there is no flooding on site in 1 in 30 year storm events; and no flooding of buildings or off site in 1 in 100 year plus a 45% allowance for climate change storm event. Ideally the MDx model will be submitted for review or a full summary of results provided, including: Network Details, Design Criteria, Pipe and Manhole Schedule, Outfall Details, Simulation Criteria, Online and Offline Controls, Storage Structures and Simulation Results for 1 in 1, 1 in 30 and 1 in 100 +45%CC;

Where attenuation forms part of the Surface Water Network, calculations showing the volume of attenuation provided, demonstrating how the system operates during a 1 in 100 year +45%CC storm event.

#### Reason

To prevent remedial action and to ensure sufficient means of drainage are achieved in compliance with policy PSP20 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted November 2017) and the provisions of the NPPF.

8. Prior to the commencement of development, a ditch condition survey from point of connection to point of confluence with the mapped watercourse will need to be undertaken and submitted to the LPA for review. This will need to provide detail of any mitigation requirements to ensure a clear flow of water to the mapped watercourse. Development shall be carried out in accordance with the approved details.

#### Reason

To prevent remedial action and to ensure sufficient means of drainage are achieved in compliance with policy PSP20 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted November 2017) and the provisions of the NPPF.

9. Prior to the commencement of development, the following details relating to the Surface Water Pumping Station must be submitted in writing to the LPA for review:
  - a) pump specification;
  - b) details of who will own, and be responsible for maintaining the pump, setting out who (Contact name, address and telephone number of the proposed management company) will receive notifications and respond when pump failures occur;
  - c) any incorporated notification alarm systems, backup methodologies for exceedance and/or extended failure periods; and
  - d) confirmation that the maintenance and ownership document is given to all owners upon purchase of their property making them aware of their responsibilities for the structures.

Development shall be carried out in accordance with the approved details.

Reason

To prevent remedial action and to ensure sufficient means of drainage are achieved in compliance with policy PSP20 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted November 2017) and the provisions of the NPPF.

10. Notwithstanding the provisions of Schedule 2 of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no development as specified in Part 1 (Classes A, B, D, E, F) and no development as specified in Part 2 (Classes A and B) 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

To ensure a satisfactory standard of external appearance and private amenity space, to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policies PSP1, PSP2 and PSP38 and PSP43 of the Policies, Sites and Places Plan (Adopted) 2017; and the National Planning Policy Framework.

11. A) Desk Study - Previous historic uses(s) of the site may have given rise to contamination.

No development shall commence until an assessment of the risks posed by any contamination has been carried out and submitted to and approved by the local planning authority. This assessment must be undertaken by a suitably qualified contaminated land practitioner, in accordance with British Standard BS 10175 Investigation of potentially contaminated sites and the Environment Agency's guidance - Land Contamination Risk Management (LCRM)\*, and shall assess any contamination on the site, whether or not it originates on the site.

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

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

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

c) Verification Report - Prior to first occupation, where works have been required to mitigate contaminants (under condition B) a report providing details of the verification

undertaken, demonstrating that all necessary remediation works have been completed satisfactorily shall be submitted to and agreed in writing by the Local Planning Authority.

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

\*Note: Replacement of CLR11 with LCRM (Land contamination Risk Management) Guidance document CLR11 was replaced by LCRM (Land contamination Risk Management) in October 2020. LCRM can be found at <https://www.gov.uk/government/publications/land-contamination-risk-management-lcrm> For Planning purposes a competent person is expected to follow this guidance when managing risks from land contamination. A competent person must meet the definition given in the National Planning Policy Framework at Annex 2 - <https://www.gov.uk/guidance/national-planning-policy-framework/annex-2-glossary> The relevant British Standards expected to be referenced are given in the LCRM document.

#### Reason

To prevent remedial action 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, Policy PSP21 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017, and the National Planning Policy Framework.

12. Prior to the first occupation of the plot 9 hereby permitted, and at all times thereafter, the proposed first floor window on the northeast elevation shall be fitted with obscure glass to Pilkington level 3 standard or above, with any opening part of the window being a minimum of 1.7m above the finished floor level of the room in which it is installed.

#### Reason

To protect the privacy and amenity of neighbouring occupiers, and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013, Policy PSP8 of the South Gloucestershire Local Plan Policies, Sites and Places Plan (Adopted) November 2017, and the provisions of the National Planning Policy Framework.

13. The rear flat roof areas of plots 9 and 2 hereby permitted shall not be used as a balcony, roof garden or any other amenity area.

#### Reason

To protect the privacy and amenity of neighbouring occupiers, and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013, and Policy PSP8 of the South Gloucestershire Local Plan Policies,

Sites and Places Plan (Adopted) November 2017, and the provision of the National Planning Policy Framework.

14. The development shall not commence until construction details of the highway including, drainage, lighting and road markings have been submitted to and approved by the Local Planning Authority. The approved details shall be completed before occupation of any dwelling.

Reason

In the interest of highway safety and to accord with Policy PSP11 of the South Gloucestershire Local Plan Policies, Sites and Places Plan (Adopted) November 2017, and the provision of the National Planning Policy Framework.

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

The CEMP shall include but not necessarily be limited to:

- (i) Measures to control the tracking of mud off-site from vehicles.
- (ii) Measures to control dust from the demolition and construction works approved.
- (iii) Adequate provision for the delivery and storage of materials.
- (iv) Adequate provision for contractor parking.
- (v) A lorry routing schedule, to include access from the Bristol Road and Church Road only.
- (vi) Temporary access arrangements for construction traffic.
- (vii) Details of Main Contractor including membership of Considerate Constructors scheme or similar.
- (viii) Site Manager contact details.
- (ix) Processes for keeping local residents and businesses informed of works being carried out and dealing with complaints.

Reason

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

16. The dwellings shall not be occupied until a 2m wide footway has been provided across the site frontage in accordance with the submitted drawings,

Reason

In the interest of highway safety and to accord with Policy PSP11 of the South Gloucestershire Local Plan Policies, Sites and Places Plan (Adopted) November 2017.

17. Prior to first occupation, details (including plans, elevations and location) for the waste and recycling stores must be submitted to the council for approval. The stores must then be fully installed and be made available prior to first occupation of that unit.

**Reason**

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

18. Prior to first occupation, details (including plans, elevations and location) for cycle storage must be submitted to the council for approval. The stores must then be fully installed and be made available prior to first occupation of that unit.

**Reason**

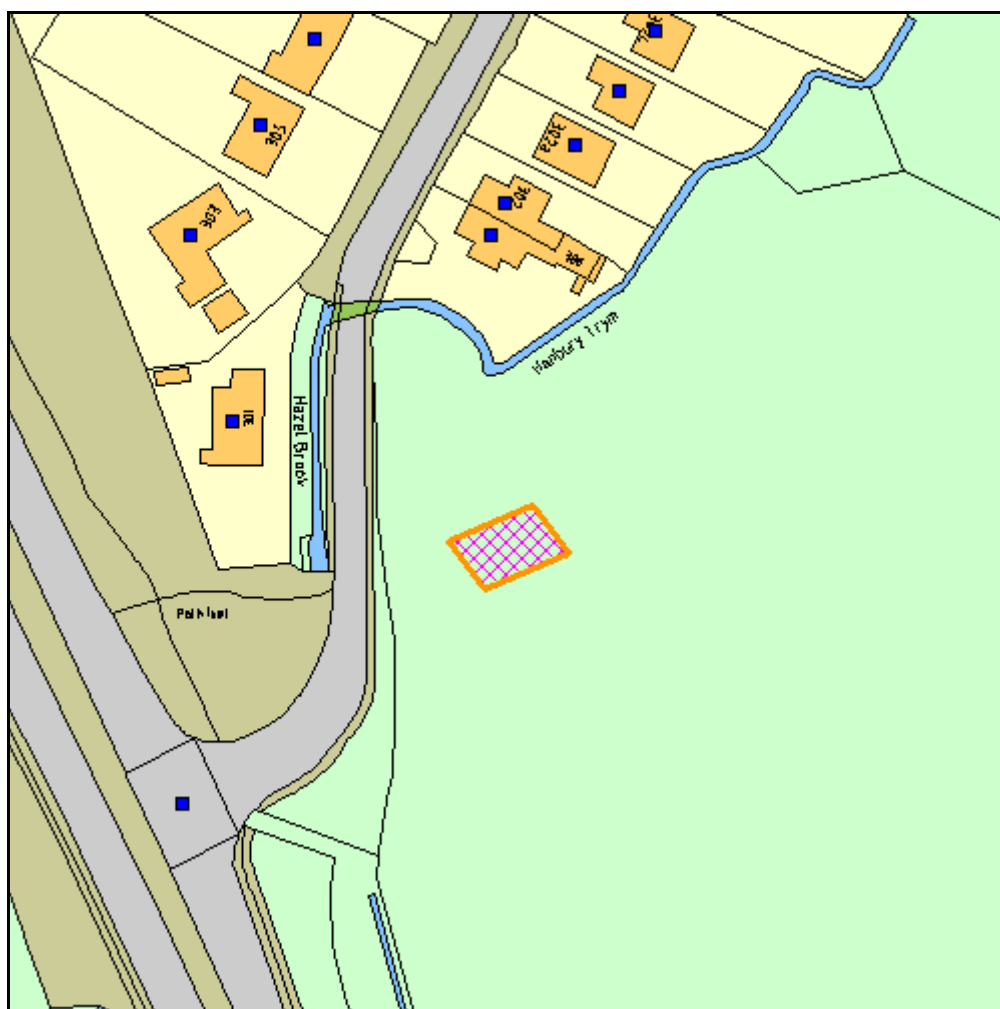
To ensure sufficient levels of cycle parking is provided and to comply with policies PSP11 and PSP16 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) 2017, policies CS1 and CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) 2013, and the provisions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

**Case Officer: Thomas Smith**

**Authorising Officer: David Stockdale**

**CIRCULATED SCHEDULE NO. 27/23 - 7th July 2023**

<b>App No.:</b>	P23/00503/F	<b>Applicant:</b>	Persimmon Homes Severn Valley
<b>Site:</b>	Land At Wyck Beck Road And Fishpool Hill Brentry South Gloucestershire BS10 6SW	<b>Date Reg:</b>	10th February 2023
<b>Proposal:</b>	Erection of sales cabin for the temporary period of 2 years (Retrospective).	<b>Parish:</b>	Almondsbury Parish Council
<b>Map Ref:</b>	357714 179633	<b>Ward:</b>	Charlton And Cribbs
<b>Application Category:</b>	Minor	<b>Target Date:</b>	14th July 2023



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P23/00503/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.

## **INTRODUCTION**

This application appears on the circulated schedule because objections have been received from Local Residents and concerns raised by Almondsbury Parish Council contrary to the officer recommendation. A total of 14 local residents made objections during the initial phase of consultation but no further representations were received following reconsultation in respect of scheme revisions.

## **1. THE PROPOSAL**

- 1.1 The application is for full planning permission the erection of a temporary sales cabin and related parking to serve the Fishpool development which forms a part of the wider Cribbs Patchway New Neighbourhood (CPNN). The application seeks consent for a period of 2 years after which the facility will be removed. The application is retrospective with the works already having taken place and been completed as of 03/01/2023. The wider development was approved under the Outline consent PT12/1930/O.
- 1.2 The application proposals have been subject of additional information submissions and subsequently further work has been undertaken to remove a temporary shipping container which was located adjacent the sales cabin and which contained a generator. For clarity this container does not form a part of the proposals.

## **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework 2, 7, 8, 10, 11, 38, 47, 92, 111, 112 (c), 119, 126, 130, 168, 174, 180, 183 & 185. (NPPF July 2021)
- 2.2 Development Plans  
  
South Gloucestershire Local Plan Core Strategy Adopted December 2013  
CS1 High Quality Design  
CS2 Green Infrastructure  
CS26 Cribbs / Patchway New Neighbourhood  
  
South Gloucestershire Local Plan: Policies, Sites and Places Plan Adopted November 2017  
PSP1 Local Distinctiveness  
PSP2 Landscape  
PSP8 Residential Amenity  
PSP16 Parking Standards  
PSP20 Flood Risk, Surface Water & Watercourse Management
- 2.3 Supplementary Planning Guidance  
Green Infrastructure SPD  
Design Checklist SPD

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

- 3.1 PT12/1930/O Mixed use development across 53.80 hectares of land comprising up to 1,100 new dwellings (Use Class C3) a local centre (Use Classes A1,A2,A3,A4, A5,B1,D1,D2) a primary school together with supporting infrastructure and facilities including: new vehicular access with Wyck Beck Road, public open space and landscaping. Outline application including access with all other matters reserved.
- 3.2 P21/05421/RM Creation of road infrastructure with appearance and layout to be determined. (Approval of Reserved Matters for Phase 1 to be read in conjunction with outline permission PT12/1930/O).
- 3.3 P23/01092/RM Erection of 135no. dwellings, setting out of public open space including a NEAP, LLAP, allotment, attenuation pond and associated infrastructure with appearance, landscaping, layout, and scale to be determined for parcels H1, H5 and H6 (Approval of Reserved matters to be read in conjunction with Outline permission PT12/1930/O) *Pending determination*.

### **4. CONSULTATION RESPONSES**

- 4.1 Two periods of consultation were undertaken following receipt of the initial submissions. The following is a summary of comments received and identifies the final position of consultees following the two consultations. This is not intended to be a verbatim recitation of all comments made and only references representations received.

4.2 Almondsbury Parish Council

Initial response raised concerns regarding the energy generator within the shipping container in respect of the location and hours of operation.

Following the second phase of consultation after the shipping container with generator had been removed no further submissions were made.

4.3 Other Consultees

Environment Agency – No objection subject to conditions.

LLFA/Drainage Team – No Objection but details required regarding surface water and foul drainage. Informative also recommended.

Sustainable Transport – No objection.

Highways Structures – No objection but require no excavation within 5 metres of existing highways structures without prior consideration of proposed excavation works.

#### **Other Representations**

4.3 Local Residents

4.4 A total of 14 representations were received from members of the public over the two consultation periods. All 14 were received during the first consultation period and no further representations were made during the second. The majority of the representations received were either in objection or raised general queries and concerns. Those submissions can be summarised as follows, this is not intended to be a verbatim recitation of representations submitted.

- Permission should have been sought prior to construction, retrospective applications are inappropriate and unreasonable. Unauthorised works and working outside permitted hours causing disturbance already.
- The location close to the site access is unsafe. Once development proceeds traffic movements will increase and the hazard will worsen.
- The location of the structure and parking adjacent existing residential properties and their private amenity spaces results in harm to residential amenity through disturbance, noise and loss of privacy.
- The shipping container with generator results in harm to residential amenities of existing neighbouring properties through noise disturbance and air pollution.
- The parking provision is inadequate and will result in on road parking causing a hazard given location close to main site entrance and Passage Road.
- Site cleansing and maintenance will result in contamination of the nearby stream.
- The design is visually unattractive and out of character with the locality.

Following the second period of consultation no further representations and no further objections were received from members of the public.

## **5. ANALYSIS OF PROPOSAL**

### **5.1 Principle of Development**

5.2 The principle of development has been established through the allocation of the site in the Council's Core Strategy; the approval of the outline planning application, related masterplan, phasing plan, design code and as supported by the site specific Section 106 agreement. The approval of subsequent reserved matters for strategic road infrastructure and phase 1 residential development and discharge of conditions in various respects relating to the site location further establishes the land use and wider development as consented and provided.

5.3 The retrospective proposal for the erection of the sales cabin does not fundamentally alter the development approved such that the established principle of development and consent issued is altered. It is considered necessary and to be expected that a development of the permitted scale and form would require the provision of a sales facility as development proceeds and is a common feature of major large scale residential development sites. The 2 year time period sought for permission is considered to be appropriate

and accords with available information in respect of the developers housing trajectory and the Councils housing Monitoring information.

#### 5.4 Consideration of Visual Impact, Character and Appearance – Design Quality

5.5 The impact of the development is readily assessable as the work has been undertaken. In this context the scale of the unit is limited and whilst clearly a temporary and portable form of structure is in good condition. The structure is functional and not a bespoke development but given the temporary nature and scale of development involved is considered to be proportionate. In this context it is not considered that the proposals are out of character with the locality or harmful such that conflict with policies CS1 & CS2 of the Core Strategy, PSP1 & PSP2 of the Policies Sites and Places Plan, or the Design Checklist & Green Infrastructure SPDs arises.

5.6 Concerns have been raised as to the location as inappropriate. Whilst this is largely in the context of other material considerations which are addressed further below, it is not considered that the location results in significant harm to visual amenity. The locality is one of substantial recent and ongoing major new development. There is a major access route adjacent the site accommodating significant traffic volumes. The application site is prominent and sited at the entrance location to the development it is intended to serve. In these terms it is considered an appropriate location and whilst prominent and not a positive addition in character and visual amenity terms it is not considered to result in significant harm to visual amenity. In this context it is material to note that the permission would be time limited, temporary. It is therefore not considered to be the case that significant harm arises or that there is conflict with development plan policies in relation to character, appearance and visual amenity of the locality such that the development ought to be refused on this basis.

#### 5.7 Consideration of Residential Amenity

5.8 Following the removal of the shipping container with generator it is considered that the residential amenity concerns raised in this respect have been overcome. In any event that facility did not form a part of the application proposals and was not submitted for approval.

5.9 Given the location, orientation, fenestration, form and scale of the sales cabin it is not considered that the structure lends itself to substantive levels of persons utilising and visiting at any one time. Staff numbers are limited and as such the volume of visitors is similarly limited. Additionally, both staff and prospective purchasers will be visiting the development site itself for at least part of the duration of any visit. In this context it is not considered that noise and disturbance at significant levels would arise from operation and use of the facility from prospective purchasers. This is similarly considered to be the case in respect of related parking and vehicle movements.

5.10 The positioning of fenestration in the structure itself does not facilitate significant overlooking and loss of privacy to habitable rooms within neighbouring properties. There is also some degree of screening provided by existing vegetation reducing intervisibility to nearby dwellings. Existing residential

amenity spaces are to a certain degree already subject to some overlooking from neighbouring properties. In addition, the expectation of privacy in garden spaces is less than that of internal habitable rooms of dwellings. It is not considered that the limited overlooking to adjacent Garden spaces from that may arise from visitors to the sales centre would result in significant harm to residential amenity.

- 5.11 On this basis it is not considered that the proposals result in significant harm to residential and that conflict with PSP8 of the Policies Sites and Places Plan, Design Checklist SPD and para 130 of the framework does not therefore arise.

#### 5.12 Other Matters

- 5.13 *Drainage* The location of the proposed development falls within one of the approved flood compensation areas for the site and has involved some groundworks. Limited detail is available in respect of surface water drainage management and controls arising from the works and as such it is considered appropriate to seek further detail for approval. The consultation advice of the Council's Drainage Officers/LLFA indicates there are measures readily available for appropriately controlling surface water drainage. The Environment Agency has not raised any concerns or requirements in this regard other than removal of any supporting base/groundworks for the now removed shipping container. Foul water drainage and potential impacts to surface water and ground conditions alongside scope to connect to mains facilities have been raised as an issue but the applicant has stated that this will be addressed via use of a septic tank/proprietary system. As such it is considered that these matters can safely be controlled via use of condition. This is also considered appropriate as these matters were raised with the applicant at validation and registration stage without complete resolution. Concerns have been raised in respect of site maintenance and contamination to watercourses but this matter is being addressed through consideration of the site wide management and maintenance plan required by the S106 agreement attached to the principal outline permission.
- 5.14 *Parking & Access* The Council's Highways Officers have raised no objections to the scheme proposals on the basis of proposed access or parking arrangements. The location whilst close to the main site entrance is still set within the site away from the main junction itself. The main site access junction is also signal controlled designed to provide for safe highway movement in accord with national standards. Similarly, the parking is set further still into the site beyond the building and accessed off the main site distributor road with good visibility. The road will be will not be in full operational use by traffic for at least a part of the 2 year lifespan of the sales facility and as noted previously is self-limiting in terms of numbers of users/visitors given size. For similar reasons it is not considered that there is significant conflict with the one way movements into Passage Road. The council has no adopted parking standards for this type of development. Given the size of the unit parking provision is considered sufficient and proportionate.
- 5.15 *Consideration of likely impact on Equalities* - The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society; it sets out the different ways in which it is unlawful to treat someone. As a result of this

Act the public sector equality duty came into force. Among other things those subject to the equality duty must have due regard to: eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity and foster good relations between people who share a protected characteristic and those who do not. The general equality duty therefore requires organisations to consider how they could positively contribute to the advancement of equality and good relations. It requires equality considerations to be reflected into the design of policies and the delivery of services. With regards to the above this planning application it is considered to have a neutral impact on equality.

## **6. CONCLUSION**

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

## **7. RECOMMENDATION**

- 7.1 Approval subject to the following conditions

### **CONDITIONS**

1. The development hereby approved shall be removed from the site and the use shall cease 2 calendar years from the date of this permission.

Reason

For the avoidance of doubt and in the interests of proper planning.

2. The development hereby permitted shall be in accordance with the following approved plans and details:

Revised Location Plan 150.A C

Revised Block Plan 150\_B\_B

Revised Elevations 896\_151.2\_B

Revised Floor Plan & Elevations 986\_151.1\_B

All Received 07.06.2023

LANDSCAPE AND ECOLOGICAL MANAGEMENT PLAN V9 April 2022

Received 10.02.2023.

Subject to Condition 4 13078-HYD-XX-XX-TN-FR-0012 REV P02 Hydrock Technical Design Note

Received 07.02.2023

Reason

For the avoidance of doubt and in the interests of proper planning.

3. The development hereby permitted shall be with finished floor levels set no lower than 39m AOD.

Reason

To reduce the risk of flooding to the proposed development and future occupants.

4. Upon removal of the sales cabin and related parking at the end of the 2-year period, the area shall be returned to approved levels of FCA2 as per document Appendix E PT 2 - Flood Compensation Area Information.

Reason

To reduce the risk of flooding elsewhere and to third parties.

5. Within 3 calendar months of the date of this permission full details of surface water and foul drainage facilities for the sales cabin will be submitted for approval by the Local planning Authority. The approved development will be operated and maintenance in accord with details approved thereafter with any required and approved remedial works implemented fully within 1 calendar month of approval.

Reason

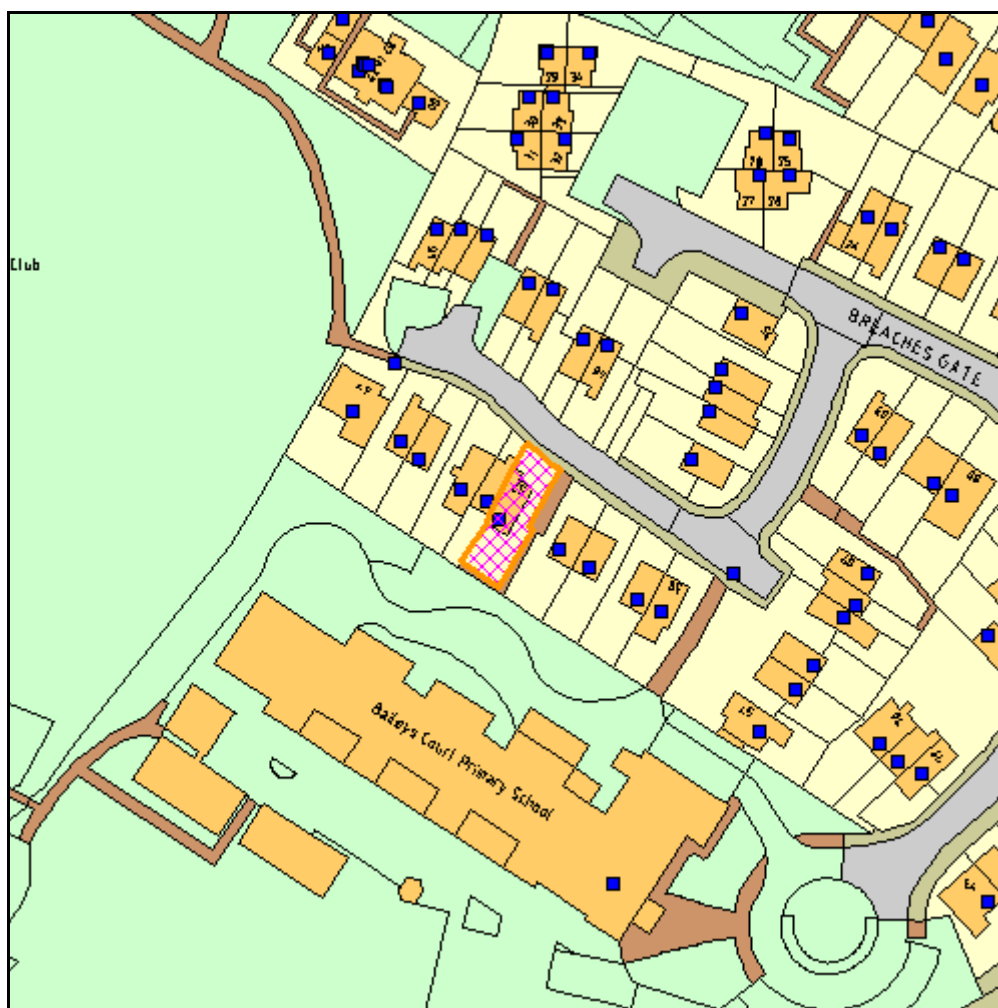
To reduce the risk of flooding elsewhere and to third parties and ensure provision of appropriate and necessary drainage services for the development.

**Case Officer: Lee Burman**

**Authorising Officer: Eileen Paterson**

**CIRCULATED SCHEDULE NO. 27/23 - 7th July 2023**

<b>App No.:</b>	P23/00545/HH	<b>Applicant:</b>	Mr Travis Pope
<b>Site:</b>	52 Breaches Gate Bradley Stoke South Gloucestershire BS32 8AZ	<b>Date Reg:</b>	2nd March 2023
<b>Proposal:</b>	Erection of a two storey side extension to form additional living accommodation.	<b>Parish:</b>	Bradley Stoke Town Council
<b>Map Ref:</b>	362845 180800	<b>Ward:</b>	Bradley Stoke South
<b>Application Category:</b>	Householder	<b>Target Date:</b>	14th July 2023



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P23/00545/HH

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

## **REASON FOR REFERRING TO THE CIRCULATED SCHEDULE**

This application has been referred to the Circulated Schedule following the receipt of a representation from Bradley Stoke Town Council objecting to the proposal, contrary to the officer recommendation.

### **1. THE PROPOSAL**

- 1.1 Full planning permission is sought for the erection of a two storey side extension to form additional living accommodation.
- 1.2 The application site is a 2no. bedroom end of terrace dwelling, located at 52 Breaches Gate, and is set within the area of Bradley Stoke.
- 1.3 Throughout the course of the application process, amendments have been made to the scheme to address concerns raised by the case officer, the transport officer and the town council. These revisions relate specifically to the proposed parking arrangements and a reduction in the size and scale of the extension. This will be expanded upon further within this report and this assessment has therefore been made on the basis of these revised plans.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework  
National Planning Practice Guidance
- 2.2 Development Plans  
South Gloucestershire Local Plan Core Strategy Adopted December 2013

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

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

PSP1	Local Distinctiveness
PSP8	Residential Amenity
PSP16	Parking Standards
PSP38	Development within Existing Residential Curtilages
PSP43	Private Amenity Space Standards
- 2.3 Supplementary Planning Guidance  
Design Checklist SPD (Adopted) August 2007  
Residential Parking Standard SPD (Adopted) December 2013  
Householder Design Guide SPD (Adopted) March 2021

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

- 3.1 No relevant planning history.

### **4. CONSULTATION RESPONSES**

4.1 Bradley Stoke Town Council

Bradley Stoke Town Council objects to this planning application on grounds of overdevelopment of the site and parking concerns.

4.2 Sustainable Transport

The applicant seeks to erect a two storey side extension. The proposals would create an additional bedroom to make 52 Breaches Gate a 3 bed dwelling. SGC minimum parking standards state that a 3 bed dwelling requires 2 off street parking spaces. The submitted plans indicate that 2 spaces would be situated to the front of the house, however there does not appear to be enough room to provide the required length of 5.5m for each space. If the required length cannot be provided, Transportation DC would not support this application as parked vehicles would overhang the highway and cause obstruction.

4.3 Residents

No comments have been received.

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

5.1 Principle of Development

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

- 5.2 The proposal is relatively simple in what it seeks to achieve. The revised plans show that it is proposed to erect a two storey extension to the east facing side elevation. The extension would span 8.5m in depth and would project 2.3m in width. In terms of height, the extension would be finished with a gable end, measuring 5.1m at the height of the eaves and 6.5m at ridge height.

5.3 Design & 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 be informed by, respect, and enhance the character, distinctiveness and amenity of both the site and its context.

5.4 The application property sits within an established residential area of Bradley Stoke and is bounded by Baileys Court Primary School to the south and other residential curtilages to the north, east and west. Breaches Gate is primarily formed of semi-detached and terraced properties, presenting a relatively uniform architectural style and finished with similar materials to that of the application site.

5.5 The proposal would see the addition of a two storey extension to the side of what is the original dwellinghouse. The Householder Design Guide SPD sets out general design principles for side extensions and clarifies that side extensions should:

- *Extend no more than half the width of the principal elevation of the property*
- *Be set back at least 300mm from the building line*
- *Be set down from the ridge and eaves of the existing dwelling*
- *Incorporate existing characteristics and features of the property to aid integration; and*
- *Resist the terracing effect*

5.6 In this instance, the principal elevation of the property has been measured at 4.1m, whilst the revised plans show the extension to be 2.3m in width. Although this width is slightly greater than half the width of the principal elevation, as per the guidance within the SPD, this increase is found to be marginal and would not have a significant or harmful impact to the character and appearance of the dwellinghouse or its immediate context.

5.7 Likewise, the proposal has been set down from the ridgeline of the existing dwelling by approx. 0.3m and has been set back from the principal elevation by approx. 0.3m. The extension would also be finished in materials which match the host property, and its setting, demonstrating appropriate integration between existing and proposed built form. It would therefore be unreasonable to hold an objection on the grounds of proportionality or subservience.

5.8 The revised plans go on to address concerns raised by the case officer and the town council, particularly with regards to design and overdevelopment of the plot. In addressing these concerns, the proposed extension has been reduced in width and runs parallel with the existing building line and curtilage boundary line. The revisions also present a similarly designed scheme to that of some nearby neighbours on Breaches gate, in particular at No. 53 and No. 65. The addition of the two storey extension would therefore not appear out of place, nor would the application property appear disproportionately larger than that of its neighbours.

- 5.9 On that basis, the revisions made to the proposal are found to have addressed concerns initially raised and therefore is found to be in accordance with the relevant design and visual amenity policies set out within the development plan and the accompanying guidance within the Householder Design SPD.
- 5.10 Residential Amenity  
PSP8 permits development where it does not prejudice the residential amenity of both occupiers of the development and of neighbouring dwellings through the creation of unacceptable impacts. Such unacceptable impacts include loss of privacy, overlooking, loss of light, loss of outlook and overbearing/dominant impacts. Similarly, policy PSP43 reinstates the requirement for the provision of sufficient private amenity space standards and that private and communal external amenity space should be; functional, safe, accessible, of sufficient size and should take into account the context of the development and, including the character of the surrounding area.
- 5.11 The property is semi-detached to its neighbour at No. 51 and is within close proximity to its neighbour at No. 53. There is a local school to the rear and no neighbours to the front which would likely be affected as a result of the development. An assessment has therefore been made whilst taking into account the attached neighbour at No. 51, the neighbour at No. 53 and the local school to the rear.
- 5.12 It is reasonable to conclude that there would be no impact to the attached number at No. 51. This view is based on the fact that the extension is proposed to the east facing side of the property, whilst this neighbour is attached to the northwest.
- 5.13 In terms of No. 53, it is noted that permission has been granted for a similarly designed two storey side extension, but that this has not yet been implemented. Whilst this would reduce the separation distance between the two properties, there would still be a gap of 2.8m between the side elevations if both permissions were to be implemented. The extension subject to this proposal therefore would not result in any impact of an overbearing or dominating nature.
- 5.14 Moreover, there are no side elevations to the approved extension at No. 53, thus mitigating any impacts to privacy or overlooking. It is acknowledged that this scheme does present a first floor side elevation window which will serve an en-suite. It is therefore reasonable to conclude that this would be obscurely glazed to the appropriate level, however this is not made clear from the plans. Nevertheless, it is also found to be reasonable to attach an appropriately worded condition to any grant of permission to ensure that this window is obscurely glazed in the interest of residential amenity.
- 5.15 Taking into account the above and subject to the above condition, the proposal is found to satisfy policies PSP8 and PSP43 of the development plan and residential amenity is found to be safeguarded.
- 5.16 Parking Standards  
PSP16 requires developments to provide levels of parking based upon the number of bedrooms at a dwelling. Where an increase is proposed, proposals

should demonstrate that adequate off-street parking can be provided to accommodate increase in demand.

- 5.17 The proposal seeks to alter the number of bedrooms at the property, as well as the existing parking arrangements. It is proposed to increase the number of bedrooms at the property, from 2no. bedrooms to 3no. bedrooms and it is also proposed to extend the existing dropped kerb and area of hardstanding to the front of the dwelling to provide 2no. off-street parking spaces. Comments from the transport officer have also been considered within this section of the assessment.
- 5.18 Breaches Gate is an unclassified road under the Council's Road Classification System and therefore permission to extend the dropped kerb is not required to do so under this application. Although recognised that some permitted development rights have been removed in this location, rights remain intact under Part 2, Class B of the General Permitted Development Order 2015. It does, however, remain the responsibility of the applicant to ensure that all works and relevant consents are obtained from the Council's StreetCare team in order to carry out works to the footpath and highway.
- 5.19 A standard condition will also be applied to any grant of permission which specifies that development is to proceed in accordance with the submitted and approved plans. It is also considered reasonable to attach an appropriately worded condition to ensure that the proposed off-street parking facilities are provided prior to the use or occupation of the proposed extension. This ensures adequate levels of parking are delivered, in line with PSP16 and has been confirmed with the agent for the application.
- 5.20 In terms of the garage, it is clear from the submitted plans that the integrated garage is not to be used for parking, given that it is partitioned internally to create an additional utility/storage space. It is the applicant's preference to provide a rolling garage door and, as the proposal is not reliant on an additional garage parking space, the proposed level of driveway parking is satisfactory to accord with PSP16 of the development plan in terms of its dimensions and layout.
- 5.21 In addition, a site visit to the application site and its locality demonstrated that there is sufficient and unrestricted on-street parking available, if required. Breaches Gate is a cul-de-sac with no passing through-traffic, and any passing vehicles which do pass are at a low speed. On-street parking is therefore also considered an available and accessible alternative, in addition to the parking which is proposed.
- 5.22 For these reasons, there are no objections from a parking and transportation perspective. The proposal therefore satisfies PSP16 of the development plan and the accompanying guidance within the Residential Parking Standards SPD.
- 5.23 Consideration of likely impact on Equalities  
The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society; it sets out the different ways in which it is unlawful to treat someone. As a result of this Act the public sector equality duty

came into force. Among other things those subject to the equality duty must have due regard to: eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity and foster good relations between people who share a protected characteristic and those who do not. The general equality duty therefore requires organisations to consider how they could positively contribute to the advancement of equality and good relations. It requires equality considerations to be reflected into the design of policies and the delivery of services. With regards to the above this planning application is considered to have a neutral impact on equality.

## **6. CONCLUSION**

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

## **7. RECOMMENDATION**

- 7.1 It is recommended that permission is **APPROVED**.

## **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 following plans:

Received by the Local Authority on 08 February 2023:

Location Plan

Existing Floor Plans (BG001-23)

Existing Front & Rear Elevations (BG003-23)

Existing Side Elevations (BG004-23)

Proposed Side Elevations (BG006-23)

Received by the Local Authority on 28 June 2023:

Proposed Ground Floor (BG002.2-23)

Proposed First Floor (BG002.3-23)

Proposed Front & Rear Elevations (BG005-23)

Received by the Local Authority on 04 July 2023:

Proposed Block Plan

Reason

To define the terms and extent of the permission.

3. Prior to the use or occupation of the extension hereby permitted, and at all times thereafter, the proposed first floor WC window to the side elevation shall be glazed with obscure glass to level 3 standard or above.

Reason

To protect the privacy and amenity of neighbouring occupiers, and to accord with Policy PSP8 of the South Gloucestershire Local Plan Policies Sites and Places Plan (Adopted) November 2017; and the National Planning Policy Framework.

4. The off-street parking facilities (for all vehicles) shown on the plans hereby approved shall be provided, and thereafter retained for that purpose.

Reason

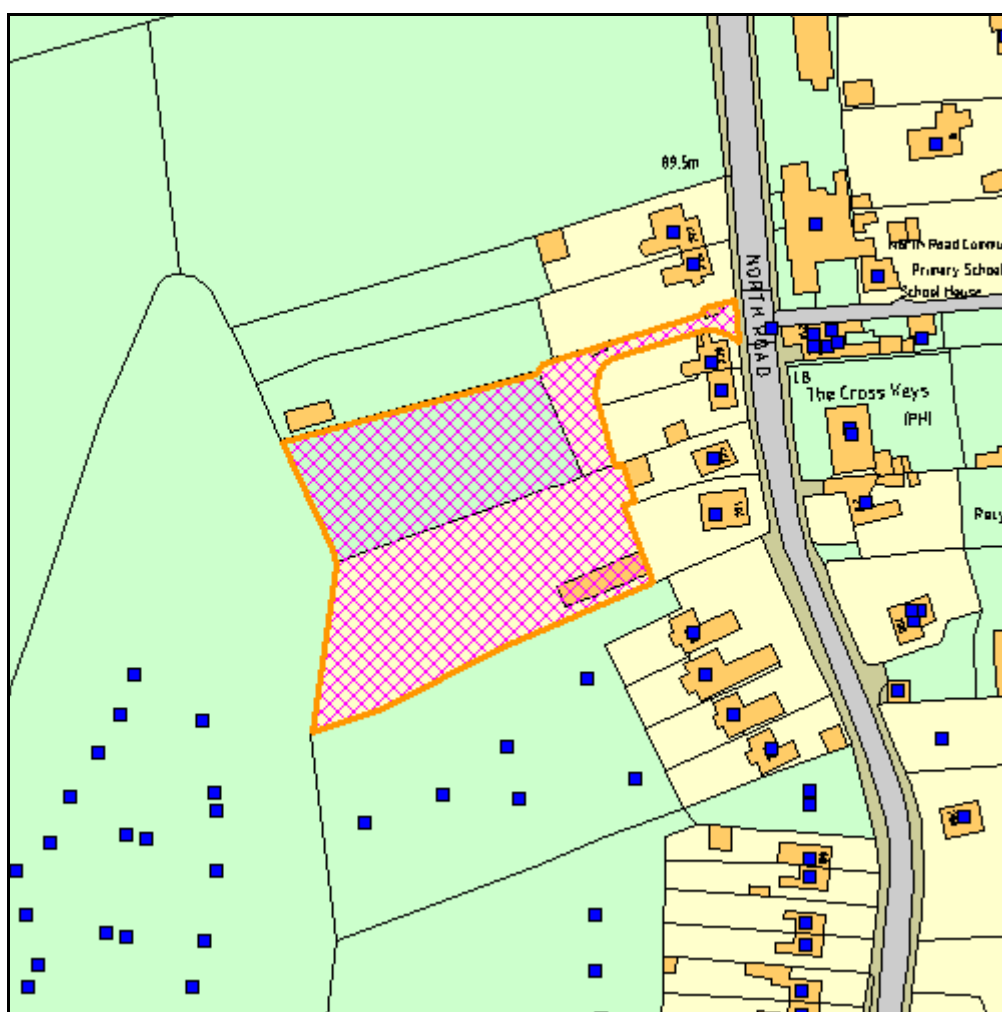
To ensure the satisfactory provision of parking facilities and in the interest of highway safety and the amenity of the area, and to accord with Policy CS8 of the South Gloucestershire Local Plan; Core Strategy (Adopted) December 2013; and the South Gloucestershire Residential Parking Standards SPD (Adopted)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

**Case Officer: Lucie Rozsos**

**Authorising Officer: Marie Bath**

## CIRCULATED SCHEDULE NO. 27/23 - 7th July 2023

<b>App No.:</b>	P23/00742/PIP	<b>Applicant:</b>	Mr And Mrs Scott Kirk
<b>Site:</b>	Land To Rear Of 229-221 North Road Yate South Gloucestershire BS37 7LG	<b>Date Reg:</b>	27th February 2023
<b>Proposal:</b>	Permission in Principle for the erection of 9no. dwellings.	<b>Parish:</b>	Iron Acton Parish Council
<b>Map Ref:</b>	369873 183726	<b>Ward:</b>	Frampton Cotterell
<b>Application Category:</b>	Minor	<b>Target Date:</b>	31st March 2023



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N.T.S.

P23/00742/PIP

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

## **REASON FOR REFERRING TO THE CIRCULATED SCHEDULE**

The application appears on the Circulated Schedule because a response has been received from the Parish Council that is contrary to the findings of this report and officer recommendation.

Further to this, more than 3no. responses have been received from interested parties contrary to the officer recommendation.

### **1. THE PROPOSAL**

- 1.1 This application is for a Permission in Principle application for land to the rear of 229 – 221 North Road, Yate. The site lies outside of any established settlement boundary. The proposal is for the erection of up to 9no. dwellings.
- 1.2 The permission in principle (PIP) consent route is an alternative way of obtaining planning permission for housing-led development which separates the consideration of matters of principle for proposed development from the technical detail of development. Permission in Principle can be pursued either by inclusion on a LPAs Part 2 Brownfield Register or, on application to the LPA. The latter applies in this instance.
- 1.3 The permission in principle consent route has two stages:
  - The first stage (or permission in principle stage) establishes whether a site is suitable in-principle, and
  - The second stage ('technical details consent') is when the detailed development proposals are assessed.
- 1.4 If the grant of permission in principle is acceptable, the site must receive a grant of technical details consent **before** development can proceed. It is the granting of technical details that has the effect of granting planning permission. Other statutory requirements may apply at this stage such as those relating to protected species or listed buildings. An application for technical details must be in accordance with the permission in principle that is specific to the applicant.
- 1.5 In the first instance a decision must be made in accordance with relevant policies in the development plan unless there are material considerations such as those in the NPPF and national guidance which indicate otherwise.
- 1.6 The scope of a Planning in Principle application is limited to:
  - location,
  - land use and
  - amount of development.

Issues relevant to these 'in principle' matters should be considered at the permission in principle stage.

- 1.7 During the course of the application plans demonstrating width of potential access have been received. This has been fully re-consulted.

## **2. POLICY CONTEXT**

### **2.1 National Guidance**

National Planning Policy Framework

National Planning Guidance

Town and Country Planning (Permission in Principle) Order 2017

### **2.2 Development Plans**

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

CS1	High Quality Design
CS2	Green Infrastructure
CS4A	Presumption in Favour of Sustainable Development
CS5	Location of Development
CS8	Improving Accessibility
CS9	Managing the Environment and Heritage
CS15	Distribution of Housing
CS16	Housing Density
CS17	Housing Diversity
CS18	Affordable Housing
CS34	Rural Areas

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

PSP1	Local Distinctiveness
PSP2	Landscape
PSP3	Trees and Woodland
PSP8	Residential Amenity
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP19	Wider Biodiversity
PSP20	Flood Risk, Surface Water, and Watercourse Management
PSP21	Environmental Pollution and Impacts
PSP40	Residential development in the countryside
PSP43	Private Amenity Space Standards

### **2.3 Supplementary Planning Guidance**

Design Checklist SPD (Adopted) August 2007

Residential Parking Standard SPD (Adopted) December 2013

Landscape Character Assessment SPD (Adopted) November 2014

CIL and S106 SPD (Adopted) March 2015

Waste Collection SPD (Adopted) January 2015 (updated March 2017)

Trees and Development Sites SPD (Adopted) April 2021

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

- 3.1 PRE21/0664 Erection of up to 3no new dwellings.  
Advice given 22.09.2021 (prior to the locational policies being considered out of date)

Conclusion:

*It was considered at the time that erection of new dwellings in this location would have been contrary to adopted policy*

P22/05349/HH - Erection of a two storey side/rear and single storey rear extensions to form additional living accommodation. Refused 05.10.2022 (Design grounds).

### 4. **CONSULTATION RESPONSES**

- 4.1 Iron Acton Parish Council:

Means of access onto North Road is not appropriate due to the narrowness of the road. If South Glos Council are minded to grant permission the access should be a continuation to the additional housing developments from Redrow and Cotswold homes. There are no buses that serve the bus stop in North Road as the only bus that currently serves will be discontinued in April.

Re-consultation response:  
As above

#### Transportation DC

The initial submission should demonstrate that a suitable access can be provided for the proposed nine dwellings. A development of this size should be provided with an adoptable standard access. I.e. a 6m wide shared surface road with 0.5m either side of the access to enable the construction of the kerbed road edge and provide sufficient clearance between the existing dwelling and the road.

It needs to be demonstrated with a swept path analysis that the Council's standard 11.3m long 3 axle waste collection vehicle can access and turn within the site to demonstrate sufficiency of the layout. The tracking should also show that the waste vehicle can pass a large car at inter-visible points along the access. A Copenhagen style crossover should be provided at the junction with North Road. To highlight the shared surface nature of the access road around 50% or more of it should be surfaced with block paving. Car and cycle parking will be required in accordance with the Council's Policy standard 2m x 20m visibility splays will be needed for the relocated parking for the existing dwelling. - This information can be provided with any detailed Planning Application.

#### Reconsultation response

Revised plans shows sufficient width to provide an adoptable shared surface road 6m wide. On the basis that the internal road is shown indicatively, the detail will need to be agreed at the detailed stage. Other comments apply.

### Tree Officer

The Tree Officer has no objection in principle but the Applicant should be mindful that there are several protected trees within and/or bordering the site which will require careful consideration when determining the layout, especially the proximity of the dwellings to the trees to prevent future problems resulting in the loss of such trees.

There is also a requirement for protection of the trees during and post construction. An AIA, incorporating a tree constraints plan, tree protection plan and arboricultural method statement, all prepared in accordance with BS 5837: 2012 is required to ensure that sufficient consideration and protection has been provided.

Re-consultation comments  
Comments above still apply

### Drainage

Methods of both foul and surface water drainage would need clarifying

Re-consultation response  
Comments as previous

### Housing Enabling

No objection in principle , however it should be noted that as this site is 0.638 ha, the threshold for a requirement for Affordable Housing under Policy CS18 of the Core Strategy is triggered. 35% of 9 dwellings generate a requirement of 3 Affordable Homes without public subsidy. Further, specific and detailed requirements are available to view.

Re-consultation response  
Comments as above

### Open Space

POS will normally only be required onsite on major developments, priority for on site provision of the different categories will be dependent on the nature of the scheme, proximity of the site to existing provision and local surplus or deficit in provision.

Major development is defined in terms of residential development as erection of 10 or more dwelling and/or site area of over 0.5ha this is set out in the South Gloucestershire Council Community Infrastructure Levy (CIL) & Section 106 Planning Obligation Guide SPD adopted March 2021.

This application is for the erection of 9 dwellings, 9 dwellings is below our threshold of 10 or more dwellings for S106 contributions towards public open space however the application site is more than 0.5ha and is for more than 5 residential units, therefore a PPG17 audit has been carried out to ascertain whether the existing POS can meet the need of the future residents.

Delivery of sustainable communities requires provision of a full range of open spaces which support residents' health and social well-being. Such facilities are important for the successful delivery of national and local planning policies as well as many of the objectives of the Sustainable Community Strategy and Council Plan. Requirements for open space are exempt from CIL and are dealt with using S106.

A summary of POS Section 106 requests is provided:

Off-site POS provision/ enhancement contribution - £20,095.07

Off-site POS maintenance contribution - £26,932.54, with further details and calculation available.

#### 4.2 Local Residents

A total of 21 objections from local residents has been received along with one from the local Primary School (North Road Community Primary School), and are summarised as follows:

- Access would be right outside the British and the Primary School, where parent picking up park outside of the houses and the road gets very busy
- proposals will cause more traffic congestion
- proposals will only increase impact upon road safety
- there are already considerable impacts of parent parking along the roadside, making access difficult and dangerous
- a 4 way junction will essentially be created here
- bus services not available
  
- not enough utilities and infrastructure for to cope with more housing
- there is already enough development going up in North Road
  
- increase in air and noise pollution which is already high
- increased air pollution impacts on school with outdoor learning areas opposite
- impacts upon local amenity of nearby residents
- impact upon local green spaces and biodiversity
- density of development is too high
  
- applicants do not own all of the land
- previous application along North Road have not been considered suitable and refused
- the application is unnecessary and just seeks to gain money
- if this application is approved then others seeking to develop their land will come in

Reconsultation comments:

4 further letters from households that had previously objected have been received and the previous concerns remain

## 5. ANALYSIS OF PROPOSAL

### Principle of Development

- 5.1 The application is to consider the location, land use, and amount of development but must be determined in accordance with the relevant policies listed above unless there are material considerations such as those in the NPPF which indicate otherwise. This application is for the erection of a minimum and maximum of 9 dwellings on a site outside any defined settlement boundary, within the Open Countryside.
- 5.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The findings of recent Public Inquiry decisions at Land to the West of Park Farm, Thornbury (ref. PT18/6450/O) and Land South of Badminton Road, Old Sodbury (ref. P21/03344/F) are deemed material considerations of considerable weight.
- 5.3 In considering the appeal decisions, both Inspectors concluded that the Council did not have a 5yr housing land supply (HLS) at the time of each Inquiry. However, following receipt of both decisions the Council's 5 year housing land supply has been reviewed and published in the 2022 Annual Monitoring Report (AMR), which was deferred from December 2022 to take account of these appeal decisions and issued in March 2023.
- 5.4 As confirmed in the 2022 AMR the Council can currently demonstrate a 5-year housing land supply against its local housing need (LHN), and therefore the presumption in favour of sustainable development (Paragraph 11d of the NPPF) does not apply in that respect.
- 5.5 Both Inspectors also concluded that the settlement policies of CS5 (Location of Development) and CS34 (Rural Areas) are out of date. As such, applications for new residential dwellings must be considered under Paragraph 11d of the NPPF.
- 5.6 Paragraph 11 of the NPPF states that decisions should apply a presumption in favour of sustainable development. For decision making this means:
- c) approving development proposals that accord with an up-to-date development plan without delay; or
  - d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
    - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
    - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

- 5.7 As noted above, the Council does not currently have an up-to-date development plan, therefore Paragraph 11c is not applicable where the Development Plan's locational policies are applied.
- 5.8 The application must therefore be considered under Paragraph 11d of the NPPF. The NPPF clarifies that such policies that protect areas or assets of particular importance are limited to: Sites of Specific Scientific Interest; land designated as Green Belt; Local Green Spaces; Areas of Outstanding Natural Beauty; National Parks; designated heritage assets; and areas at risk of flooding or coastal change.
- 5.9 The policies that protect areas or assets of particular importance do not provide any clear reasons for refusing this application. As such, the presumption in favour of sustainable development remains and the tilted balance is applied.

#### Location

- 5.10 As outlined above, the Council's settlement boundaries are out of date and so whilst the development plan is the starting point for any decision making exercise, the fact the policies are out of date mean that they can only be afforded limited weight. To expand, whilst the site is outside the settlement boundary, this would not now mean that it automatically follows that the development is unacceptable in principle.
- 5.11 The site falls just outside the designated settlement boundary, however, case-law also establishes that settlement boundaries are not the only determinative factor as to whether a site can be considered to be in a village. Moreover, the settlement boundaries only carry limited weight as they are determined to be out of date following the appeals noted above.
- 5.12 The site sits adjacent to the existing settlement boundary which follows the gardens of the properties on North Road. New housing development is approved immediately to the south and west. Accordingly, and notwithstanding the fact that locational policies are out of date, whilst the site is just outside current identified boundaries, it cannot be considered to be in a remote or isolated location. Furthermore, and again following recent the Inspector's conclusions in the required growth of housing is and has been dependant on non-allocated land in close proximity to the Council's built up areas, particularly where those developments are closely related to existing/approved development. A further recent appeal decision (Engine Common, Yate P22/01125/PIP), also referred to sustainable location, reflecting upon these other appeal decisions and Local Plan policy status and reinforces the position.
- 5.13 In terms of location, the site would be within walking distance of the main road to Yate which is served by public transport and benefits from footpaths and street lighting and the services associated with the surrounding area. There is no locational objection in terms of transport, however, the TDC application would need to demonstrate appropriate parking and access arrangements. Whilst the concerns above are noted, there are no in principle objections to the proposals on highways grounds.

- 5.14 National Planning Policy Guidance on Transport Statements is that the accident record for the previous 3 years is assessed and analysed. This is extended to 5 years for areas where there is a high accident record. There have been no recorded Road Traffic Collisions on North Road in the vicinity of the school in the last 5 years. Parking in the vicinity of the school is already controlled with existing parking restrictions including the school zig-zags and double yellow lining. The additional 9 dwelling would all be required to provide off-street parking and as such no additional on-street parking restriction would be necessary. Manual for Streets states that parking in visibility splays in built up areas is quite common, yet it does not appear to create significant problems in practice. A development of 9 dwellings would generally be offered for adoption. If parking does become a problem additional parking restrictions can be considered through the S38 adoption process. It should be noted that removal of yellow lines may require a Traffic Regulation Order (TRO). Crossroads in residential areas are not uncommon on the highway network. They are promoted in Manual for Streets as convenient for pedestrians as they minimise diversion from desire lines when crossing the street, they also make it easier to create permeable and legible street networks. The detail of the access would be agreed at the TDC application stage. At that time a requirement for the provision of a Copenhagen style crossover which reinforces pedestrian priority at the junction by removing the radius kerbs could be conditioned.

#### Land use

- 5.15 The application site comprises an area of land to the rear of nos 221-229 North Road. It is stated that it is combined garden and private amenity land, accessed privately via existing access drives for 221 and 229 North Road. Planning history, red-line areas and application plotting suggest that the site has formed wider planning units with the associated residential properties. This however is somewhat academic as the consideration is whether residential land use is acceptable in this location. As above, the location is deemed acceptable in principle and the proposed residential land use would be amongst other residential uses. This therefore does not pose any concerns and the land use as residential is acceptable (in principle) having regard to current and neighbouring land uses.

#### Amount of development

- 5.16 The proposal is for up to 9no. dwellings. This would be a limited amount of development commensurate within the location and the various layouts in the vicinity, including the more recently approved developments. The amount of development is such that the proposal would not have a materially or demonstrably harmful impact on the layouts and character of the local area, having regard to other properties, developments and the relevant local plan policies.

#### 5.17 Other matters

Whilst the concerns above are noted, there are no in principle objections to the proposals, notwithstanding this at the Technical Details Consent stage all details would need to address the issues highlighted and any concerns raised,

demonstrating high levels of design that are considered acceptable to address every aspect, including but not limited to the following:

- 5.18 *Highways* - the detail of the internal access road will need to be agreed at the detailed stage. It also needs to be demonstrated with a swept path analysis that the Council's standard 11.3m long 3 axle waste collection vehicle can access and turn within the site to demonstrate sufficiency of the layout. The tracking should also show that the waste vehicle can pass a large car at inter-visible points along the access. A Copenhagen style crossover should be provided at the junction with North Road. To highlight the shared surface nature of the access road around 50% or more of it should be surfaced with block paving. Car and cycle parking will be required in accordance with the Council's Policy standard 2m x 20m visibility splays will be needed for the relocated parking for the existing dwelling. - This information will need to be provided with any detailed TDC application
- 5.19 *Ecology* - Though an ecological assessment is not required at PIP stage, the assessment may find constraints that could delay the technical detail stage or even prevent it, best practice is to fully investigate the site for ecological constraints. As the site does not fall within statutory or non-statutory sites, there are no objections at this stage. Full ecological details would though be required at the TDC stage.
- 5.20 *Arboriculture* – A tree constraints plan, tree protection plan, Arboricultural Impact Assessment and Arboricultural method statement written in conjunction with BS5837: 2012 will be required at TDC stage, noting that there are trees on site and off site that could stand to be affected. There is however no objection in principle.
- 5.21 *Landscape* – Landscape impact aside from the matters of principle above cannot be determined without further detail. Detailed planting plan, landscape management plan and boundary and hard landscaping treatments will be required at TDC stage.
- 5.22 *Drainage* – Details of foul sewage and surface water disposal will be required at the TDC stage. Whilst the LLFA comments are noted, drainage details cannot be insisted up at this stage.
- 5.23 *Housing Enabling* – Details of affordable housing provision will need to be agreed in accordance with the requirements referred to above
- 5.24 *Open Spaces* – Details of open space contributions will need to be agreed in accordance with the requirements referred to above
- 5.25 Other proposals cited:  
It is noted that some reference has been made to other proposals in the vicinity. Each application must be assessed on its own individual merits at that time. These all pre-date this current application and the subsequently established policy situation highlighted through the appeal process, referred to above. It is also noted that some of these were further north along North Road and gave rise to their own individual concerns.

### Conclusion of assessment for Permission in Principle and Planning Balance

- 5.26 The above has assessed the Permission in Principle for the site in terms of the three set criteria: location, land use, and amount of development,
- 5.27 In accordance with the considerations above, the proposal to erect up to 9no. dwellings would not be inappropriate development at this location, in principle.
- 5.28 The development would result in the addition of further dwellings within the district which would make a small positive contribution to the housing supply. Irrespective of the scale of development, the provision of additional housing would result in a clear public benefit to the scheme. Whilst the Council can demonstrate a 5 year HLS, the settlement boundaries are out of date and so the 'tilted balance' as set out in para. 11(d) of the framework is engaged. As set out, the development would not be contrary to the policies of the framework that protect assets or areas of particular importance. In accordance with 11(d)(ii), there are also no adverse impacts, in principle, that significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. PIP can therefore be granted, and the applicant will need to submit full details for consideration ('technical details consent') prior to any development taking place.

### Impact on Equalities

- 5.29 The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society. As a result of that Act the public sector Equality Duty came into force. Among other things, the Equality Duty requires that public bodies to have due regard to the need to: eliminate discrimination; advance equality of opportunity; and, foster good relations between different groups when carrying out their activities. Under the Equality Duty, public organisations must consider how they could positively contribute to the advancement of equality and good relations. This should be reflected in the policies of that organisation and the services it delivers. The local planning authority is statutorily required to apply the Equality Duty to its decision taking. With regards to the Duty, the development contained within this planning application is considered to have neutral impact.

## **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 in principle 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.

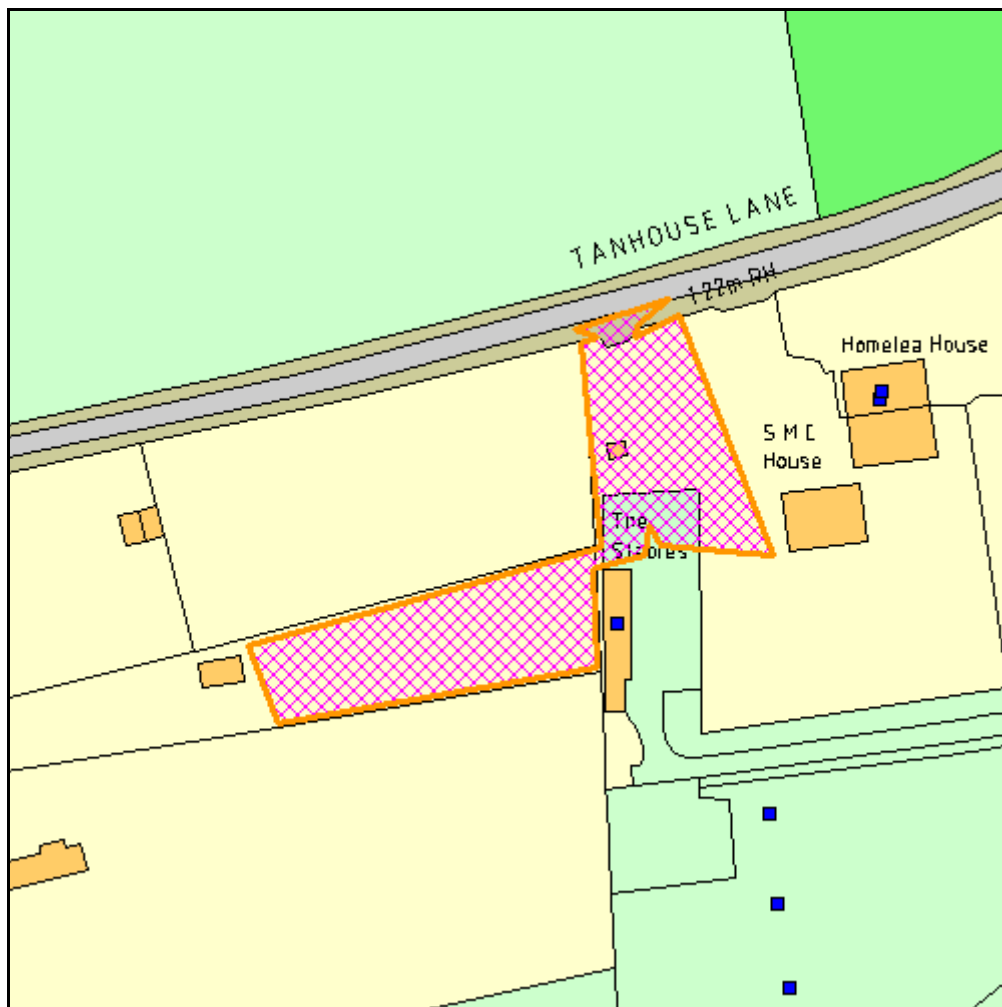
## **7. RECOMMENDATION**

- 7.1 It is recommended that the application for planning in principle is granted.

**Case Officer: Simon Ford**  
**Authorising Officer: Marie Bath**

**CIRCULATED SCHEDULE NO. 27/23 - 7th July 2023**

<b>App No.:</b>	P23/01377/PIP	<b>Applicant:</b>	Mr Matthew Rushent
<b>Site:</b>	Land At The Stables Tanhouse Lane Yate South Gloucestershire BS37 7LP	<b>Date Reg:</b>	20th April 2023
<b>Proposal:</b>	Permission in principle for the erection of up to 3 no. dwellings.	<b>Parish:</b>	Iron Acton Parish Council
<b>Map Ref:</b>	369898 184962	<b>Ward:</b>	Frampton Cotterell
<b>Application Category:</b>	Minor	<b>Target Date:</b>	25th May 2023



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P23/01377/PIP

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

## **REASON FOR REFERRING TO THE CIRCULATED SCHEDULE**

The application appears on the Circulated Schedule because a response has been received from the Parish Council that is contrary to the findings of this report and officer recommendation.

Further to this, more than 3no. responses have been received from interested parties contrary to the officer recommendation.

### **1. THE PROPOSAL**

- 1.1 This application is for a Permission in principle for the erection of up to 3 no. dwellings at Land At The Stables, Tanhouse Lane, Yate . The site lies outside of any established settlement boundary.
- 1.2 The permission in principle (PIP) consent route is an alternative way of obtaining planning permission for housing-led development which separates the consideration of matters of principle for proposed development from the technical detail of development. Permission in Principle can be pursued either by inclusion on a LPAs Part 2 Brownfield Register or, on application to the LPA. The latter applies in this instance.
- 1.3 The permission in principle consent route has two stages:
  - The first stage (or permission in principle stage) establishes whether a site is suitable in-principle, and
  - The second stage ('technical details consent') is when the detailed development proposals are assessed.
- 1.4 If the grant of permission in principle is acceptable, the site must receive a grant of technical details consent **before** development can proceed. It is the granting of technical details that has the effect of granting planning permission. Other statutory requirements may apply at this stage such as those relating to protected species or listed buildings. An application for technical details must be in accordance with the permission in principle that is specific to the applicant.
- 1.5 In the first instance a decision must be made in accordance with relevant policies in the development plan unless there are material considerations such as those in the NPPF and national guidance which indicate otherwise.
- 1.6 The scope of a Planning in Principle application is limited to:
  - location,
  - land use and
  - amount of development.

Issues relevant to these 'in principle' matters should be considered at the permission in principle stage.

## **2. POLICY CONTEXT**

### **2.1 National Guidance**

National Planning Policy Framework  
National Planning Guidance  
Town and Country Planning (Permission in Principle) Order 2017

### **2.2 Development Plans**

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

CS1	High Quality Design
CS2	Green Infrastructure
CS4A	Presumption in Favour of Sustainable Development
CS5	Location of Development
CS8	Improving Accessibility
CS9	Managing the Environment and Heritage
CS15	Distribution of Housing
CS16	Housing Density
CS17	Housing Diversity
CS18	Affordable Housing
CS34	Rural Areas

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

PSP1	Local Distinctiveness
PSP2	Landscape
PSP3	Trees and Woodland
PSP8	Residential Amenity
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP19	Wider Biodiversity
PSP20	Flood Risk, Surface Water, and Watercourse Management
PSP21	Environmental Pollution and Impacts
PSP40	Residential development in the countryside
PSP43	Private Amenity Space Standards

### **2.3 Supplementary Planning Guidance**

Design Checklist SPD (Adopted) August 2007  
Residential Parking Standard SPD (Adopted) December 2013  
Landscape Character Assessment SPD (Adopted) November 2014  
CIL and S106 SPD (Adopted) March 2015  
Waste Collection SPD (Adopted) January 2015 (updated March 2017)  
Trees and Development Sites SPD (Adopted) April 2021

## **3. RELEVANT PLANNING HISTORY**

- 3.1 P20/23932/F - Demolition of existing buildings. Erection of 4 no. detached dwellings and associated works. Refused 05.03.2021.

This was refused on the basis of:

1. The site being outside of any settlement boundary
2. Impact upon residential amenity through siting and scale
3. Lack of ecological information
4. Insufficient information to demonstrate satisfactory visibility.

- 3.2 P21/05061/F - Demolition of existing buildings. Erection of 3 no. detached dwellings with associated works (Resubmission of P20/23932/F). Refused 17.12.2021

This was refused on the basis of:

1. The site being outside of any settlement boundary

P23/00729/HH - Conversion of outbuilding to facilitate the formation of annexe ancillary to main dwellinghouse. Approved 18.04.2023

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

4.1 Iron Acton Parish Council:

Concerns raised over the accuracy of the PIP planning statement, including the points below:

- concerns over accuracy of bus information,
- question over walkable neighbourhood?
- query over access to reasonable services,
- the duration of travel by bus to Yate includes 20-34 minute walk,
- Major employer information is based on old data
- it is noted and acknowledged that bus services are limited
- bus timetables used are from 2016

Transportation DC

There are relevant and recent planning history for similar development proposal on the same site these recent applications include the applications No. P20/23932/F and P21/05061/F. Specific to the application P21/05061/F, it is noted that the proposal (i.e. the erection of 3 houses on the same site) was refused by the Council and the subsequently dismissed in the planning appeal only the planning issue (with no transportation issues raised). In view of this therefore, and as the current proposal is similar to that earlier scheme in 2021 then, it would be inappropriate to raise any transportation issue. Notwithstanding this, we would require any future application for residential development on the site to be accompanied with the detail of off-street parking facility including the provision of electrical charging facility for each unit.

Drainage

The current application does not indicate what form of foul and surface water drainage is to be utilised. Full details are required before drainage comments can be made.

4.2 Local Residents

A total of 7 objections and 4 letters of support have been received from local residents has been received and are summarised as follows:

Objections:

- the site is outside of the settlement area and in the countryside
- objections for the same reasons 2 previous application have been refused, including at appeal
- Tanhouse Lane is already overdeveloped
- Highways impact on narrow lanes and amount of traffic
- unsafe for pedestrians, horse riders and other cars
- negative impact upon neighbouring properties
- flooding, no mains drains and already issues with surface water
- infrastructure needs improvement
- lack of local amenities
- impacts upon local amenity and privacy of nearby residents
- impact upon rural area

Support:

- It is a good site and proposal
- will help the housing supply issue which requires a boost
- lack of housing in area for people to move into and people are moving away
- favouring big developers over small local builders
- quality of scheme is likely to be better
- would not put a strain on local infrastructure
- will provide a good environment for families

## **5. ANALYSIS OF PROPOSAL**

### Principle of Development

- 5.1 The application is to consider the location, land use, and amount of development but must be determined in accordance with the relevant policies listed above unless there are material considerations such as those in the NPPF which indicate otherwise. This application is for the erection of a minimum of two and a maximum of 3no. dwellings on a site outside any defined settlement boundary, within the Open Countryside.
- 5.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The findings of recent Public Inquiry decisions at Land to the West of Park Farm, Thornbury (ref. PT18/6450/O) and Land South of Badminton Road, Old Sodbury (ref. P21/03344/F) are deemed material considerations of considerable weight.
- 5.3 In considering the appeal decisions, both Inspectors concluded that the Council did not have a 5yr housing land supply (HLS) at the time of each Inquiry. However, following receipt of both decisions the Council's 5 year housing land supply has been reviewed and published in the 2022 Annual Monitoring Report (AMR), which was deferred from December 2022 to take account of these appeal decisions and issued in March 2023.
- 5.4 As confirmed in the 2022 AMR the Council can currently demonstrate a 5-year housing land supply against its local housing need (LHN), and therefore the

presumption in favour of sustainable development (Paragraph 11d of the NPPF) does not apply in that respect.

5.5 Both Inspectors also concluded that the settlement policies of CS5 (Location of Development) and CS34 (Rural Areas) are out of date. As such, applications for new residential dwellings must be considered under Paragraph 11d of the NPPF.

5.6 Paragraph 11 of the NPPF states that decisions should apply a presumption in favour of sustainable development. For decision making this means:

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

5.7 As noted above, the Council does not currently have an up-to-date development plan, therefore Paragraph 11c is not applicable where the Development Plan's locational policies are applied.

5.8 The application must therefore be considered under Paragraph 11d of the NPPF. The NPPF clarifies that such policies that protect areas or assets of particular importance are limited to: Sites of Specific Scientific Interest; land designated as Green Belt; Local Green Spaces; Areas of Outstanding Natural Beauty; National Parks; designated heritage assets; and areas at risk of flooding or coastal change.

5.9 The policies that protect areas or assets of particular importance do not provide any clear reasons for refusing this application. As such, the presumption in favour of sustainable development remains and the tilted balance is applied.

#### Location

5.10 In this situation, the application should only be refused if the policies of the framework (NPPF) that protect assets or areas of particular importance provide clear reasons for refusal. If they don't, then permission should then only be refused if there are any adverse impacts that clearly and demonstrably outweigh the benefits. In this case there are no site specific designations, protected assets or areas of particular importance. The site is outside the Green Belt and is not subject to any national or local landscape or ecological designations.

- 5.11 The application site is outside the defined settlement boundary of Engine Common, which is approximately 460m to the south-west, but sits within a cluster of housing to the north-east of the village, with three of its boundaries enclosed by built form. However, case-law also establishes that settlement boundaries are not the only determinative factor. Moreover, the settlement boundaries only carry limited weight as they are determined to be out of date following the appeals noted above. Furthermore, and again following recent the Inspector's conclusions in the required growth of housing is and has been dependant on non-allocated land in close proximity to the Council's built up areas, particularly where those developments are closely related to existing/approved development.
- 5.12 The application site cannot be described as isolated as the surrounding land is developed on three sides. The site is outside the defined settlement boundary for Engine Common but sits in an area containing residential development. Two nearby planning approvals (P19/09678/F/ P19/5246/F), both determined when the Council did not have a Framework compliant housing supply, have established that this is a reasonably sustainable location in accessibility terms. Those planning approvals are strong material considerations in the assessment of this scheme in view of the site being sandwiched between them. A further recent appeal decision (Engine Common, Yate P22/01125/PIP), also referred to sustainable location, reflecting upon these other appeal decisions and Local Plan policy status and reinforces the position. Furthermore, the site is in relative proximity to the urban extension at North Yate, albeit the northern limit of that development. Whilst there is a certain proximity to the new neighbourhood, the application site relates the most to the settlement at Engine Common, to the south. Engine Common has relatively few facilities but does include a primary school and public house.
- 5.13 Whilst it is noted that Tanhouse Lane is a country lane with no pavement and minimal street lighting, it provides a strong connection to North Road, the main route through Engine Common and onto Yate. The application site is within an acceptable cycling distance of both Engine Common and Yate which and could be an alternative mode of travel for some residents. Therefore, whilst it is accepted that future occupiers would still be highly dependent on the use of private motor vehicles, it is likely that they would still utilise the services and facilities within the nearby settlement of Engine Common and the town centre of Yate. There is no locational objection in terms of transport, however, the TDC application would need to demonstrate appropriate parking and access arrangements.
- 5.14 The proposed development would not appear isolated or remote in visual terms as it is adjacent to and amongst existing residential development. There would also be an alternative mode of transport available to future occupiers and the distances involved to the nearby town centre, Yate, are not substantial. As such, it is considered that these attract sufficient weight so as to conclude that the proposal would not be contrary to Paragraph 79 of the NPPF.

### Land use

- 5.15 The consideration is whether residential land use is acceptable in this location. As above, the location is deemed acceptable in principle and the proposed residential land use would be amongst other residential uses. This therefore does not pose any significant concerns and the land use as residential is acceptable, in principle, having regard to current and neighbouring land uses. E,

### Amount of development

- 5.16 The proposal is for up to 3no. dwellings. This would be a limited amount of development commensurate within the location and the various layouts in the vicinity, including the more recently approved developments. The amount of development. It is such that the proposed would not have a materially or demonstrably harmful impact on the character of the local area, having regard to the relevant local plan policies. In principle therefore the development could be accommodated here, clearly the details of design, scale and orientation would be need to be considered acceptable at the TDC stage.

### 5.17 Other matters

Whilst the concerns above are noted, there are no in principle objections to the proposals, notwithstanding this at the Technical Details Consent stage all details would need to address the issues highlighted and any concerns raised, demonstrating high levels of design that are considered acceptable to address every aspect, including but not limited to the following:

- 5.18 *Highways* - any future application for residential development on the site to be accompanied with the detail of off-street parking facility including the provision of electrical charging facility for each unit.
- 5.19 *Drainage* – Details of foul sewage and surface water disposal will be required at the TDC stage. Whilst the LLFA comments are noted, drainage details cannot be insisted up at this stage.
- 5.20 *Trees* – tree surveys and tree protection details would be required
- 5.21 *Ecology* - Ecological surveys would be required
- 5.22 Other proposals cited:  
It is noted that some reference has been made to previous proposals for the site. Each application must be assessed on its own individual merits at that time. These all pre-date this current application and the subsequently established policy situation highlighted through the appeal process, referred to above.

### Conclusion of assessment for Permission in Principle and Planning Balance

- 5.23 The above has assessed the Permission in Principle for the site in terms of the three set criteria: location, land use, and amount of development,

- 5.24 In accordance with the considerations above, the proposal to erect up to 3no. dwellings would not be inappropriate development at this location, in principle.
- 5.25 The development would result in the addition of further dwellings within the district which would make a small positive contribution to the housing supply. Irrespective of the scale of development, the provision of additional housing would result in a clear public benefit. Whilst the Council can demonstrate a 5 year HLS, the settlement boundaries are out of date and so the 'tilted balance' as set out in para. 11(d) of the framework is engaged. As set out, the development would not be contrary to the policies of the framework that protect assets or areas of particular importance. In accordance with 11(d)(ii), there are also no adverse impacts, in principle, that significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. PIP can therefore be granted, and the applicant will need to submit full details for consideration ('technical details consent') prior to any development taking place.

#### Impact on Equalities

- 5.26 The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society. As a result of that Act the public sector Equality Duty came into force. Among other things, the Equality Duty requires that public bodies to have due regard to the need to: eliminate discrimination; advance equality of opportunity; and, foster good relations between different groups when carrying out their activities. Under the Equality Duty, public organisations must consider how they could positively contribute to the advancement of equality and good relations. This should be reflected in the policies of that organisation and the services it delivers. The local planning authority is statutorily required to apply the Equality Duty to its decision taking. With regards to the Duty, the development contained within this planning application is considered to have neutral impact.

## **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 in principle 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.

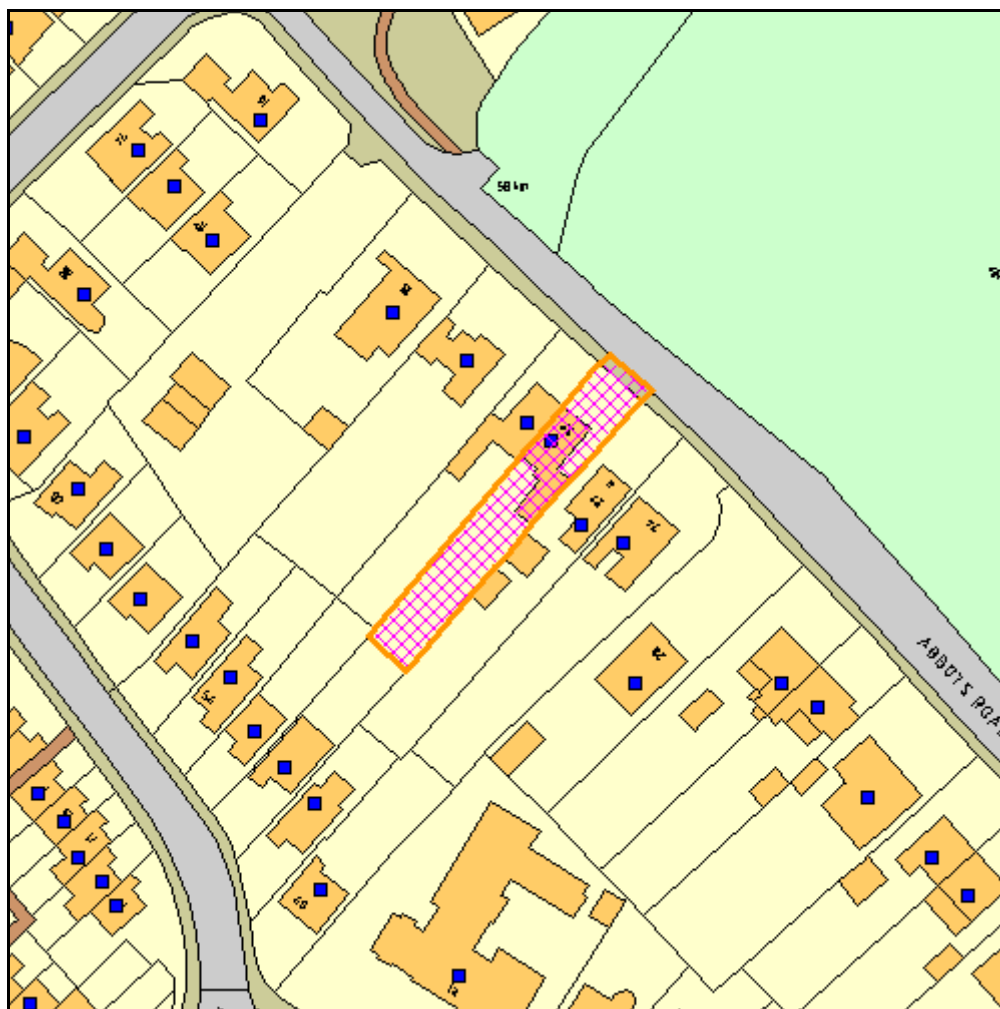
## **7. RECOMMENDATION**

- 7.1 It is recommended that the application for planning in principle is granted.

**Case Officer: Simon Ford**  
**Authorising Officer: Marie Bath**

**CIRCULATED SCHEDULE NO. 27/23 - 7th July 2023**

<b>App No.:</b>	P23/01464/HH	<b>Applicant:</b>	Mr Purnell
<b>Site:</b>	22 Abbots Road Hanham South Gloucestershire BS15 3NG	<b>Date Reg:</b>	29th April 2023
<b>Proposal:</b>	Demolition of existing car port. Erection of a single storey rear and two storey side extensions to facilitate loft conversion and additional living accommodation. Extension of existing vehicular access.	<b>Parish:</b>	Hanham Abbots Parish Council
<b>Map Ref:</b>	364089 171168	<b>Ward:</b>	Hanham
<b>Application Category:</b>	Householder	<b>Target Date:</b>	20th July 2023



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P23/01464/HH

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

**This planning application will be added to the Circulated Schedule because the proposal has received 3No. letters of objection from neighbouring consultees, which is contrary to the officer's recommendation.**

## **1. THE PROPOSAL**

- 1.1 The application seeks full planning permission for the erection of a single storey rear extension, and for a two storey side extension to facilitate loft conversion and additional living accommodation. Furthermore, the application also includes an extension of the existing vehicular access, as detailed on the application form and illustrated on the accompanying drawings.
- 1.2 The application site can be found at 22 Abbots Road, is set within a good sized plot, and is an existing two storey semi-detached property. It is located within the established built up residential area of Hanham, is within the settlement boundary and is sited opposite Hanham Community Centre Cricket Club and recreation ground.
- 1.3 A previous application for the same application site, was submitted and consequently withdrawn due to the significant design concerns raised by officers. Briefly they comprised of the following issues:
  1. *Proposed scale and mass of the single storey rear extension;*
  2. *Proposed roof form to the two-storey side extension;*
  3. *Insufficient off-street parking being provided and access issues;*
  4. *Potential single storey front (porch) extension being proposed; and*
  5. *Incorrect Ownership Certificates and Agricultural Land Declaration submitted.*
- 1.4 As such, this re-submitted application that is assessed in the officer report below, has now submitted revised drawings and documentation in support of this current application. The originally proposed depth of the single storey rear extension has been reduced and the proposed front extension (porch) has been omitted.
- 1.5 Furthermore it has been clarified that the existing car port will be demolished and that the boundary wall is being raised to accommodate the side extension. The party wall act will cover the construction details and obtain the necessary approvals required.

## **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework July 2021  
National Planning Policy Guidance
- 2.2 Development Plans  
South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1	High Quality Design
CS4a	Presumption in Favour of Sustainable Development
CS5	Location of Development
CS8	Improving Accessibility

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

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

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

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

- 3.1 P23/00616/HH. Erection of a single storey rear and two storey side extension to facilitate loft conversion and additional living accommodation. Withdrawn. 27.04.2023

### 4. **CONSULTATION RESPONSES**

- 4.1 Hanham Abbots Parish Council  
 No Objections.
- 4.2 Other Consultees  
 Sustainable Transport – Transportation DC  
 No Objections.

#### **Other Representations**

- 4.3 Local Residents  
 3No letters of Objection Comments received –
- *Concerns of proposal creating impacts of overlooking;*
  - *Concerns of proposal creating impacts of overbearing to adjacent neighbouring properties;*
  - *Concerns of loss of privacy and loss of light;*
  - *Concerns that the overall proposal will not be in keeping with the neighbouring and surrounding properties;*
  - *Concerns over the materials proposed to the external elevation are not in keeping;*
  - *Concerns that the front extension proposal breaches the existing building line with neighbouring adjacent properties;*
  - *Concerns over the difference in ground level between adjacent properties and its associated impacts upon the proposed development;*

- *Concerns over the proposed front extension and its associated impacts upon the local character and streetscene;*
- *Concerns have been raised that the proposed side and rear extension works breach the residential curtilage with the adjacent property;*
- *Concern that the proposed description of works is not correct;*
- *Concerns that insufficient off-street parking is provided for the proposed extensions and that any visitors will overspill onto neighbouring roads;*
- *Concern that a proposal for a dropped kerb to facilitate an extended parking area to the front of the property will encourage on-street parking to the public highway;*
- *Should permission be granted, then double yellow lines should be installed to Abbots Road;*
- *Concerns over the proposal creating impacts on the existing pedestrian and vehicular access to the adjacent properties;*
- *Concerns that the parked vehicles to front of the host dwellinghouse exiting the site, will be forced to reverse onto the public highway as there is no turning provision;*
- *Concern that the proposed extensions will block external access the rear of the application site;*
- *Concerns that an existing mature trees within the residential curtilage will not be properly maintained and cared for;*
- *Concerns that the proposal is not suitable for all persons, particularly any subsequent future persons of limited/restricted mobility;*
- *Concern that the any future maintenance of the host dwellinghouse will not be restricted to its curtilage;*
- *Concerns over the provision of storage of refuse facilities to the application site;*
- *Concerns over the disposal of natural surface water from the application site;*
- *Concerns that construction has already commenced before permission is granted i.e. interior renovations such as removal of carpets and bathroom suites etc;*
- *Concerns raised in respect of the shared boundary wall between adjacent properties;*
- *Concerns of impacts to neighbouring residential properties from potential construction processes i.e. excavation of foundations; and*
- *Concern that these proposals have no regard for Building Regulations.*

## **5. ANALYSIS OF PROPOSAL**

### **5.1 Principle of Development**

Policy PSP38 of the PSP Plan (November 2017) allows the principle of development within residential curtilages, subject to considerations of visual amenity, residential amenity and highway safety. It states that new dwellings and extensions within existing residential curtilages are acceptable in principle but should respect the overall design and character of the street and surrounding area. They should not prejudice the amenities of neighbours, or that of highway safety and the parking provision should be of an acceptable level for any new and existing buildings. The adequate provision of private

amenity space should also not be sacrificed for any new development that forms part of a settlement pattern that also contributes to local character.

- 5.2 Policy CS1 of the Core Strategy seeks that the siting, form, scale, height, massing, detailing, colour and materials are informed by, respect and enhance the character, distinctiveness and amenity of both the application site and its context.
- 5.3 Design and Visual Amenity  
Policy CS1 of the Core Strategy and policy PSP38 of the Policies, Sites and Places Plan seek to ensure that development proposals are of the highest possible standards of design.
- 5.4 The two-storey side extension will now have an overall width of 2.5 metres, and be to an overall depth of approximately 9.4 metres, and is subservient to the principal facade. It will also feature a stepped down subservient hipped pitched roof, maintaining the existing eaves height from ground level.
- 5.5 The single storey rear extension will have an overall width of approximately 8.1 meters (width of existing host dwellinghouse and proposed side extension). It will now be to an overall depth of approximately 3.0 meters, featuring a flat roof with a centrally located glass lantern, and will extend to an overall height of approximately 3.8 meters from ground level.
- 5.6 Given that the proposed two storey is subservient to the host dwelling, this element of the proposal is in keeping with its surroundings and the scale and form respects the proportions and character of the existing dwellinghouse. The single storey rear extension is proportionate in its scale and mass, and appears visually subservient to the host dwellinghouse with its proposed flat roof. Furthermore, through this proposal, the single storey rear extension is integrated into the fabric and character of the host dwellinghouse, and appears in keeping with the host dwellinghouse and its streetscene.
- 5.7 Therefore, and by reason of the proposed scale, form, and mass, the two storey side and single storey rear extensions are considered to respect the existing dwellinghouse and its attached neighbouring property, and by virtue of the above, the overall development is considered to be of the highest possible standard of design and does meet the requirements of policy PSP38, CS1 and the Household Design Guide SPD (Adopted).
- 5.8 Residential Amenity  
Policy PSP38 of the Policies, Sites and Places Plan explains that development will be permitted provided that it would not detrimentally impact the residential amenities of nearby occupiers and would not prejudice the retention of adequate private amenity space. Policy PSP8 specifically relates to impacts on residential amenity and outlines that unacceptable impacts could result from (but are not restricted to); loss of privacy and overlooking; overbearing and dominant impact; loss of light; noise or disturbance.

- 5.9 The impact on residential amenity has been assessed in terms of the surrounding neighbouring properties. The host dwellinghouse is semi-detached to its neighbour at No. 20 and currently sits approximately 4.5m away from its neighbour of No. 22a.
- 5.10 With regards to the attached neighbour at No. 20, there would unlikely be any significant harm to the amenity of this neighbour. Whilst, the rear extension does fall short of the 45 degree test, as set out within the Householder Design SPD, but the overall scale of the impact caused to the ground floor neighbouring window is found to be minimal due to the extension being of an appropriate height and finished with a flat roof. It can therefore be reasonably demonstrated that the rear extension would unlikely result in a loss of light or shadowing.
- 5.11 A similar view is taken with regards to the impact of the proposed side extension on the amenity of the neighbour at No. 22a. It is understood that the extension will result in a reduction of the separation distances between the two properties, reducing it from approximately 4.5m to 2m. A reduction in this gap is not found to be significantly harmful, nor would it have a detrimental impact on the access or amenity of this neighbouring dwelling. The proposed side extension has been designed with a hipped roof, allowing adequate levels of natural light to still reach the existing window of the adjacent neighbouring dwelling of No 22a,
- 5.12 Likewise, the extension will not significantly impact the single window to the side elevation of the adjacent neighbouring property, with light still being afforded to these windows if the development were to proceed.
- 5.13 The presence of this proposed single storey rear and two storey side extensions in terms of their scale and mass have been assessed and these proposals will not result in unacceptable impacts upon the occupants of the attached, adjacent or surrounding neighbouring dwellings, and the proposals do not result in any significant impacts to the occupants of any neighbouring properties and do not have a detrimental impact on residential amenity and is deemed to comply with policies PSP8, PSP38 and the Householder Design Guide SPD.
- 5.14 Transport  
Policy PSP16 of the Policies, Sites and Places Plan sets out the Councils parking standards. Comments have been received from Sustainable Transport officers, in that as the proposal includes additional bedrooms and as the proposal demonstrates 3No off-street parking spaces, that the application is acceptable in transportation terms.
- 5.15 Concerns have been raised in respect of the proposed 3No side by side off-street parking spaces and their relationship to Abbots Road. With regard to entering and leaving the site from these spaces, as it is not a Class A or B highway, turning on site cannot be insisted on.
- 5.16 The proposal also includes an extension of the existing vehicular access as part of this development by providing an extended dropkerbs to its frontage.

Hence, the applicant should note, as with all works on or immediately adjacent to the public highway, these modifications will require a license from the Councils StreetCare team but this may not be automatically forthcoming, even if planning approval is granted. Such works must be technically approved by this Council before, during and after completion as appropriate.

5.17 Private Amenity Space

The dwelling benefits from a good amount of existing private amenity space to both the front and rear of the property. PSP43 sets out standards which are based on the number of bedrooms at a property. No concern is therefore raised on the level of amenity space being proposed.

5.18 Other Matters

Concerns have been raised on a number of matters in connection with this proposal, such as concerns relating to refuse through the future proofing the extensions for persons of limited mobility. Although these comments are noted, they do not have a material consideration on this planning application.

5.19 Furthermore, other concerns relating to quality of construction and statutory services such as drainage are also noted, but again do not have a material consideration on this planning application and could be resolved either through Building Control and/or legal advice.

5.20 Consideration of likely impact on Equalities

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

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

## 6. CONCLUSION

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

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

## **7. RECOMMENDATION**

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

### **CONDITIONS**

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

Reason

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

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

Reason

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

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

LP001 Location Plan and Site Plan (Date received 27/04/23)

23/001 Rev B Existing and Proposed Plans, Elevations and Sections (Date received 18/06/23)

23/002 Parking Layout (Date received 27/04/23)

Reason

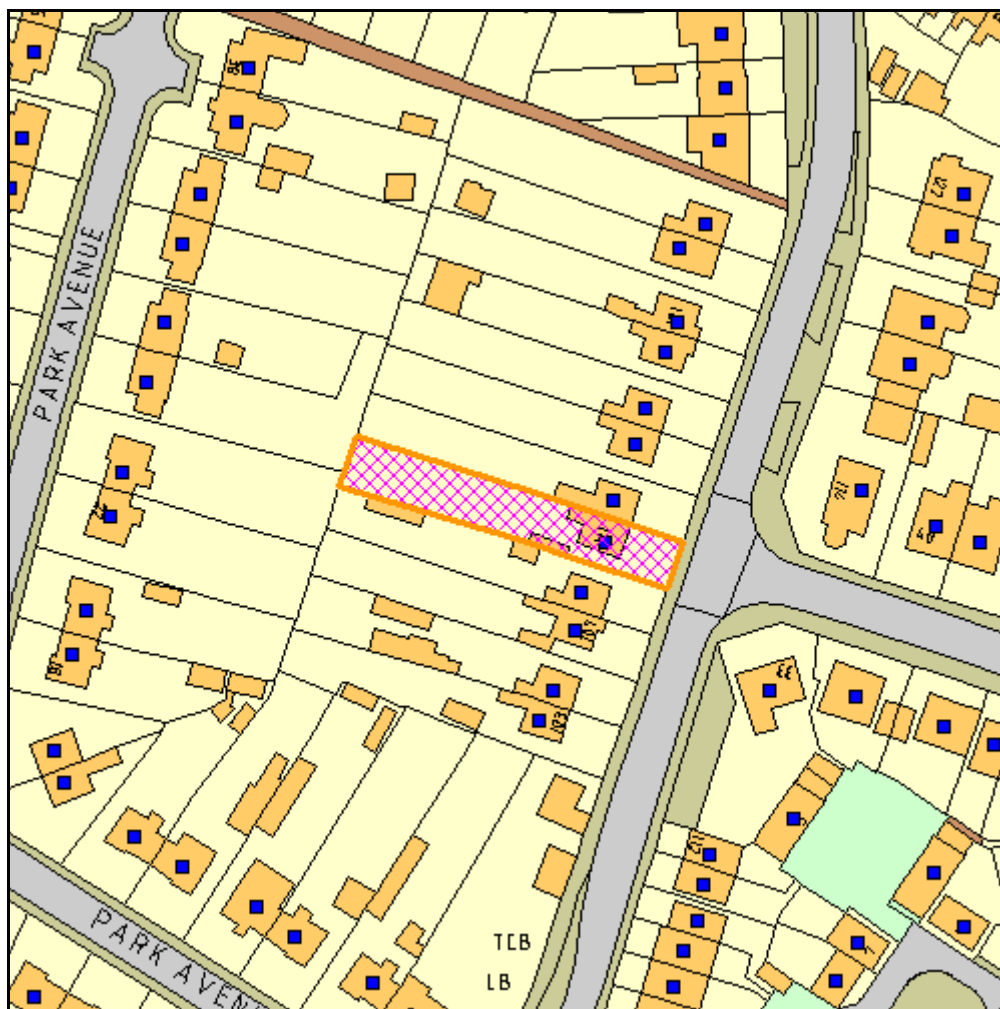
To define the terms and extent of the permission.

**Case Officer: Helen Turner**

**Authorising Officer: Suzanne D'Arcy**

## CIRCULATED SCHEDULE NO. 27/23 - 7th July 2023

<b>App No.:</b>	P23/01601/HH	<b>Applicant:</b>	Mr Greg Davies
<b>Site:</b>	111 Park Lane Frampton Cotterell South Gloucestershire BS36 2EX	<b>Date Reg:</b>	17th May 2023
<b>Proposal:</b>	Erection of single storey annexe ancillary to the main dwelling.	<b>Parish:</b>	Frampton Cotterell Parish Council
<b>Map Ref:</b>	366622 181010	<b>Ward:</b>	Frampton Cotterell
<b>Application Category:</b>	Householder	<b>Target Date:</b>	17th July 2023



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N.T.S.

P23/01601/HH

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

## **REASON FOR REFERRING TO CIRCULATED SCHEDULE**

This application appears on the Council's Circulated Schedule procedure following an objection from the Parish Council 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 single storey annexe ancillary to the main dwelling.
- 1.2 The application site can be found at No.111 Park Lane, located within the established built-up residential area of Frampton Cotterell, and is set within a good sized plot. The dominant feature within the site is a two-storey semi-detached dwellinghouse.

### **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

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

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

#### 2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted August 2007)  
Residential Parking Standards (Adopted December 2013)  
Householder Design Guide (Adopted March 2021)  
Annexes & Residential Outbuildings SPD (Adopted October 2021)

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

- 3.1 **P22/06876/F.** Erection of 1no. detached bungalow with access, parking and associated works. **Refusal.** 26/01/2023.

Reason for refusal:

1. *The proposed development would fail to reach the highest possible standards of design and site planning, by virtue of its siting. The proposal would be erected in the rear garden of the existing property and can therefore be considered 'backland' development. The surrounding area is characterised by strong building lines and dwellings that front the highway. The proposed dwelling would be out of character with, and harmful to, existing the pattern of development of the area, and would fail to be informed by, respect or enhance the character, distinctiveness and amenity of either the site or its context. The proposed development therefore fails to comply with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy PSP1 and PSP38 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; and the provisions of the National Planning Policy Framework.*
2. *The proposed development would fail to ensure that appropriate, safe, accessible, convenient, and attractive access is provided for all mode trips arising to and from the proposal. The proposed pedestrian only access along the side of the existing dwelling on site would be enclosed by 1.8 metre high closed board fences on either side. This arrangement is not considered to be safe, convenient or attractive. The proposed development therefore fails to comply with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy PSP11 and PSP38 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; and the provisions of the National Planning Policy Framework.*
3. *The proposed development would generate additional traffic that would have an unacceptable impact on highway and road safety. The proposed enlarged access to the front of the site would be directly opposite the end of Heather Avenue where it joins onto Park Lane. The proposed additional dwelling would materially increase the usage of the access, creating unacceptable highway and road safety concerns. The proposed development therefore fails to comply with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy PSP11 and PSP38 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; and the provisions of the National Planning Policy Framework.*

- 3.2 **P21/05304/F.** Erection of two storey rear and side extension and single storey rear extension to form additional living accommodation. **Approve with Conditions.** 10/09/2021.

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

- 4.1 Frampton Cotterell Parish Council  
*No objection but request that an annexe condition is added and that permitted development rights are removed.*
- 4.2 The Archaeology Officer Natural & Built Environment Team  
*No comment.*
- 4.3 Sustainable Transport – Transportation DC  
**(30/06/2023)**  
*This site conforms numerically to the Council's residential car parking standards. We have no further highways or transportation comments.*
- (23/05/2023)**  
Request additional details.
- 4.4 Local Residents  
No comments received.

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

- 5.1 Principle of Development  
Policy PSP38 of the South Gloucestershire Policies, Sites and Places Plan (adopted) November 2017 is relevant to this application. The policy indicates that residential extensions are acceptable in principle subject to considerations of visual amenity, residential amenity and highway safety. The proposal therefore accords with the principle of development subject to the following considerations.
- 5.2 Annexe Test  
For a proposal to be an annexe it should only contain ancillary accommodation to the main dwelling and have some form of functional and physical reliance upon the main dwelling.
- 5.3 The proposed annexe would be single-storey structure. It would have accommodation space for 1no. bedroom, lounge and bathroom. In terms of physical and functional reliance, the proposed annexe would be detached from the main dwelling and located at the bottom of the rear garden of the host dwelling. Although the annexe would provide sleeping and living accommodation, the application mentions no provision of kitchen facilities/preparation for food. As such, the annexe would be a semi-dependant structure as opposed to self-contained. Furthermore, the garden area, along with the available off-street parking provision would be shared with the existing property. Therefore, given the relationship and location of the proposed annexe relative to the host dwelling, the annexe test it met. A condition would be included on the decision notice to secure this should the application be found acceptable in all other respects. Any unauthorised sub-division of a dwelling would in any event be liable to face enforcement action

5.4 Design and Visual Amenity

Policy CS1 of the Core Strategy and policy PSP38 of Policies, Sites and Places Plans seeks to ensure that development proposals are of the highest possible standards of design. This means that developments should be informed by, respect, and enhance the character, distinctiveness and amenity of both the application site and its context.

5.5 The proposed annexe would have a rectangular footprint, with a depth of (approx.) 8 metres and a width of 7 metres. The building would feature a flat sedum roof, which would rise to a height of around 2.6 metres. Incorporated within the design would be numerous openings to the outbuildings front (east) and rear (west) elevations. External finish to the annexe would be render to match the host dwelling. All new doors and windows would be set in white uPVC casements.

5.6 Officers acknowledge that the proposed annexe is relatively substantial in scale, occupying a footprint that is not too dissimilar to that of the original property (prior to the rear extensions). Nevertheless, the development would remain subservient to the host dwelling and the building would be proportionate in scale to the size of the garden, ensuring an appropriate relationship to the main property, complying with the Council's Adopted Annexes and Residential Outbuildings SPD.

5.7 Given the proposals siting and low rise nature, the annexe would not be visible within the public realm. The proposed annexe if built, would be representative of an acceptable design quality which would not be detrimental to the character of the existing dwelling nor its immediate context. As such, the proposal is deemed to comply with CS1 and PSP38.

5.8 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.

5.9 Whilst officers note that the proposed outbuilding would sit somewhat tight against multiple shared boundaries, the building would be modest in scale, achieved by its single-storey nature and flat roof form. The building would also be sited to the bottom of the application properties rear garden, and as a result of the long linear gardens which characterise the area, a minimum separation distance of (approx.) 30 metres would exist between the building and any neighbouring dwelling. The impact on the level of amenity afforded to neighbouring dwellings by virtue of overbearing, loss of light and loss of privacy is acceptable. The application therefore satisfies the requirements of PSP8 and PSP38.

5.10 Supplementary to this, policy PSP43 sets out that residential units, are expected to have access to private external amenity space that is: functional and safe; of a sufficient size in relation to number of occupants; and be easily accessible. The agent has confirmed that the existing dwelling is a 4-bed. The annexe is ancillary to the host dwelling, therefore the proposed development would increase the occupancy of the application property, as well as build on existing garden. A property of the proposed size (5-bedrooms) is expected to provide a minimum of 70m<sup>2</sup> private external amenity space. The private garden that would continue to serve the dwelling would be in excess of the Council's design standards, complying with policy PSP43.

5.11 Transport (Access and Parking)

Policy PSP16 sets out the Council's criteria for parking specifications. It states that parking space provision per dwellinghouse is proportionate to bedroom number. For the purposes of clarity, the combination of annexe and host dwelling constitutes a requirement of 3no. off-street parking spaces for the site. The submitted drawings indicate that the properties front curtilage is of size able to accommodate this amount of vehicles. On this basis, no objection is raised under PSP16.

5.12 Other Matters

The comment received from the Parish Council regarding removal of the properties permitted development rights has been acknowledged. Nevertheless, the proposed annexe itself would not benefit from permitted development, furthermore the application site is of generous size. On this basis, officers do not consider there to be a justified reason to remove permitted development rights.

5.13 Consideration of likely impacts on Equalities

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

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

## 6. CONCLUSION

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

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

## **7. RECOMMENDATION**

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

### **CONDITIONS**

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

Reason

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

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

(Received 13th May 2023)

Application Form

Existing Site Plan (3338 200)

Proposed Site Plan (3338 201)

Proposed Plans (3338 202)

Site Location Plan (3338 203)

(Received 26th June 2023)

Existing Block Plan

Proposed Block Plan

Reason

To define the terms and extent of the permission.

3. The annexe hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 111 Park Lane, Frampton Cotterell, South Gloucestershire, BS36 2EX.

Reason

The development has been permitted on the particular circumstances of the case and the development would require further assessment to be used as a separate residential dwelling with regard to internal dimensions of the annexe, amenity, access, and private amenity space, to accord with policies CS1 and CS8 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013; policies PSP8, PSP16, PSP38, and PSP43 of the South Gloucestershire Local Plan Policies, Sites and Places Plan (Adopted) November 2017; and the NPPF.

**Case Officer: Chloe Summerill**  
**Authorising Officer: Marie Bath**