

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: 26/23

Date to Members: 30/06/2023

Member's Deadline: 06/07/2023 (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 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 (not individual email addresses), where referrals can be picked up quickly by the Technical Support Team.

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

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

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

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

A template for referral is set out below:

Referral from Circulated Schedule to Development Management Committee

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

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

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

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

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

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

Date:

To be emailed to MemberReferral@southglos.gov.uk

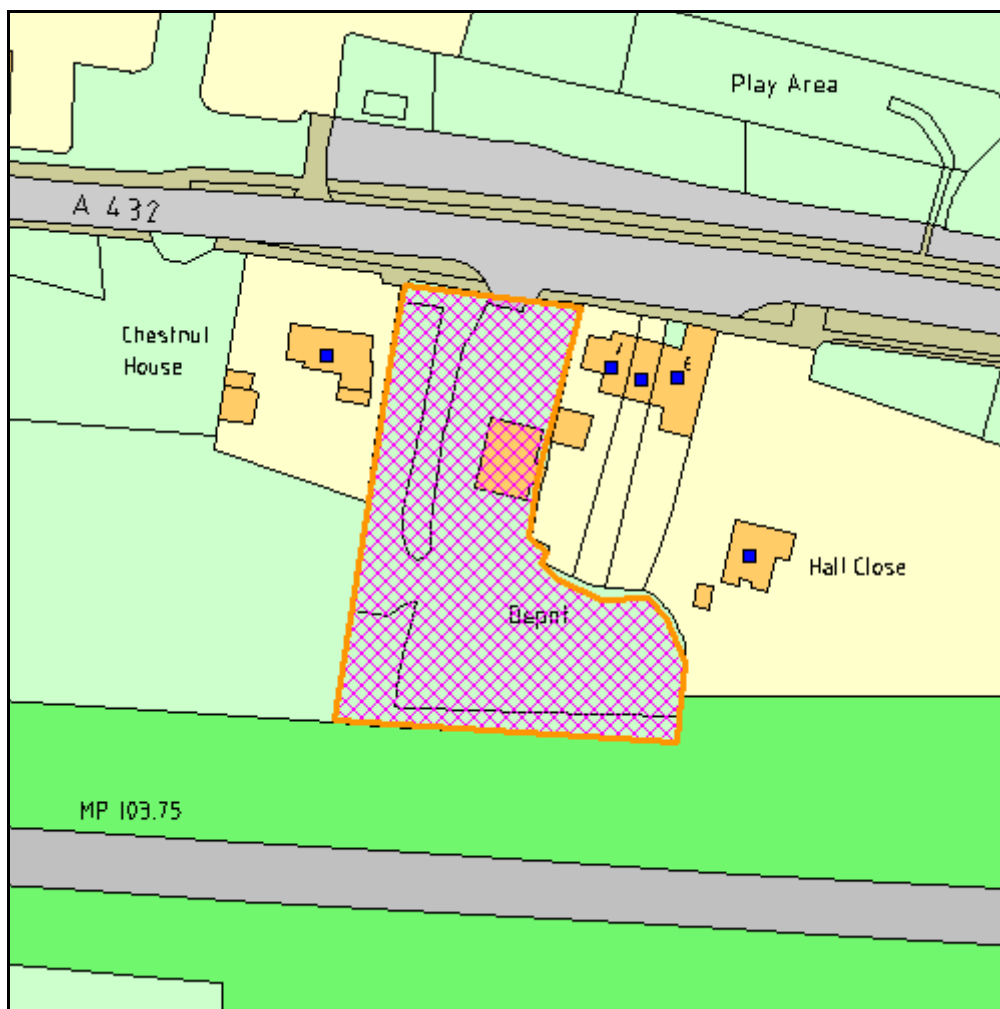
CIRCULATED SCHEDULE 30 June 2023

-

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	P22/07160/F	Approve with Conditions	Former Transport Yard Badminton Road Old Sodbury South Gloucestershire BS37 6LX	Chipping Sodbury And Cotswold Edge	Sodbury Town Council
2	P23/00408/F	Approve with Conditions	Land Known As 72 North Street Downend South Gloucestershire BS16 5SG	Frenchay And Downend	Downend And Bromley Heath Parish Council
3	P23/00801/HH	Approve with Conditions	7 Burrough Way Winterbourne South Gloucestershire BS36 1LF	Winterbourne	Winterbourne Parish Council
4	P23/01204/HH	Approve with Conditions	2 Ottrells Mead Bradley Stoke South Gloucestershire BS32 0AJ	Bradley Stoke North	Bradley Stoke Town Council
5	P23/01219/PIP	Approve	Land At Tanhouse Lane Yate South Gloucestershire BS37 7LP	Frampton Cotterell	Iron Acton Parish Council
6	P23/01541/PIP	Approve	Land At Milbury Heath Cuttsheath Road Buckover South Gloucestershire	Thornbury	Thornbury Town Council
7	P23/01556/HH	Approve with Conditions	68 Bakers Ground Stoke Gifford South Gloucestershire BS34 8GF	Stoke Gifford	Stoke Gifford Parish Council

CIRCULATED SCHEDULE NO. 26/23 -30th June 2023

App No.:	P22/07160/F	Applicant:	Hawkfield Homes (Bath) Ltd
Site:	Former Transport Yard Badminton Road Old Sodbury South Gloucestershire BS37 6LX	Date Reg:	23rd January 2023
Proposal:	Erection of 9 no. dwellings with associated works.	Parish:	Sodbury Town Council
Map Ref:	375169 181597	Ward:	Chipping Sodbury And Cotswold Edge
Application Category:	Minor	Target Date:	17th March 2023



© South Gloucestershire Council 2007.all rights reserved.

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

100023410, 2008.

N.T.S.

P22/07160/F

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

REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

The application is reported to the Circulated Schedule, due to the objection from Sodbury Town Council and the number of local objections received, contrary to the officer recommendation

1. THE PROPOSAL

- 1.1 The application site relates to the former transport yard at Old Sodbury. The site is located outside any identified settlement boundary. There are no planning constraints covering the site.
- 1.2 This is a full application for the erection of 9 dwellings. Planning permission has previously been granted for the erection of 9 dwellings (ref: PK01/333/F) and the Council has confirmed that development has commenced.
- 1.3 The application proposes 3 two bedroom houses, 4 three bedroom houses, 1 four bed and 1 five bedroom. All the proposed dwelling would have two storeys. The proposed dwellings would be constructed of a mix of stone, render and timber with slate roofs.
- 1.4 The siting of the dwellings would be broadly similar to the approved scheme. A s73 application for the variation of the plans condition of the approved scheme has been considered and is, at the time of writing, on the Circulated Schedule (ref: P21/04273/RVC). The dwellings would be sited in the same locations as those in this s73 application. In the interests of clarity, the differences between this application and the s73 are set out below.
 - Changes to the parking for plots 1 to 3 – three spaces allocated to the dwellings
 - Solar panels on all roofs
 - Chimney removed from plot 3
 - Roof lantern on plot 3 is removed and replaced with roof lights
 - Plots 1 and 2 changed from 3 bed to 2 bed
 - Various internal alterations that do not affect the external appearance.

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
 CS5 Location of development
 CS8 Improving accessibility
 CS9 Managing the environment and heritage
 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
 PSP8 Residential amenity
 PSP11 Transport impact management
 PSP16 Parking standards
 PSP20 Flood risk, surface water and watercourse management
 PSP40 Residential development in the countryside
 PSP43 Private amenity space standards

2.3 Supplementary Planning Guidance

Sustainable Drainage Systems (SuDS) – adopted April 2021
 Residential Parking Standards – Adopted December 2013
 Design Checklist – Adopted August 2007
 CIL and S106 – Adopted March 2021
 Waste Collection: guidance for new developments – adopted March 2020
 Affordable Housing and ExtraCare Housing – adopted April 2021

3. RELEVANT PLANNING HISTORY

- 3.1 PK01/3133/F - Erection of 9 dwellings. Construction of new vehicular access. (Full application). – Permitted 24th June 2004
- 3.2 PK10/2637/NMA - Non material amendment to PK01/3133/F to resite Plot 6, entrance porch and 2no. dormers to Plot 7 and dimensional increase to Plot 8. – Refused 11th November 2010
- 3.3 PK11/0467/NMA - Non material amendment to PK01/3133/F to add a condition that development shall be carried out in accordance with the following approved plans listed in schedule CA/0969. – Approved 14th March 2011
- 3.4 PK11/1767/RVC - Variation of condition attached to planning permission PK11/0467/NMA to amend drawings in schedule to CA/0969/01 - 09 inclusive – Permitted 1st August 2011
- 3.5 P20/21142/F - Demolition of existing building and erection of 16 no. dwellings and associated works. – Withdrawn 17th December 2020
- 3.6 P21/00004/MODA - Deed of Variation to Section 106 Legal Agreement attached to planning permission PK01/3133/F in relation to point (ii) Social Housing. – Recommended for approval

- 3.7 P21/04273/RVC - Variation to approved plans list (added by non material amendment application PK11/0467/NMA) to substitute the approved plans – Recommended for approval
- 3.8 Land South of Badminton Road, Old Sodbury (adjacent site)
P21/03344/F – Erection of 35 dwellings and provision of associated infrastructure – Refused 13th May 2021. Appeal allowed 6th January 2023

4. **CONSULTATION RESPONSES**

- 4.1 Sodbury Town Council
Object to the proposed development, raising the following points;
- Refer to previous objection (P21/04273/RVC) that the revisions to Plot 6 will result in a loss of light and privacy to adjacent neighbour
- 4.2 Other External Consultees
Network Rail – Object to the proposed development as the fence adjacent to Network Rail land does not comply with their standards
National Highways – No objection
- 4.3 Internal Consultees
Sustainable Transport – No objection, subject to conditions
Lead Local Flood Authority – No objection, subject to conditions
Highway Structures – No comments received
Environmental Protection – No objection, subject to conditions
Arboricultural – No objection, subject to conditions
Children and Young People – No comments received
Housing Enabling – No comments received

Other Representations

- 4.4 Local Residents
3 letters of objection received, raising the following points
- Surface water drainage strategy uses land controlled by others
- No agreement has been sought for this
- Drainage works constitute development and therefore should be included in the red line with appropriate notices served
- Loss of privacy to Hail Close House
- Overbearing impact to Hail Close House
- Overdevelopment of the site
- Poor design
- No information about whether it complies with residential amenity standards
- Allowed appeal on the adjacent site adds to the intensification

5. **ANALYSIS OF PROPOSAL**

- 5.1 Principle of Development
Core Strategy Policy CS5 directs development to the most sustainable locations, namely within identified settlement boundaries and strict controls

exist to limit development in the open countryside, which is considered to be unsustainable. In early 2023, the Council received 2 appeal decisions, which set out that the settlement boundaries are out of date and the Council would be unlikely to be able to meet its housing need within the current settlement boundaries. As the boundaries have not yet been reviewed through the Local Plan process, they are considered to be out of date.

Paragraph 11 of the NPPF sets out the parameters for decision making. Part (d) of this paragraph states that that *where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date⁸, 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 proposed⁷; 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.”

This is what is known as the tilted balance. As the settlement boundaries are out of date, it is considered that Policy CS5, insofar as it refers to settlements, is out of date for the purposes of decision making thus the tilted balance is engaged.

- 5.3 It is also important to note that the appeal decision for the application at Old Sodbury (P21/3344/F) relates to the site immediately adjacent to the application site. In that appeal, the Inspector concluded that the site was within the appropriate distances for six of the eleven key facilities and services set out in Policy PSP11. There is access to the site and footpaths along Badminton Road, which are mostly well lit. The site is therefore considered to offer safe walking and cycling options. He also considered that there was appropriate public transport, as the site is served by buses to both yate, Chipping Sodbury and Malmesbury.
- 5.4 His conclusion was that the appeal site would have appropriate access to key services and facilities by means other than the private car and therefore complied with Policy PSP11. This essentially concludes that the location of the site is considered to be sustainable and in accordance with the aims of the NPPF.
- 5.5 Given this site is immediately adjacent to the appeal site, it would be unreasonable to judge that the site is not in accordance with the provisions of PSP11.

- 5.6 It is important to note that there is an extant planning permission for nine dwellings of the same number of bedrooms on this site. The representations make reference to the increase in traffic, overdevelopment of the site and the lack of local facilities. Given the existing situation with the extant permission and that the Council has accepted nine dwellings on the site, the principle has been established and therefore nine dwellings on the site is acceptable.
- 5.7 Impact on residential amenity
Impact on existing occupiers
Concerns have been raised by the adjacent occupier at Hail Close House, regarding the potential impact on their residential amenity. As set out, there is an extant planning permission on the site, which is an important material consideration. This proposal, which essentially revises the approved development, must be considered in this context. The proposed dwellings are identical in terms of siting, scale and massing to those proposed under the s73 application. Whilst this application has not yet been approved (it is currently being Circulated), it has been recommended for approval and this is also an important material consideration when assessing the impact on amenity.
- 5.8 Plot 6 would have the most impact on the adjacent property at Hail Close House. The approved location is approx. 2.5m from the shared boundary with Hail Close House. The current proposal is approx. 0.9m from the shared boundary. The elevations have been amended to reflect those on the previous approval. The proposed eaves would be approx. 4m and rise to a height of 8.2m at the ridge. The full height of the ridge would be approx. 5m from the boundary line. In the approved scheme, the eaves are approx. 3.5m, with the ridge at a height of 7.7m. The full height would also be approx. 6m from the boundary.
- 5.9 It is acknowledged that the proposed dwelling would be taller and closer to the boundary with Hail Close House. The closest part of Hail Close House to the boundary with the site is a corner point. The property has two areas of amenity space, to the north of the property, which would be behind plots 6 and 7 and to the east, which would be adjacent to the side of the proposed dwellings. It is acknowledged that there would be more of an impact on the residential amenity of Hail Close House from this proposal than the approved scheme.
- 5.10 The impact on the residential amenity of Hail Close House needs to be considered in the context of the extant position and could be built on the site. This is an important material consideration. It is acknowledged that there would be an impact on the residential amenity of this neighbour, through the increase in height and proximity of the proposed dwellings. Due to the relationship between the sites, it is not considered that this would be significant enough to warrant a reason for refusal.
- 5.11 There may be some overlooking to the rears of 1 and 2 Badminton Road. This would be at an oblique angle and towards the rears of the garden, so it is not considered that this would result in an unacceptable loss of amenity. Due to the distance and relationship, it is not considered that there would be any significant overbearing or overshadowing as a result of this proposal

- 5.12 The Old Post Office (3 Badminton Road) is approx. 30m from the rear to the site boundary. There may be some overlooking from the plots 4 and 5, though due to the angle and the distance, it is not considered that this would be unacceptable. Due to this distance, it is also not considered that there would be any significant overbearing or overshadowing to this property.
- 5.13 No other existing occupiers would be affected. There would also be no adverse impacts on the future occupiers of the approved scheme at the adjacent site, due to the relationship between the plots.
- 5.14 *Impact on future occupiers*
The proposed design of the dwellings would result in a good standard of amenity for future occupiers. There would be limited intervisibility between the proposed dwellings and between the existing and proposed dwellings. PSP43 sets out the minimum standards for residential amenity space for residential development. The proposed development complies with these requirements.
- 5.15 The proposed amendments to the proposed development would not result in any significant adverse impacts to the residential amenity of existing or future occupiers of the site and therefore is in accordance with Policies PSP8 and PSP43.
- 5.16 Impact on the character of the area
The principle of the development has been established through the previous permission. The comments relating to the impact on relation to the allowed appeal on the adjacent site are noted and this would result in intensification of the appearance of the site and its surroundings. However, given that there is an extant permission for nine dwellings in broadly similar locations, it is not considered that the amendments to the siting of the dwellings, proposed by this location, would result in a harmful impact on the character of the area.
- 5.17 The overall impact of the elevational differences are considered to be minimal and largely contained within the site. This would not have an impact on the wider character of the area. A condition, requiring the submission of details of the materials, will be imposed to ensure that the materials are acceptable.
- 5.18 It is therefore considered that the proposed development would not have an adverse impact on the character of the area.
- 5.19 Impact on highway safety
The principle of the development and the access has been established through the previous permission. The proposed access in itself isn't being amended. This is considered to be acceptable.
- 5.20 The Sustainable Transport team have raised concerns regarding the layout of the parking and that the internal layout appears cramped in this regard. It has been established through the adjacent appeal that the site is located in a sustainable location. The level of parking proposed is considered to be acceptable. Whilst there may be areas where the parking layout could be optimised, it is not considered that this would warrant a reason for refusal.

- 5.21 It is noted that a condition is recommended to secure an electric vehicle charging point. However, as this is covered by building regulations and in line with the approach taken by Inspectors recently, such a condition would not be necessary
- 5.22 It is not considered that the proposed amendments to the development would result in a severe adverse impact on the highway network and it would be in accordance with the relevant planning policies.
- 5.23 Flood risk and drainage
Extensive negotiations have been undertaken between Officers and the applicant to ensure that there is a suitable drainage scheme for the proposed development. Conditions have been recommended to ensure that an acceptable and suitable drainage scheme will be implemented for the development. The representation is noted though matters regarding permission to use the land is outside of the planning process. The granting of planning permission would not overrule any other consents or permissions required to implement the permission. The proposed development would therefore accord with Policy PSP20.
- 5.24 Network Rail
Network Rail have objected to the scheme as the applicants haven't shown a suitable fence along the boundary. A condition will be imposed requiring the submission of this detail and its erection prior to occupation, which would overcome this objection.
- 5.25 Planning balance
As set out in the principle of development section, the settlement boundaries have been found to be out of date. Whilst the Council can demonstrate a five year housing land supply, the relevant policy (CS5) has been found to be out of date thus NPPF paragraph 11(d) engages and any harms caused by the scheme must significantly and demonstrably outweigh the benefits, when assessed against the NPPF as a whole.
- 5.26 The benefits of the proposed development are as follows;
- Sustainable location
 - Extant permission for 9 dwellings
 - Lack of identified harms to landscape and highways
- 5.27 It is acknowledged that there would be some harm to the residential amenity of the adjacent neighbour, due to the increase in height and proximity of plot 6 to the boundary. When considered in the context of the extant permission and the relationship between the existing dwelling and plot 6, this harm is considered to have limited weight.
- 5.28 On the basis of the above, it is not considered that the harms caused by the development would significantly and demonstrably outweigh the benefits of the scheme. It is therefore considered that the proposed amendments are acceptable.

5.29 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 Planning permission be **GRANTED**, subject to the conditions set out below

CONDITIONS

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

Reason

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

2. Prior to the occupation of the development hereby approved, the internal access road, including the off-street turning area, shall be constructed in accordance with the Council's Standards of Construction and be made available for the public use thereafter.

Reason

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.

3. A) Desk Study and Ground Investigation Reports - Prior to commencement, the Tweedie Evans Desk Study dated 2019 and Ground Investigation report dated June 2020 should be submitted in support of this application.
B) Intrusive Investigation/Remediation Strategy - The Tweedie Evans Ground investigation dated June 2020 identified potential risks which could pose unacceptable risks to the proposed development. Prior to commencement, responses to the queries raised above should be submitted for review.
C) Remediation Strategy - Unacceptable risks were identified in the Tweedie Evans Ground Investigation. Prior to commencement, a Remediation Strategy should be submitted. 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.

D) Verification Report - Prior to first occupation, where works have been required to mitigate contaminants (under condition B & C) 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.

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

Reason

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

4. The development hereby approved shall be carried out in accordance with the Arboricultural report by Silverback Arboricultural Consultancy (January 2023).

Reason

To ensure the long term health of trees, in accordance with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and PSP3 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017.

5. 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, G and H) or any minor operations as specified in Part 2 (Class A), other than such development or operations indicated on the plans hereby

approved, shall be carried out without the prior written consent of the Local Planning Authority.

Reason

To ensure the satisfactory external appearance of the development in the interests of visual amenity and to protect the residential amenity of the neighbouring occupiers and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and the National Planning Policy Framework.

6. No windows other than those shown on the plans hereby approved shall be inserted at any time.

Reason

To ensure the satisfactory external appearance of the development in the interests of visual amenity and to protect the residential amenity of the neighbouring occupiers and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and the National Planning Policy Framework.

7. Prior to the occupation of development a scheme of landscaping, which shall include details of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection during the course of the development; proposed planting (and times of planting); boundary treatments and areas of hardsurfacing shall be submitted to the Local Planning Authority for approval. Development shall be carried out in accordance with the agreed details.

Reason

To protect the character and appearance of the area to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework

8. Prior to the commencement of development above ground level, the finished floor levels of each dwelling relative to existing ground levels shall be submitted to and approved by the Local Planning Authority.

Reason

To protect the residential amenity of the neighbouring occupiers and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and the National Planning Policy Framework.

9. Prior to the commencement of above ground development, details of the materials to be used shall be submitted to and approved in writing by the LPA. Details shall thereafter be carried out in accordance with the details so approved.

Reason

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

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

submitted and approved by the Local Planning Authority. Development shall then proceed in accordance with the agreed details.

Reason:

To comply with South Gloucestershire Local Plan: Policies, Sites and Plans Plan (Adopted) November 2017 Policy PSP20; South Gloucestershire Local Plan: South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 Policy CS1 and Policy CS9; and National Planning Policy Framework 2012.

11. Prior to occupation, details of the screening fence to be constructed to Network Rails specification shall be submitted to and approved in writing by the LPA. The fence shall be erected prior to occupation and retained at all times

Reason

In the interests of safety of future occupiers and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and the National Planning Policy Framework

12. The development hereby approved shall be carried out in accordance with the following plans

Drawing numbered 221525_NP_XX_00_A_2001 Rev P1, received by the Council on 23rd December 2022, and drawings numbered 22125_NP_XX_00_A_1001 Rev P2, _1002 rev P2, _1003 Rev P3, _1010 Rev P3, _1011 Rev P2, _2002 rev P2, _2003 rev P2, _2004 rev P2, _2005 rev P2, _2006 rev P2 and _2007 rev P2, received by the Council on 21st March 2023

Reason

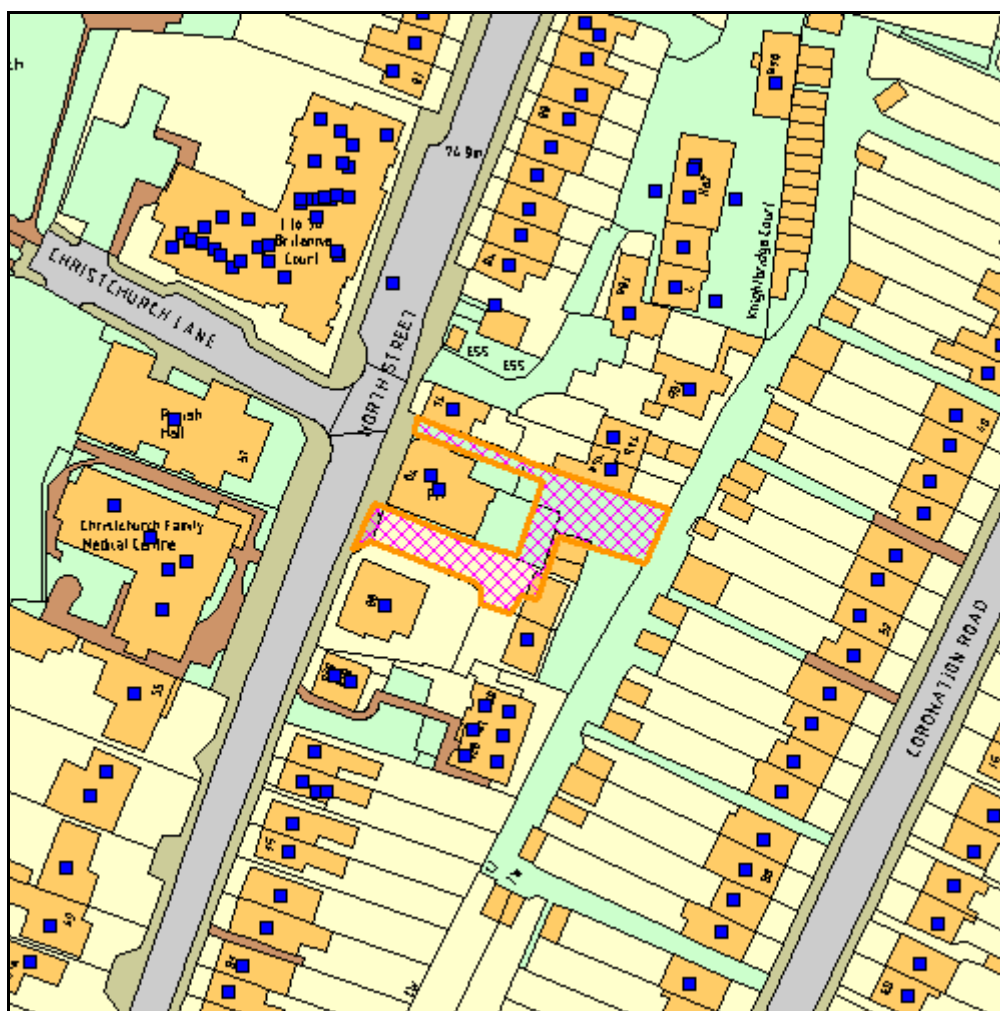
To define the terms and extent of the permission

Case Officer: Suzanne D'Arcy

Authorising Officer: David Stockdale

CIRCULATED SCHEDULE NO. 26/23 -30th June 2023

App No.:	P23/00408/F	Applicant:	Mr Terence Adams N J Building Ltd
Site:	Land Known As 72 North Street Downend South Gloucestershire BS16 5SG	Date Reg:	6th February 2023
Proposal:	Erection of 1 No. detached dwelling and associated works (amendment to approved scheme PK18/4867/F).	Parish:	Downend And Bromley Heath Parish Council
Map Ref:	365045 176380	Ward:	Frenchay And Downend
Application Category:	Minor	Target Date:	17th July 2023



© South Gloucestershire Council 2007. all rights reserved.

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

100023410, 2008.

N.T.S.

P23/00408/F

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

CIRCULATED SCHEDULE

This application is referred to the Circulated Schedule due to comments from the Parish Council.

1. THE PROPOSAL

- 1.1 The applicant seeks full planning permission for the Erection of 1 No. detached dwelling and associated works (amendment to approved scheme PK18/4867/F).
- 1.2 The application site relates to Land known as 72 North Street, Downend. The site lies behind The White Swan a former public house and behind 66 North Street, a locally listed building which both front onto the busy main road.
- 1.3 This application follows an approval for the erection of 1 dwelling on the site. The differences to be considered here include:
 - Changes to the design of the 2 bed dwelling to include a front projection to house a home office
 - Tandem parking for the new dwelling
 - Alterations to the access given that changes have been made to The White Swan public house including the demolition of some rear outbuildings
- 1.4 A further application for another single dwelling is also under consideration reference P23/00343/F.
- 1.5 During the course of the application revised plans were received to reflect the necessity for the demolition of an outbuilding with the curtilage of The White Swan. Certificate B was issued to reflect ownership of adjacent sites and plans were put out for re-consultation.
- 1.6 The applicant has agreed to the prior to commencement conditions put forward by the Ecology team.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework
National Planning Guidance

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

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

CS8	Improving Accessibility
CS9	Managing the Environment and Heritage
CS15	Distribution of Housing
CS16	Housing Density
CS17	Housing Diversity
CS29	Communities of the East Fringe of Bristol

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
PSP17	Heritage Assets and the Historic Environment
PSP30	Horse Related Development
PSP38	Development within Existing Residential Curtilages
PSP43	Private Amenity Space Standards

2.3 Supplementary Planning Guidance

South Gloucestershire Household Design Guidance (Adopted) 2021

South Gloucestershire SPD: Residential Parking Standards (Adopted) 2013

Community Infrastructure Levy (CIL) & Section 106 Planning Obligations Guide
SPD – (Adopted) March 2015

South Gloucestershire Council Waste Collection: guidance for new
developments SPD (Adopted) Jan 2015

3. RELEVANT PLANNING HISTORY

- 3.1 PK18/4867/F Erection of 1 No. detached dwelling and associated works.
Approved 18.1.19

The adjacent site has been subject to a number of planning applications, the most recent of which are detailed below:

- 3.2 P23/00343/F Erection of 1 no. detached dwelling with associated works.
Pending consideration
- 3.3 PK18/4442/F Erection of a single storey rear extension to facilitate
conversion of property from 2no flats to 1no single dwellinghouse. Enclosure
and re-roofing of existing car port to form attached garage and the retrospective
demolition of two bays of the car port.
Approved 29.11.18

4. CONSULTATION RESPONSES

- 4.1 Downend and Bromley Heath Parish Council
No objection. However, tandem parking is unacceptable.

Internal Consultees

- 4.2 Highway structures

No comment

4.3 Ecologist

No objection subject to conditions including prior to commencement condition for external lighting and for plan detailing location and specification of ecological enhancements.

Statutory / External Consultees

4.4 Transport

No objection subject to a condition for an EVCP

4.5 Flood Risk Management Team

No objection

Other Representations

4.6 Local Residents

One letter of objection has been received. The points raised are summarised as:

- PK18/48678/F which was approved & building work has been started
- Concerned about being overlooked
- Not sure where roofline will come in relation to other buildings – would like a similar roofline to cottages at 74a and 74b
- Proposed house is a lot taller and larger – porch and office extension add 20.5sqm
- Proposed windows are larger than before
- A hoarding has been erected 3 m higher than our garden and drastically cut out sunlight reaching it – is this temporary or permanent?

5. ANALYSIS OF PROPOSAL

5.1 The proposal is for the Erection of 1 No. detached dwelling and associated works (amendment to approved scheme PK18/4867/F).

5.2 Principle of Development

The application stands to be assessed against the above listed policies and all material considerations. The site is within the established settlement of Downend and therefore the principle of development is supported. Furthermore, the proposal is for amendments to an approved application for the erection of one dwelling on this site. Notwithstanding this the scheme must still accord with other elements of the development plan and not adversely impact on residential amenity of existing or proposed occupants or on the highway.

5.3 Design and Visual Amenity:

The proposal would still be for a modest 2 bed dwelling with garden and off-street parking spaces. The main changes would be to the external appearance of the dwelling and some design changes to slightly alter the configuration of space to allow the creation of a small home office.

- 5.4 As noted in the previous report for a new dwelling here, the area comprises a mix of built form including stone faced Victorian/Edwardian terraces, stone cottages and modern brick buildings. Buildings therefore differ in size and massing but given its tucked away position the proposed new house would only be seen in glimpses from the main road. The former public house, The White Swan, which fronts onto North Street is a locally listed building. Plans indicate that a large outbuilding within the curtilage of The White Swan would be demolished to improve access to the rear of the site and therefore to the proposed dwelling, existing properties to the rear of the former public house and to the other new dwelling being considered separately under P23/00343/F.
- 5.5 The proposed dwelling would be two storey occupying a footprint of around a maximum 10.4 x 6.4 m with a maximum height of 7.3m. Openings would be in all four elevations but the main windows and doors would be in the front and rear elevations. By comparison the previous approved dwelling would have occupied a footprint of around 6.3 metres square and achieved maximum height of around 6.7 metres and would have had more openings in its side elevations. Materials proposed are a mixture of timber clad finish to the top half and render to the lower half of the dwelling. Similar materials, although in a different proportion were found acceptable for the previously approved scheme.
- 5.6 It is acknowledged that the proposed dwelling is larger than that approved. However, on this occasion the dwelling has a different footprint to the simple square previously approved. To accommodate a home office and two bedrooms of similar size, the footprint shows a two storey projection front projection. On balance this is not considered an unacceptable increase given the recent change in working patterns.
- 5.7 It is therefore considered that the proposal represents an acceptable form of design, scale and massing and is in accordance with adopted policies. On this basis the proposal is recommended for approval.
- 5.8 Residential amenity:
Adopted policy under PSP43 sets out the amenity space required for new development. A 2 bed house must as a minimum have 50 square metres of private, functional amenity space.
- 5.9 Plans indicate the dwelling would have over 107sqm of amenity space. This is not the case. Paths around a dwelling and front gardens (along with parking spaces) are excluded from residential amenity calculations. The rear garden area would fall slightly short of the 50sqm required under policy. However, given this is an amendment to an approved scheme and the shortfall is minor, the difference is not sufficient to warrant a refusal of the scheme.
- 5.10 With regards to impact on neighbours, comments have been received expressing concern regarding overlooking. The comments come from a property fronting North Street. Plans show the proposed new dwelling would be around 15 metres (at an oblique angle) from the garden wall of this property and 19metres from the closest rear elevation. Although there would be changes for neighbours, given the above the proposal would not result in an unacceptable level of overlooking sufficient to warrant a refusal.

- 5.11 With regards to impact on other closest neighbours, those to the rear (east) of the site are separated by a high boundary wall and the access lane serving properties off Coronation Road. To the north a high stone boundary wall screens the closest cottages. To the south the proposed new dwelling would have typical garden fence separation and neither it nor this proposed dwelling would have openings facing the other. To the west lies The White Swan. An outbuilding within the curtilage of this property will be demolished to accommodate the development. It is noted that a number of single storey structures follow on from the main rear elevation of the pub and extend to the south. These are considered to be low quality structures with no openings facing the proposed new development. The front elevation of the new dwelling would be around 18 metres from the rear first floor windows of the pub. In this built-up area location this distance is considered acceptable and would not result in an unacceptable issues of overlooking or inter-visibility sufficient to warrant refusal of the application.
- 5.12 In this way the scheme is in accordance with adopted residential amenity policies and can be recommended for approval.
- 5.13 Sustainable Transport:
Two parking spaces are proposed for this 2 bed property. Adopted policy requires only 1, but it is considered sensible that additional provision be made on site due to the limited parking on the street outside and in nearby roads.
- 5.14 Comments from the Parish council are noted whereby they declare tandem parking to be unacceptable. In certain circumstances this would be the case, for example, if the property were divided into flats or occupied by different households as with an HMO. In this instance the 2 bed property is to be occupied by one household/family and therefore tandem parking is not considered to be an issue of concern.
- 5.15 Parking for other properties using this same access will not be affected by this development. The proposal is considered to accord with policy and no objections are raised.
- 5.16 With regards to an EVCP this matter is covered by Building Control Regulations and as such a condition will not be attached to the decision notice.
- 5.17 Ecology:
An Ecological Assessment: Bats report has been submitted (LUS Ecology, June 2023). The site is not covered by an ecological destinations and comprises a small disused outbuilding surrounded by hardstanding with no trees or vegetation present.
- 5.18 The Ecological Assessment included the results of a Preliminary Roost Assessment undertaken in May 2023, and the building was assessed as having low potential to support roosting bats. In accordance with best practice guidelines, a subsequent bat dusk emergence survey was undertaken (also in May 2023) and no roosting bats were recorded in the building during this survey. As such, no further bat surveys were recommended. Suitable mitigation

measures were provided in section 5.2 of the Ecologist Assessment, including removal of ridge tiles and lead flashing to be undertaken by hand, and the requirement for works to cease in the unlikely event of a roosting bat being encountered during proposed works. The roosting features recommended in section 5.3. of the report are welcomed, and a plan indicating proposed roosting features is to be provided to the Local Planning Authority prior to commencement, for review and approval.

- 5.19 The report confirmed that no bird nests were observed during the survey. However, the building could offer nesting opportunities for birds. Appropriate mitigation measures are outlined in section 5.4 of the Ecological Assessment to avoid potential harm to nesting birds, and these measures should be strictly adhered to. In order to enhance the site for wildlife, installation of bird boxes would be welcomed and further details can be provided on a plan, prior to commencement.
- 5.20 The Ecological Assessment stated that no other protected species would be impacted by proposed works. Although potentially unlikely that badgers or hedgehogs may use the site, it is considered possible they could commute across the site, if present locally. As such, all trenches/pits are to be covered by nightfall or fitted with a means of escape to avoid animals becoming trapped.
- 5.21 The proposal is considered appropriate subject to conditions to be attached to the decision notice.
- 5.22 Impact on Equalities
The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society. As a result of that Act the public sector Equality Duty came into force. Among other things, the Equality Duty requires that public bodies to have due regard to the need to: eliminate discrimination; advance equality of opportunity; and, foster good relations between different groups when carrying out their activities.
- 5.23 Under the Equality Duty, public organisations must consider how they could positively contribute to the advancement of equality and good relations. This should be reflected in the policies of that organisation and the services it delivers.
- 5.24 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 has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan: Core Strategy

(Adopted) December 2013 and the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

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

CONDITIONS

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

Reason

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

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

As received by the LPA on 1.2.23:

Site location plan

Proposed elevations - south and east

Proposed elevations - north and west

Proposed first floor plan

Proposed ground floor plan

As received by the LPA on 19.4.23

Proposed block plan - 01A

Current block plan - 01A

Floor plan of outbuilding

Elevations of outbuilding

Reason:

For the avoidance of doubt.

3. The development shall proceed in strict accordance with the Mitigation Measures provided in the Ecological Assessment: Bats report (LUS Ecology, June 2023). In addition, any trenches/pits excavated during proposed works are to be covered by nightfall or fitted with a means of escape to avoid animals becoming trapped.

Reason:

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

4. Prior to commencement, details of all proposed external lighting are to be submitted to the local authority for review and is to include the location and specification. All external lighting shall be installed in accordance with the specifications and locations

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

Reason:

This is a prior to commencement condition to avoid any unnecessary mitigation in the future, to ensure the works are carried out in an appropriate manner and in the interests of ecology and wildlife protection, and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy PSP19 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; and the provisions of the National Planning Policy Framework.

5. Prior to commencement of works a plan detailing the location and specifications of ecological enhancements detailed within the Ecological Assessment: Bats report (LUS Ecology, June 2023) is to be submitted to the local authority for review. This includes, but is not limited to, bat boxes (or similar roosting provision) and bird boxes.

Reason:

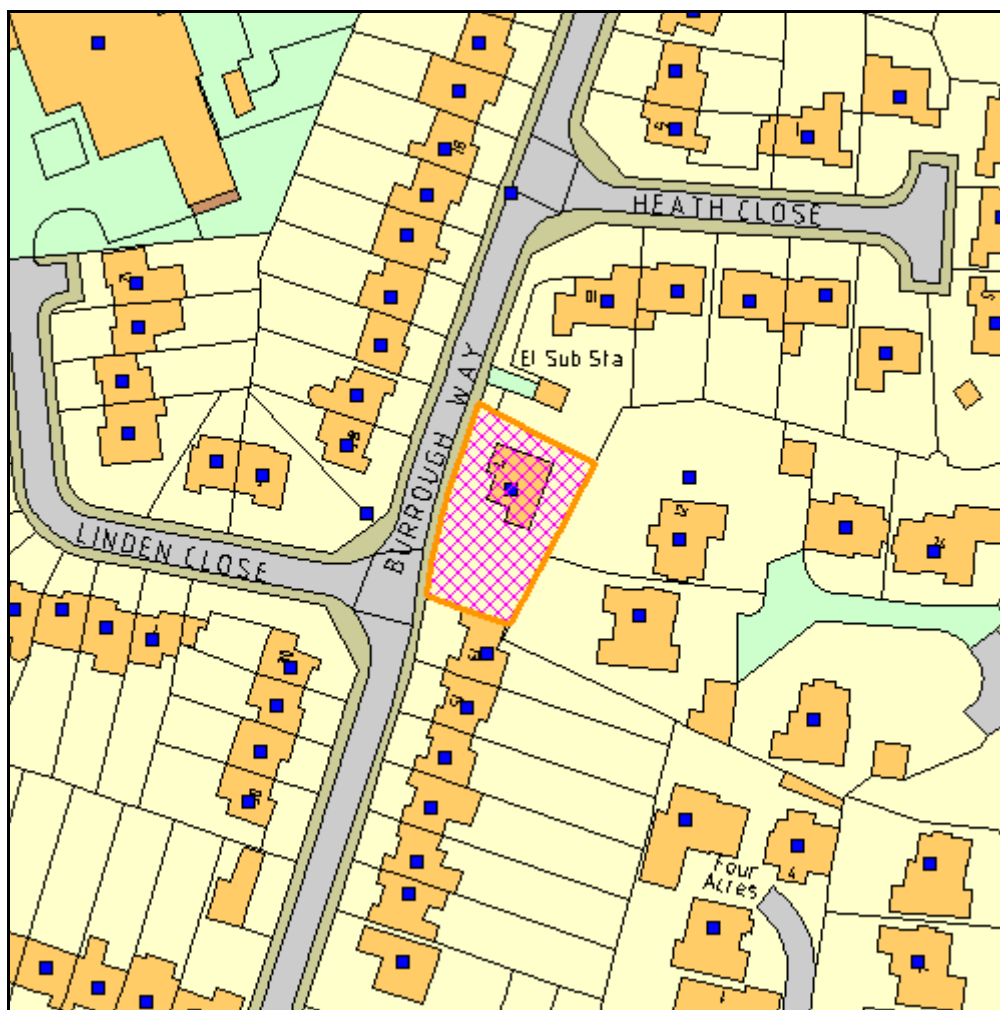
This is a prior to commencement condition to avoid any unnecessary mitigation in the future, to ensure the works are carried out in an appropriate manner and in the interests of ecology and wildlife protection, and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy PSP19 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; and the provisions of the National Planning Policy Framework.

Case Officer: Anne Joseph

Authorising Officer: Marie Bath

CIRCULATED SCHEDULE NO. 26/23 -30th June 2023

App No.:	P23/00801/HH	Applicant:	Mr Marc Sullivan
Site:	7 Burrough Way Winterbourne South Gloucestershire BS36 1LF	Date Reg:	16th March 2023
Proposal:	Removal of existing wall and erection of 1.8m fence.	Parish:	Winterbourne Parish Council
Map Ref:	365293 180530	Ward:	Winterbourne
Application Category:	Householder	Target Date:	7th July 2023



© South Gloucestershire Council 2007. all rights reserved.

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

100023410, 2008.

N.T.S.

P23/00801/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 Winterbourne Parish Council objecting to the proposal, contrary to the officer recommendation.

1. THE PROPOSAL

- 1.1 Full planning permission is sought for the removal of an existing wall and erection of 1.8m fence.
- 1.2 The application site is a detached dwelling, located at 7 Burrough Way, and is set within the area of Winterbourne.
- 1.3 Throughout the course of the application process, revised plans have been submitted to the Council following concerns raised by the case officer with regards to design and amenity. These changes include repositioning the fence and reduction in height to 1.8m. This assessment is therefore made on the basis of these revised plans and the description of development has been amended accordingly.

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
PSP3 Trees and Woodland
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 Winterbourne Parish Council

The comments of the Parish Council are Objection. There is the possibility the visibility splay of the neighbouring house, no 13, will be impeded by the high fence. There is also concern that if the existing wall is removed, it will have a detrimental effect on the adjacent tree roots.

4.2 Tree Team

The proposed removal of an existing boundary wall and replacement with fencing is acceptable. The wall is not in close proximity to the TPO Sycamore tree and will not affect the tree. There is a semi-mature Silver birch tree adjacent to the wall and therefore the following advice should be followed. The holes for the fence posts should be lined with a non permeable material such as polythene in order to prevent toxins from the post cement affecting the roots of the tree, where possible the posts should be positioned away from major tree roots and any roots less than 50mm need to be cleanly severed with a sharp tool.

Updated comments 23/06/2023: No further comment.

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. It is proposed to remove the existing boundary wall, in replacement for a 1.8m boundary fence. The plans show that there is a south facing wall which runs along the boundary of the site and the proposal would seek to replace this wall with a close board,

treated wood fence which would enclose an additional section of grass verge which runs along the front and side of the property, abutting the public footpath.

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 property itself sits on a fairly prominent plot on Burrough Way, in between the adjoining cul-de-sacs of Heath Close and Linden Close. There is an electricity substation and protected Sycamore tree sited to the north and there is also a semi-mature silver birch tree to the south on the existing grass verge. It is established that a change in boundary treatment and partial enclosure of grass verge would impact on the character and appearance of the street scene and the way in which the property is viewed from the public realm, which will be addressed further below.

5.5 In this instance, the plans show a revised siting of the fence, bringing it closer to the main property and retaining a larger area of open grass verge to the front with a separation gap of 1m-2m between the proposed fence and public footpath. The revised plans also show that the height of the fence has been brought down to 1.8m. These amendments are found appropriate to mitigate the impact of the change in character and appearance of the application property when viewed from the public realm and to also reduce impact caused to the openness of the street scene by encroaching onto the grass verge. Likewise, the proposed fencing would measure 1.8m in height, whilst the existing boundary wall measures 1.6m in height with 1.8m high pillars at 1.9m intervals, demonstrating that the height increase would be marginal, further reducing impact to the visual amenity of the wider street scene.

5.6 Furthermore, it was demonstrable from a site visit that close boarded fences of this nature are visible in the area, principally on corner and prominent plots, similar to that of this application. In particular, this arrangement is apparent at No. 10 Heath Close which sits next to and perpendicular to the application property. The proposed siting of the boundary treatment therefore shows that the fence would be in line with the building line of the boundary treatment of this neighbour. It would therefore be unreasonable to hold an objection on design and visual amenity grounds on that basis as the presence of the fence would not be out of keeping with the area in its entirety.

5.7 For the reasons above, it can be concluded that the revised proposed addition of the fence and partial enclosure of grass verge would not result in a harmful impact to the character and appearance of the property, nor its locality. The proposal therefore accords with the relevant design and visual amenity policies, as set out in the development plan and accompanying guidance within the Householder Design SPD.

5.8 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.

5.9 The property itself is detached however, appropriate consideration has been given to the impact of the proposal on the amenity of the neighbour at No. 13, which sits directly next to the rear garden of the application site and is also the subject of concern with regards to the comments received from the Parish Council. It is therefore considered that the impact of the proposal should be assessed in relation to this neighbour.

5.10 In this case, the Householder Design SPD makes references to protection of neighbouring amenity and states that proposals for householder applications should be set back from the boundary with the street scene and should not screen a neighbour's entrance, with emphasis on retaining a clear and defined entrance and access path. That being said, it was clear from a site visit that part of the principal elevation of this neighbour is shielded at present due to an existing projecting attached garage. Due consideration has therefore been given to the existing levels of screening and the proposal would essentially exacerbate this existing arrangement.

5.11 Revisions made to the plans show that the fence would now sit at an approximate 27° angle away from the neighbour and when measured along the residential curtilage boundary of the grass verge. Given that the height of the fence has been reduced, and that the fence has now been sited to project away from the neighbouring property, it is demonstrated that the proposed fence would not further harm or worsen the screening of the principal elevation of the neighbouring property. It is also likely that the fence will not be seen by the neighbour at No. 13 from any ground floor living space, mitigating any impacts that may be of an overbearing or dominating nature.

5.12 On that basis, the proposal is found to satisfy policies PSP8 and PSP43 of the development plan and there are no objections from a residential amenity perspective.

5.13 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. The proposal does not seek to alter the existing parking arrangements, nor is it proposed to increase the number of bedrooms at the property. The proposal is therefore compliant with PSP16 of the development plan in this respect.

5.14 It is further noted from comments received by the parish council that there are concerns regarding the visibility splay to the access for the neighbouring property. As shown from the revised plans, the proposed fencing has been repositioned at an angle of 27° away from the main access of the neighbouring property at No. 13 and has been brought in closer to the main dwelling than that of what was previously proposed. Through this repositioning and an overall reduction in height, a safe and adequate level of visibility will be achieved from the neighbouring driveway and access path. It has also been demonstrated that the proposal would not negatively harm the amenity of this neighbour by virtue of an overbearing or dominating impact. No further concerns are therefore raised with regards to public or highway safety, particularly in the case of the neighbour at No. 13.

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 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 10 March 2023:
Site Location Plan

Received by the Local Authority on 16 March 2023:
Existing Elevations

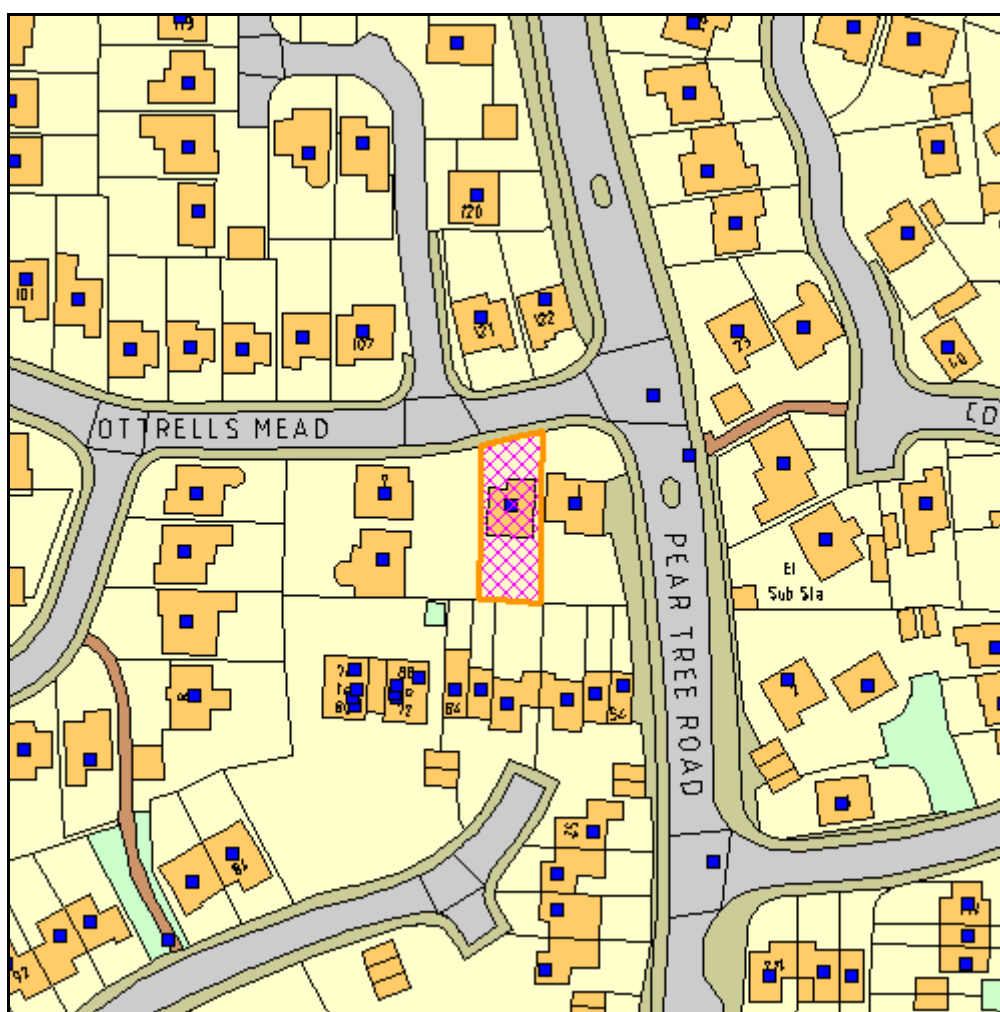
Received by the Local Authority on 21 June 2023:
General Arrangement (Revision A)
Proposed Elevations (Revision A)

Reason
To define the terms and extent of the permission.

Case Officer: Lucie Rozsos
Authorising Officer: Marie Bath

CIRCULATED SCHEDULE NO. 26/23 -30th June 2023

App No.:	P23/01204/HH	Applicant:	Mr Roni Patel
Site:	2 Ottrells Mead Bradley Stoke South Gloucestershire BS32 0AJ	Date Reg:	13th April 2023
Proposal:	Erection of single storey rear extension to form additional living accommodation.	Parish:	Bradley Stoke Town Council
Map Ref:	361400 183091	Ward:	Bradley Stoke North
Application Category:	Householder	Target Date:	30th June 2023



© South Gloucestershire Council 2007.all rights reserved.

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

100023410, 2008.

N.T.S.

P23/01204/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 REPORTING TO THE CIRCULATED SCHEDULE

Objection to the original (now superseded) plans from Bradley Stoke Town Council.

1. THE PROPOSAL

- 1.1 Planning permission is sought for the erection of a single storey rear extension to form additional living accommodation at 2 Ottrells Mead, Bradley Stoke.
- 1.2 The application site comprises a two storey detached dwelling. The application site is located within the defined Bristol northern fringe settlement boundary.
- 1.3 During the course of the application revised plans were received to remove a single storey side extension from the proposed plans. The proposal description was then updated accordingly. As the only change was a reduction in the amount of development, it was not considered necessary to carry out a re-consultation.

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

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

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

2.3 Supplementary Planning Guidance

Design Checklist SPD (Adopted) August 2007
Residential Parking Standard SPD (Adopted) December 2013
Assessing Residential Amenity TAN (Endorsed) 2016
Household Design Guide SPD (Adopted) March 2021

3. RELEVANT PLANNING HISTORY

- 3.1 P86/0020/2
Residential development consisting of the erection of 122 dwellings on approximately 4.3 hectares (10.8 acres). Construction of related access roads, footpaths, boundary walls, garages and parking areas. (In accordance with the amended plans received by the council on 14th October 1986).
Approval (03/12/1986)
- 3.2 P84/0020/1
Residential, shopping & employment development inc. Roads & sewers and other ancillary facilities on approx. 1000 acres of land.
Approval (03/12/1986)

4. CONSULTATION RESPONSES

- 4.1 Bradley Stoke Town Council
Objection to the original (now superseded) plans - Out of keeping with the street scene, too close to highway, confusion over accuracy of plans.
- 4.2 Archaeology Officer
No comment.
- 4.3 Sustainable Transport Team
Additional information requested.
- 4.4 Local Residents
2no. objection comments from local residents have been received to the original (now superseded) plans making the following points:
- The plans are inaccurate and include land not within the applicant ownership.
 - The proposed side extension would impact the neighbouring properties ability to park and cause disruption to neighbouring properties driveway and impact emergency vehicles.
 - An additional door to the front is out of keeping with street scene.
 - The proposed side extension would impact neighbouring properties drain.

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
The application seeks permission for a single storey rear extension at an existing residential property. Policy PSP38 of the Policies, Sites and Places Plan permits development within established residential curtilages subject to an assessment of design, amenity and transport. The development is acceptable in principle but will be determined against the analysis set out below.

5.2 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.

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

5.4 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.

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

5.6 Highway Safety and Transport

Policy PSP16 of the Policies, Sites and Places Plan sets out the Councils minimum parking standards. The proposed development would not increase the number of bedrooms in the property and would not remove any on-site parking spaces.

5.7 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.

5.8 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 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:

The Location Plan

OM001.5-23 - Existing and Proposed Ground Floor Plan (Received 22/06/2023)

OM004.2-23 - Proposed Rear Elevation (Received 22/06/2023)

OM005.2-23 - Proposed Side Elevation (Received 22/06/2023)

OM006-23 - Existing and Proposed Front Elevation (Received 29/03/2023)

OM007-23 - Existing Rear Elevation (Received 29/03/2023)

OM008-23 - Existing Side Elevation (Received 29/03/2023)

OM009-23 - Proposed Side Elevation (Received 29/03/2023)

OM0010-23 - Existing Side Elevation (Received 29/03/2023)

Reason

To define the terms and extent of the permission.

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

Reason

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

Case Officer: Oliver Phippen

Authorising Officer: Marie Bath

CIRCULATED SCHEDULE NO. 26/23 -30th June 2023

App No.: P23/01219/PIP

Applicant: St Martin
Commercial
Properties Limited

Site: Land At Tanhouse Lane Yate South
Gloucestershire BS37 7LP

Date Reg: 4th April 2023

Proposal: Permission in principle for the erection of up to 6no. dwellings.

Parish: Iron Acton Parish Council

Map Ref: 369941 184999

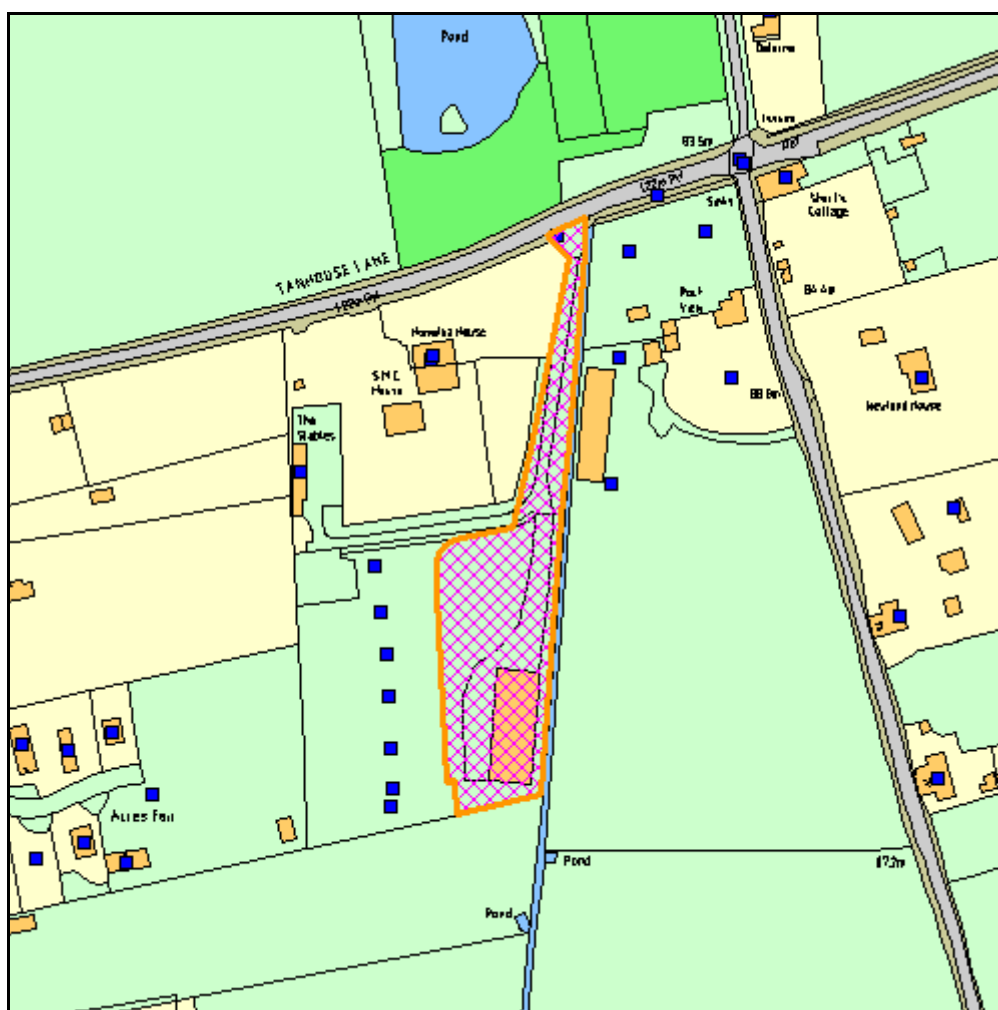
Ward: Frampton Cotterell

Application Minor

Target 10th July 2023

Category:

Date:



© South Gloucestershire Council 2007.all rights reserved.

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

100023410, 2008.

N.T.S.

P23/01219/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 REPORTING TO THE CIRCULATED SCHEDULE

Concerns from Iron Acton Parish Council and 3 or more comments received from local residents contrary to Officer recommendation.

1. THE PROPOSAL

- 1.1 This is a Permission in Principle application for Land at Tanhouse Lane, Yate, BS37 7LP. The site lies outside any defined settlement boundary, within the Open Countryside. The proposal is for the erection of a minimum of 4no. and a maximum of 6no. dwellings.
- 1.2 The permission in principle 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.
- 1.3 The permission in principle consent route therefore 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.
- 1.7 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 July 2021
National Planning Practice Guidance

2.2 **Development Plan**

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
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
PSP8	Residential Amenity
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP17	Heritage Assets and the Historic Environment
PSP19	Wider Biodiversity
PSP20	Flood Risk, Surface Water and Watercourse Management
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
Assessing Residential Amenity TAN (Endorsed) 2016
Trees and Development Sites SPD (Adopted) April 2021

3. **RELEVANT PLANNING HISTORY**

3.1 PK10/2586/F

Change of use of building and land from stables and the keeping of horses to Light Industrial (Class B1) as defined in the Town and Country Planning (Use Classes Order) 1987 (as amended). (Retrospective). (Resubmission of PK10/1701/F).
Approve with Conditions (26/11/2010)

Adjacent Land

3.2 PK18/0504/F

Erection of 7 no. dwellings with access and associated works.

Approve with Conditions (29/05/2018)

3.3 PK17/1226/O

Erection of 7no dwellings (outline) with access and layout to be determined. All other matters reserved. (re-submission of PK16/4890/O).

Approved - S106 Signed (08/06/2017)

4. **CONSULTATION RESPONSES**

4.1 Iron Acton Parish Council

Concerns raised over the accuracy of the PIP planning statement.

4.2 Ecology Officer

The submission of a Preliminary Ecological Appraisal is required.

4.3 Flood and Water Management Team

Foul and surface water drainage details required.

4.4 Sustainable Transport Team

Insufficient information has been submitted to establish whether a suitable access (particularly and specifically pedestrian access) can be provided for this proposed development site linking it adequately to the wider highway network. The site has shortcomings in terms of accessibility to services (such as shops and health services) via walking, although it is acknowledged that limited access the services at Yate via bus or by bike may be possible consistent with national and local planning policy.

4.5 Tree Officer

The trees to the east and south of the site are protected by Area Tree Preservation Order 0633. These trees would need significant consideration and protection during the planning process as well as during construction and post construction. An Arboricultural Impact Assessment, Tree Constraints Plan, Tree Protection Plan and Arboricultural Method Statement, prepared by a qualified Arboriculturalist and in accordance with BS 5837:2012 are required.

4.6 Local Residents

1no. support comment from local residents has been received making the following points:

- The existing driveway for no.7 Feltmakers Lane consists of 2 spaces alongside the proposed garage. When both are used, accessing a car requires some space beyond the driveway (over the existing bund). We are keen that when detailed plans are made, the siting of the garage should allow this access to continue.

1no. neutral comment from local residents has been received making the following points:

- No objection to a redevelopment of the site but there is a sewerage treatment plant that currently resides within Plot 1. This treatment plant services the Green Barn, Homelea House South and Homelea House North and has a covenant but has not been acknowledged anywhere within the existing or proposed site plans.

4no. objection comments from local residents have been received making the following points:

- Tanhouse Lane does not have sufficient road and path capacity to carry any more traffic. The road is in a dreadfully poor state of repair and the sides of the road have been churned up and destroyed by existing traffic causing the actual road to break away on either side.
- The area has no pathways on very narrow lanes and forms part of the Avon Cycle Way. There are many walkers, horse riders and cyclists and therefore the area cannot sustain anymore development without detrimentally impacting highway safety.
- Neighbouring properties experience significant surface water runoff from the new developments at Feltmakers and Weavers Lane. Drainage ditches are fill in winter and risk causing serious flooding.
- There is a covenant covering the existing septic tank located within the proposed Plot 1. There is no mains sewer in the area.
- Use of Tanhouse Lane for recreation is increasing with the housing development in Brimsham Park/Ladden Garden Village which has footpath links across fields to Tanhouse Lane. It is an increasingly important rural area for many people. It is a rural area outside of the development boundary. The area has no amenities and residents are very car dependant.

•

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

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 4no. and a maximum of 6no. 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 be clear, whilst the site is outside any defined settlement boundary, this does not mean that it automatically follows that the development is unacceptable in principle.
- 5.11 The presumption, as set out above, favours only sustainable development. The reasoning behind Policy CS5 was to achieve a sustainable dispersal of

development throughout the district where there is access to existing goods and services to meet the needs of a growing population. Paragraph 79 of the NPPF seeks to avoid the development of isolated new homes in the countryside as it is regarded as an unsustainable form of development.

- 5.12 The application site cannot be described as isolated as the surrounding land is developed on three sides. Furthermore, the site is less than 500 metres from 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, which is approximately 360 metres 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.
- 5.14 The proposed development would not appear isolated or remote in visual terms as it is adjacent to 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 application site is currently vacant but within a light industrial use. This use falls into Class E(g)(iii) as defined in the Town and Country Planning (Use Classes Order) 1987 (as amended). This site is not a safeguarded area for economic development and cannot be considered to be within the boundaries of an urban area or village, therefore Policies CS12 and CS13 of the Core Strategy are not applicable. Policy CS34 of the Core Strategy seeks to protect rural employment sites. The NPPF seeks to promote a strong, rural economy.
- 5.16 The submitted Planning Statement states that the site was last used for light industrial uses approximately 6 years ago and has been vacant since. The site was granted retrospective planning permission for a change of use to light industrial in 2010 subject to a number of restrictive conditions. Since then, a residential development of 7no. new dwellings has been built adjacent to the west boundary of the site. It can now therefore be considered that the proposed site is no longer suitable for light industrial use without detrimentally impacting the residential amenity of the neighbouring properties. When considering this, along with the fact that the site currently sits vacant, its retention as a rural employment site would be of limited benefit.

Amount of Development

- 5.17 The proposal is for the erection of a minimum of 4no. and a maximum of 6no. dwellings. An illustrative proposed site plan has been provided to support the application. The site plan shows 6no. detached dwelling within proportional curtilages. Whilst there are concerns regarding the impact on boundary trees, it is considered that there is a possibility that 6no. dwelling could be supported on-site. The sites detailed design would be a matter for the Technical Details Consent stage.

Other Matters

- 5.18 **Drainage** - The current submission documents do not indicate what form of foul and surface water drainage is to be utilised. Full details would be required to support a future Technical Details Consent submission.
- 5.19 **Ecology** - The habitats and structures on site have the potential to support protected species. A Preliminary Ecological Appraisal (PEA) would be required to support a future Technical Details Consent submission. The PEA is to include a Preliminary Bat Roost Assessment (PRA) of the impacted buildings and any trees to be removed. If potential is recorded emergence/re-entry surveys are to be completed in line with the Bat Conservation Trust (BCT) guidelines. If a bat roost is recorded it is expected that a total of three emergence/re-entry surveys are undertaken to characterise the roost and inform mitigation for a Natural England European Protected Species (EPS) license. Habitat assessments are to be completed on waterbodies within 500m of the site where they are not separated by a significant dispersal barrier. The PEA is to be supported by a desk study and all surveys are to be completed and submitted for review prior to determination.
- 5.20 **Flood Risk** - The application site is within Flood Zone 1 so a Flood Risk Assessment (FRA) is not required to support a future Technical Details Consent submission. Environment Agency Risk of Surface Water Flooding map show ground profiles in this development area as being subject to overland flow or flood routing in the event of high intensity rainfall (i.e. non-watercourse and non-sewer surcharging). The development area is shown as category 1 in 1000yr or 1 in 100yr or 1 in 30yr surface water flooding. In line with Flood Risk Standing Advice the developer must consider whether he has appropriately considered surface water drainage and flood risks to and from the development site which could occur as a result of the development.
- 5.21 **Landscape** - A detailed Landscape Plan specifying the location of existing boundary vegetation and its protection to BS5837:2012; location, species, stock size, planting centres and quantities of all proposed tree and structure planting designed to further integrate the new dwelling into its surroundings; and details of all proposed boundary and hard landscape surface treatments, including proposed levels and any soil retention/retaining walls that may be required would be required at Technical Details Consent stage.
- 5.22 **Transport and Highway Safety** - An access from Tanhouse Lane is existent that meets adoptable standards.. Car and cycle parking in accordance with Policy PSP16 along with electric vehicle charging point in accordance with the

Council's SPD on residential car parking standards would be required at Technical Details Consent stage.

- 5.23 Trees - The trees to the east and south of the site are protected by Area Tree Preservation Order 0633. These trees would need significant consideration and protection during the planning process as well as during construction and post construction. An Arboricultural Impact Assessment, Tree Constraints Plan, Tree Protection Plan and Arboricultural Method Statement, prepared by a qualified Arboriculturalist and in accordance with BS 5837:2012 would be required to support a future Technical Details Consent submission.

5.24 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.

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

5.26 Other Matters

Concerns have been raised regarding an existing sewerage treatment plant (septic tank) that currently resides within the proposed Plot 1. It has also been raised that there is a covenant covering this. This would be a civil matter between the interested parties and not a planning consideration. Full details of the proposed foul and surface water drainage would be required to support a future Technical Details Consent submission.

6. CONCLUSION

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

7. RECOMMENDATION

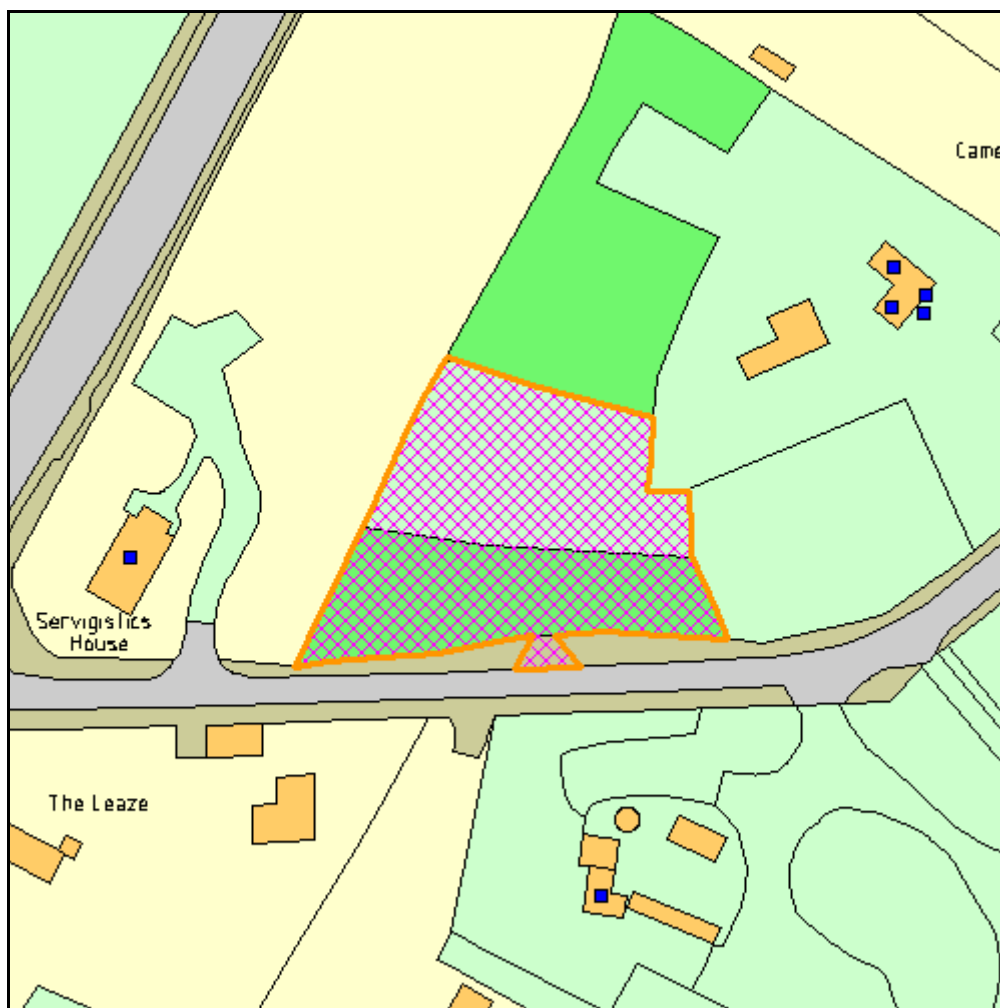
7.1 It is recommended that the application is **GRANTED**.

Case Officer: Oliver Phippen

Authorising Officer: Marie Bath

CIRCULATED SCHEDULE NO. 26/23 -30th June 2023

App No.:	P23/01541/PIP	Applicant:	Mr Bracey
Site:	Land At Milbury Heath Cuttsheath Road Buckover South Gloucestershire	Date Reg:	10th May 2023
Proposal:	Permission in Principle for the erection of 1no self build dwelling.	Parish:	Thornbury Town Council
Map Ref:	366170 190064	Ward:	Thornbury
Application Category:	Minor	Target Date:	10th July 2023



© South Gloucestershire Council 2007.all rights reserved.

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

100023410, 2008.

N.T.S.

P23/01541/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 REPORTING TO THE CIRCULATED SCHEDULE

Objection from Thornbury Town Council contrary to Officer recommendation.

1. THE PROPOSAL

- 1.1 This is a Permission in Principle application for Land at Milbury Heath, Cuttsheath Road, Buckover. The site lies outside any defined settlement boundary, within the Open Countryside. The proposal is for the erection of 1no. dwelling.
- 1.2 The permission in principle 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.
- 1.3 The permission in principle consent route therefore 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.
- 1.7 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 July 2021
National Planning Practice Guidance

2.2 **Development Plan**

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
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
PSP8	Residential Amenity
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP17	Heritage Assets and the Historic Environment
PSP19	Wider Biodiversity
PSP20	Flood Risk, Surface Water and Watercourse Management
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
Assessing Residential Amenity TAN (Endorsed) 2016
Trees and Development Sites SPD (Adopted) April 2021

3. **RELEVANT PLANNING HISTORY**

3.1 P21/05940/F

Erection of 1no. self build dwelling with access, parking and associated works.
Refusal (30/06/2022)

Refusal Reason 1

Policy CS5 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 states that new development will be strictly limited in the open countryside. The application site is outside of any defined settlement and therefore in the open countryside. Defined settlements establish locations which the local planning authority consider suitable for sustainable

development. The proposal, given its location, would conflict with the spatial and locational strategy, which is to create sustainable communities in South Gloucestershire. Also, the site itself is not considered to relate well to any defined settlements, and the proposal does not contain any of the limited forms of residential development acceptable in the open countryside. Distances and safety of routes to services and facilities would be such that future residents would be reliant on private motor vehicles. The proposal therefore does not represent a sustainable form of development and conflicts with 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.

Refusal Reason 2

The proposed development would be represent an unacceptable form of development in this location. The proposal would fail to protect, conserve or enhance the distinctive character of the rural area and would be significantly detrimental to the character of the countryside and amenity of the surrounding area. The proposal is therefore contrary to Policy CS1 and CS34 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy PSP1 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; and the provisions of the National Planning Policy Framework.

Refusal Reason 3

Insufficient information has been provided with the application to enable a full and meaningful assessment of the impact of the proposed development on European Protected Species. Therefore, the Local Planning Authority cannot be assured that the development would not result in harm. The proposal is therefore contrary to Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy PSP19 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; the provisions of the National Planning Policy Framework.

- 3.2 P22/00303/F (area included within blue line)
Erection of a single storey extension to existing building, erection of 1no. detached outbuilding to form enlarged garden centre (Sui Generis) with associated works.
Approve with Conditions (15/06/2022)
- 3.3 P19/11769/F
Retention of existing mixed commercial uses Class B2 (general industry), Class B8 (storage and distribution) and ancillary office use (Retrospective) (Re-submission of PT17/4396/F).
Refusal (15/11/2019)
- 3.4 PT17/4396/F
Retention of existing mixed commercial uses Class B2 (general industry), Class B8 (storage and distribution) and ancillary office use. Erection of 1no dwelling and associated works. (part retrospective)
Refusal (03/09/2018)

- 3.5 PT14/2183/F
Erection of two storey live/work unit with detached garage and associated works
Withdrawn (20/05/2015)
- 3.6 PT10/1480/F
Retention of workshop/ storage building and toilets (Retrospective) (Re-Submission of PT09/1219/F).
Withdrawn (28/07/2010)
- 3.7 PT09/5704/CLE
Application for Certificate of Lawfulness for existing use as a garden centre for retail sales of garden and landscaping materials.
Approve with Conditions (11/05/2010)
- 3.8 PT09/1219/F
Erection of workshop/store and toilet block. (Retrospective).
Withdrawn (18/08/2009)
- 3.9 PT07/2661/O
Erection of 1no. detached dwelling (Outline) with siting/layout, design, scale and landscaping to be considered. All other matters to be reserved.
Refused (28/11/2007) Appeal Dismissed (04/09/2008)
- 3.10 PT05/0340/F
Retention of 2.4 metre high link fence and alterations to 2no. existing accesses.
Approve with Conditions (06/06/2005)
- 3.11 PT02/0763/F (adjacent site)
Erection of two new dwellings.
Refused (29/04/2002) Appeal Dismissed (09/01/2003)
- 3.12 P94/1400
Construction of hardstanding area for material storage and car parking; change of use of building to office and store; ancillary trade sales of landscaping materials in association with landscape centre with show gardens.
Approval Full Planning (22/06/1994)
- 3.13 P91/1374
Erection of detached dwelling; construction of new vehicular and pedestrian access.
Refused (24/04/1991) Appeal Dismissed (21/01/1992)
- 3.14 P90/1643
Erection of two detached dwellings; construction of new vehicular access.
Refused (13/06/1990) Appeal Dismissed (29/08/1991)
- 3.15 P86/2728
Erection of three detached dwellings with double garages. Construction of new vehicular and pedestrian access. Installation of three septic tanks.

Refused (28/12/1986) Appeal Dismissed (09/02/1989)

3.16 N799

Outline application for the erection of three dwellinghouses with garages.
Alteration of existing vehicular and pedestrian access.

Refused (09/01/1975)

4. CONSULTATION RESPONSES

4.1 Thornbury Town Council

Objection - Outside of the development boundary.

4.2 Local Residents

No responses received.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

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 1no. dwelling 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 be clear, whilst the site is outside any defined settlement boundary, this does not mean that it automatically follows that the development is unacceptable in principle.
- 5.11 The presumption, as set out above, favours only sustainable development. The reasoning behind Policy CS5 was to achieve a sustainable dispersal of development throughout the district where there is access to existing goods and services to meet the needs of a growing population. Paragraph 79 of the NPPF seeks to avoid the development of isolated new homes in the countryside as it is regarded as an unsustainable form of development.
- 5.12 The application site cannot be described as isolated as the surrounding land is developed on three sides. The cluster of residential properties that make up Millbury Heath cannot however be called a village as, besides from the garden

centre, provide no discernible facilities. There is a public house approximately 350 metres north of the site but the majority of other facilities are located within Thornbury approximately 1000 metres to the west of the site. Millbury Heath does benefit from 2no. existing bus stops that will be served by the emerging 'WESTlink' on demand bus service. It is therefore considered that whilst future occupiers would still be highly dependent on the use of private motor vehicles, there would be other more sustainable modes of transport available.

- 5.13 The proposed development would not appear isolated or remote in visual terms as it is adjacent to existing residential development. There would also be an alternative mode of transport available to future occupiers that was not a private motor vehicle. 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

- 5.14 The lawful use of the wider site (the area included within the blue line on the submitted Location Plan) was established under application ref. P94/1400, which granted permission for the use of the site as a landscape centre with show gardens (sui generis). However a condition attached to the consent outlined that there were to be no retail sales to the general public. An application for a certificate of lawfulness was subsequently submitted in 2009 (ref. PT09/5704/CLE), on the premise that retail sales to the public had occurred from the site, and that there had been a continuous breach of the condition for a period in excess of 10 years. On the basis of the evidence submitted, the certificate of lawfulness was granted. As such, the current authorised use of the wider site (the area included within the blue line on the submitted Location Plan) is considered to be as a garden centre for retail sales of garden and landscaping materials.
- 5.15 It must however be noted that only a small area of the site included within the red line of this application is covered by application P94/1400 and the subsequent application PT09/5704/CLE.
- 5.16 The submitted Planning Statement states that the site was last used for light industrial uses approximately 6 years ago and has been vacant since. The site was granted retrospective planning permission for a change of use to light industrial in 2010 subject to a number of restrictive conditions. Since then, a residential development of 7no. new dwellings has been built adjacent to the west boundary of the site. It can now therefore be considered that the proposed site is no longer suitable for light industrial use without detrimentally impacting the residential amenity of the neighbouring properties. When considering this, along with the fact that the site currently sits vacant, its retention as a rural employment site would be of limited benefit.

Amount of Development

- 5.17 The proposal is for the erection of 1no. dwelling. The site is of sufficient size to combatable support a single dwelling with generous residential curtilage. Given the characteristics of the surrounding area it would be inappropriate to erect any more than 1no. dwelling on site.

Other Matters

- 5.18 Drainage - Full foul and surface water drainage details would be required to support a future Technical Details Consent submission.
- 5.19 Ecology - The habitats and structures on site have the potential to support protected species. A Preliminary Ecological Appraisal (PEA) would be required to support a future Technical Details Consent submission. The PEA is to be supported by a desk study and all surveys are to be completed and submitted for review prior to determination.
- 5.20 Flood Risk - The application site is within Flood Zone 1 so a Flood Risk Assessment (FRA) is not required to support a future Technical Details Consent submission.
- 5.21 Landscape - A detailed Landscape Plan specifying the location of existing boundary vegetation and its protection to BS5837:2012 (if applicable); location, species, stock size, planting centres and quantities of all proposed tree and structure planting designed to further integrate the new dwelling into its surroundings; and details of all proposed boundary and hard landscape surface treatments, including proposed levels and any soil retention/retaining walls that may be required would be required at Technical Details Consent stage.
- 5.22 Transport and Highway Safety - Car and cycle parking in accordance with Policy PSP16 along with electric vehicle charging points in accordance with the Council's SPD on residential car parking standards would be required at Technical Details Consent stage.
- 5.23 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.
- 5.24 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 South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

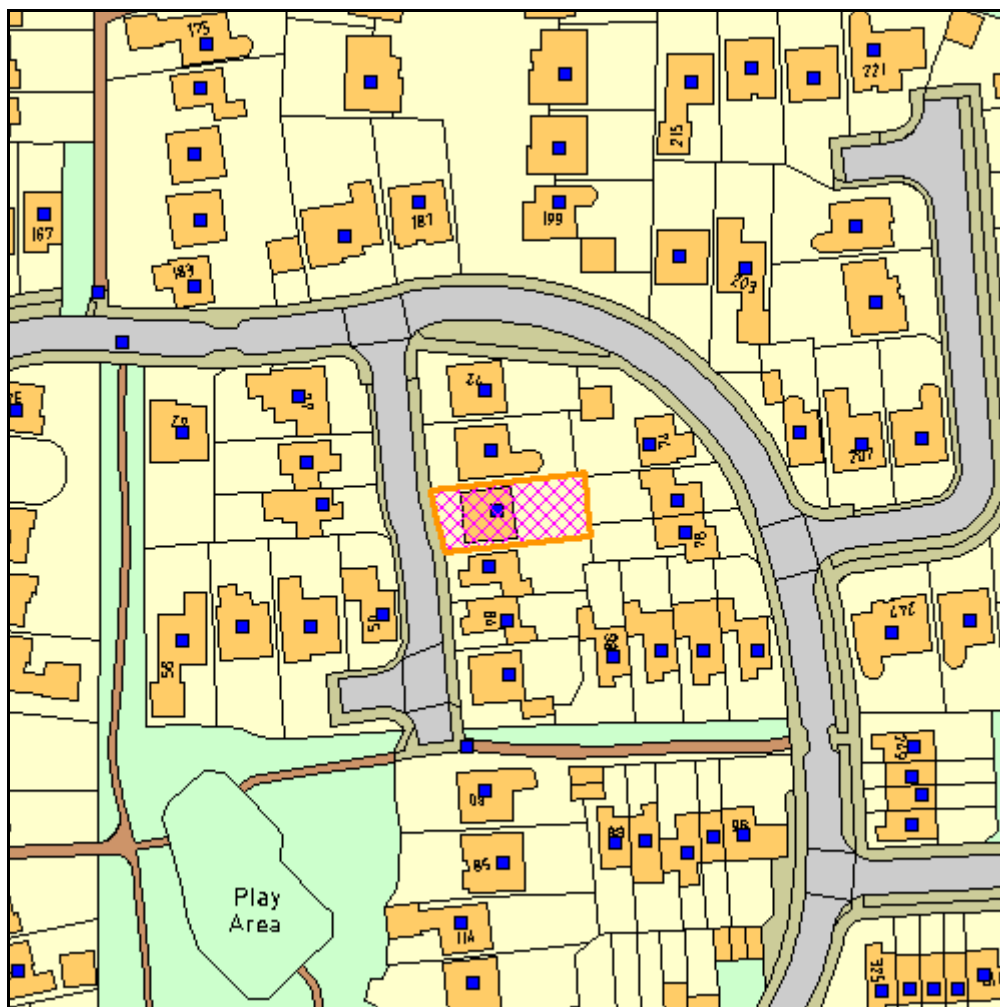
7.1 It is recommended that the application is **GRANTED**.

Case Officer: Oliver Phippen

Authorising Officer: Marie Bath

CIRCULATED SCHEDULE NO. 26/23 - 30th June 2023

App No.:	P23/01556/HH	Applicant:	Mr Lee
Site:	68 Bakers Ground Stoke Gifford South Gloucestershire BS34 8GF	Date Reg:	12th May 2023
Proposal:	Conversion of existing garage to form additional living accommodation.	Parish:	Stoke Gifford Parish Council
Map Ref:	363105 180303	Ward:	Stoke Gifford
Application Category:	Householder	Target Date:	14th July 2023



© South Gloucestershire Council 2007.all rights reserved.

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

100023410, 2008.

N.T.S.

P23/01556/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 appears on the Circulated Schedule because the proposal has received 1No objection from Stoke Gifford Parish Council, which is contrary to the officer's recommendation.

1. THE PROPOSAL

- 1.1 The application seeks planning permission for the conversion of an existing integral single garage to form additional living accommodation.
- 1.2 The application site can be found at 68 Bakers Ground and is a two storey detached property within the established residential area of Stoke Gifford and is within the settlement boundary.

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 Development
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 2007)
Residential Parking Standards SPS (Adopted) 2013
Household Design Guide SPD (Adopted) 2021

3. RELEVANT PLANNING HISTORY

- 3.1 P96/1675. Erection of No. 20 dwellings (re-plan of part of previously approved site). Approval of Residential Matters. 13.08.1996.
- 3.2 P94/2624. Residential development on 11 acres of land to include the erection of 136 houses. Construction of roads, public open space and ancillary works.

(To be read in conjunction with P92/2321). Approval of Residential Matters. 05.06.1995.

- 3.3 P92/2321. Development of 39.94 hectares (98.5 acres) of land for residential, offices, retailing and open spaces. Construction of roads and associated highway works including a park and ride facility and train station (Outline). Approved. 22.12.1993.

4. CONSULTATION RESPONSES

4.1 Stoke Gifford Parish Council

1No letter of Objection comments received –

- *Insufficient off-street parking provided.*

4.2 Other Consultees

Sustainable Transport – Transportation DC

No Objections – initial comments made –

- *Although no objections, clarification is required on total number of bedrooms and off-street parking spaces.*

No Objections – further comments made –

- *Clarification has been provided that the application site is and will remain a 4 Bedroom dwellinghouse; and*
- *Therefore clarification is now required that 2No parking spaces are to be provided.*

No Objections – **final** comments made –

- *Clarification has been provided that 2No parking spaces will be available to the front of the host dwellinghouse; and*
- *Final comments made in relation to the area of hardstanding to facilitate these 2No parking spaces and that an associated dropkerb and crossover will be required. Details below in the officer report.*

Other Representations

4.3 Local Residents

No Comments received.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

PSP38 of the South Gloucestershire Council Policies, Sites and Places Plan (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.

- 5.2 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.

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 This proposed garage conversion consists of an alteration only to the principal elevation of the dwellinghouse, through the introduction of a new window, replacing the existing garage door to facilitate this garage conversion. The infill wall proposed is to feature brickwork that will match that of the existing, as will the white uPVC window, to the existing windows in the principal elevation. This proposal therefore meets the design requirements of policy PSP38, CS1 and the Householder Design Guide SPD.

5.5 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; and odours, fumes or vibration.

- 5.6 Given that the proposal is a garage conversion, there are no overbearing issues and given that there are no side windows proposed, there are no privacy issues. Therefore, it is considered that the amenity of neighbouring residents would be adequately preserved and that the proposed development complies with policies PSP8, PSP38 and the Householder Design Guide SPD.

5.7 Transport

Policy PSP16 sets out the Council's criteria for parking specifications. It states that the parking space provision per dwellinghouse is proportionate to bedroom number. Following an initial assessment, transport comments were made and further information was requested in terms of the number bedrooms at the property and the number of off-street parking spaces that are currently available and that will be provided at the host dwellinghouse, further to this proposed conversion.

- 5.8 In addition to these comments, an objection has also been raised by Stoke Gifford Parish Council with regards to the fact that it is felt that there is insufficient off-street parking being provided.

- 5.9 Currently the application site provides 1No parking space and 1No integral garage to the property. Although it is noted that the proposed development would not trigger a material increase in demand for parking at the site, it still proposes to convert the existing garage. However, this existing garage does not meet the Council's internal space standards, in measuring approximately

2.4 by 5.0 metres, in order for it to count towards the properties parking provision. The existing garage is not used as a parking space due to its size. As such, and in transport terms, there would be a neutral impact. It is not therefore necessary to lose front garden area in order to create an additional car parking space.

5.10 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.

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

Site Location Plan (Date all received 09/05/23)

Block Plan
134859 Existing Combined Plan (1 of 2)
134859 Proposed Combined Plan (2 of 2)
Design and Access Statement

Reason
To define the terms and extent of the permission.

Case Officer: Helen Turner
Authorising Officer: Helen Ainsley