

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: 35/21

Date to Members: 03/09/2021

Member's Deadline: 09/09/2021 (5.00pm)

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

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

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

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

NOTES FOR COUNCILLORS

– formal arrangements for referral to committee

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

c. All applications for non-material amendments

d. All applications to discharge planning conditions

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

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

Additional guidance for Members

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

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

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

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

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

A template for referral is set out below:

Referral from Circulated Schedule to Development Management Committee

1. Application reference number:

2. Site Location:

3. Reasons for referral:

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

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

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

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

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

Date:

To be emailed to MemberReferral@southglos.gov.uk

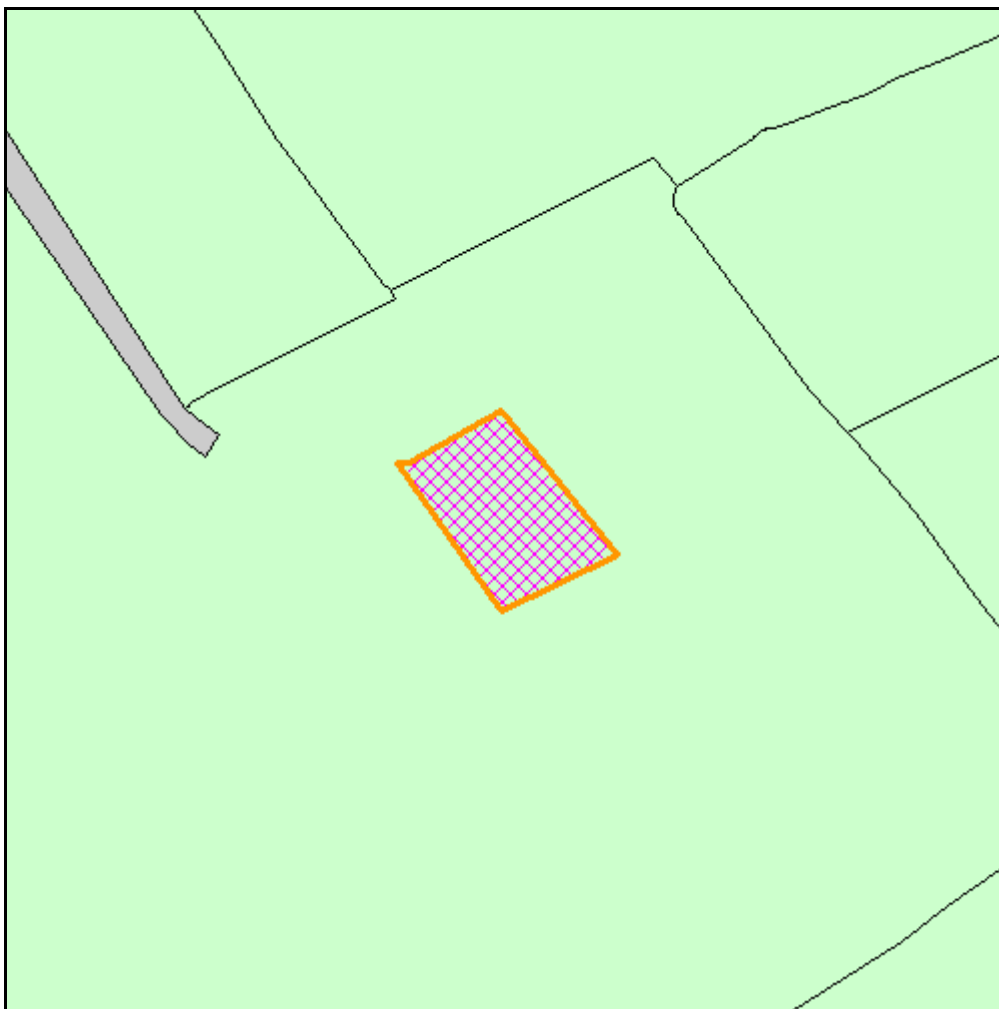
CIRCULATED SCHEDULE 03 September 2021

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ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	P20/08484/F	Approve with Conditions	Land South Of Lodge Road Wick South Gloucestershire BS30 5TU	Boyd Valley	Wick And Abson Parish Council
2	P21/02980/F	Approve with Conditions	Land Adjacent To Ringtail Cottage Butt Lane Thornbury South Gloucestershire BS35 1RA	Thornbury	Thornbury Town Council
3	P21/04040/F	Approve with Conditions	58 Station Road Yate South Gloucestershire BS37 4PW	Yate Central	Yate Town Council
4	P21/04961/F	Approve with Conditions	The Annexe A 16A Flaxpits Lane Winterbourne South Gloucestershire BS36 1LA	Winterbourne	Winterbourne Parish Council

CIRCULATED SCHEDULE NO. 35/21 - 3rd September 2021

App No.:	P20/08484/F	Applicant:	Mr N Avery
Site:	Land South Of Lodge Road Wick South Gloucestershire BS30 5TU	Date Reg:	19th May 2020
Proposal:	Erection of agricultural building for the storage of machinery, equipment, fodder, materials, and the keeping of livestock.	Parish:	Wick And Abson Parish Council
Map Ref:	370371 174825	Ward:	Boyd Valley
Application Category:	Minor	Target Date:	10th July 2020



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P20/08484/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.

The application appears on the Circulated Schedule as there is an objection raised by Wick and Abson Parish Council where the officer recommendation is one of approval.

1. **THE PROPOSAL**

- 1.1 The application seeks full planning permission for the erection of agricultural building to provide storage for agricultural machinery, fodder and supplies. The proposed building measures approximately 18.5m long, 9.5m wide and 5.3m high.
- 1.2 The application site relates to a 3.5-acre parcel of land (part of a larger smallholding), located approximately 240m south of Lodge Road, Wick. The site is within Bristol and Bath Green Belt and is outside of any defined settlement boundary. It is located in Flood Zone 1.
- 1.3 Since the submission of this application, a prior notification was granted (P20/18866/PNA) for erection of the same building. As such, the only difference that this application now represents is that, if granted, the applicant would also be able to keep livestock at the aforementioned building.

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	Sustainable Development
CS5	Location of Development
CS9	Managing the Environment and Heritage
CS34	Rural Areas

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

PSP1	Local Distinctiveness
PSP2	Landscape
PSP7	Green Belt
PSP8	Residential Amenity
PSP11	Transport Impact Management
PSP20	Flood Risk, Surface Water and Watercourse Management
PSP28	Rural Economy
PSP29	Agricultural Development

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist
Development in the Green Belt

3. **RELEVANT PLANNING HISTORY**

3.1 P20/18866/PNA

Prior notification of the intention to erect 1no. agricultural building for the storage of machinery and fodder.

Granted: 28 October 2020.

4. **CONSULTATION RESPONSES**

4.1 Wick and Abson Parish Council

Objection. Wick and Abson Parish Council request the planning officer to investigate the size of the land in relation to the application received. This development will cause an increase in traffic movement along a single track rd. We have also requested our Ward Councillor to call in this application.

4.2 Other Consultees

Sustainable Transport

No objection.

Lead Local Flood Authority

No objection.

Landscape Officer

The following will be required to be submitted as a condition of planning: tree/hedgerow protection plan; 5 Year Management Schedule covering the ongoing establishment of the new western boundary hedge, and mature hedgerows to the remaining site boundaries.

Highway Structures

No objection.

Other Representations

4.3 Local Residents

8no. support comments were received for this planning application, with key points summarised below:

- Appearance of land will be improved.
- Size and design of the building is in keeping with the surrounding countryside.
- The traffic level increase would not be significant.
- Retaining local agricultural activity should be encouraged.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Agricultural building could be erected under Permitted Development rights (subject to prior notification application). Prior notification was eventually submitted and granted (P20/18866/PNA).

5.2 The development would be located outside of any settlement boundary, and within part of a defined rural area. CS34 sets out to protect the best and most versatile agricultural land and opportunities for local food production and cultivation. PSP29 sets out development proposals for agricultural development outside settlement boundaries will be acceptable providing that in the case of new buildings:

- 1) There are no existing suitable underused buildings, reasonably available; and
- 2) The proposal(s) is reasonably necessary for the purposes of the use and is clearly designed for that purpose.

5.3 The National Planning Policy Framework also supports the sustainable growth and expansion of all types of businesses in rural areas, both through conversion of existing buildings and well-designed new buildings. It also supports the development and diversification of agricultural businesses.

5.4 The proposed building will provide accommodation for storage of agricultural machinery, fodder and supplies. Two other plots of land, that are rented by the applicant and are part of the smallholding, are located relatively close to the application site and to Pucklechurch. The agent provided the necessary evidence to demonstrate that there are no buildings reasonably available that are capable of providing the proposed accommodation. Officers are also satisfied that the building is reasonably necessary to support the ongoing agricultural activity of the smallholding. The development is considered acceptable in principle, subject to further considerations below.

5.5 Green Belt

The site is located within the Green Belt. Paragraph 145 of the National Planning Policy Framework provides limited categories of development that are appropriate within the Green Belt. These categories include the construction of buildings for agriculture. As set out above, officers are satisfied that the proposed development would provide a new building for agricultural purposes. The proposal is consistent with the objectives of the NPPF and the South Gloucestershire Development Plan, in Green Belt terms.

5.6 Agricultural Development

The development must be assessed against the criteria as set out in PSP29. In terms on criteria 1, the development would be located on an existing yard area. There are no other suitable underused buildings reasonably available. Criteria 2 states that the proposal will need to be reasonably necessary for the

purposes of the use and is clearly designed for that purpose. The building would be of an appropriate size for storage use and would be partly open sided to allow for ventilation and access.

- 5.7 It is considered that in terms of its design and visual appearance it would reflect its agricultural nature. It would measure approx. 18.5m long and 9.5m wide. The overall height will be 5.3m. The roof would incorporate 8no. roof lights. It is considered that the proposed design and materials are in keeping with the rural character of the area and that the building is clearly designed for its purpose.

5.8 Residential Amenity

The proposed building would be located well away from any residential properties. Even though it may be noticeable to nearby occupiers, it is not considered that it would be detrimental to their amenity.

5.9 Landscape

Following the initial comments by Landscape Officer, further information was requested to aid a proper assessment of the proposal. The reply from the Agent has provided the clarification which was required, rendering no objections from Landscape Officer. Also, the imposition of 2no. planning conditions has been recommended by Landscape Officer.

5.10 Access and Transport

Part of the Parish Council objection was a concern that '*This development will cause an increase in traffic movement along a single track rd.*' There is an existing access to the site off Lodge Road, which would be retained for access to the proposed building. It is unlikely that the provision of the building would materially alter the movements from the site onto the public highway. As such, no objection is raised to these matters.

5.11 Other Matters

Wick and Abson Parish Council request the planning officer to investigate the size of the land in relation to the application received. It is considered that the proposal accords with policy PSP29, by demonstrating that this development is necessary for the continued viability of the existing smallholding.

5.12 Consideration of likely impact on Equalities

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

requires equality considerations to be reflected into the design of policies and the delivery of services.

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

6. **CONCLUSION**

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

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

7. **RECOMMENDATION**

7.1 That planning permission is **APPROVED** subject to the conditions in 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. Before the completion of the works, the Tree/Hedgerow Protection Plan must be submitted to and approved by the Local Planning Authority and carried out afterwards according to the approved plans.

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.

3. Before the completion of the works, 5 Year Management Schedule covering the ongoing establishment of the new western boundary hedge, and mature hedgerows to the remaining site boundaries, must be submitted to and approved by the Local Planning Authority, and implemented afterwards according to the approved plans.

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.

4. The development must be carried out in accordance with the below listed plans:

Proposed Combined (Drawing No. 71096/01/101, Rev. A)
Site Location and Block Plan (Drawing No. 71096/01/001, Rev. A)
Received by the Local Planning Authority on 15 May 2020.

Reason

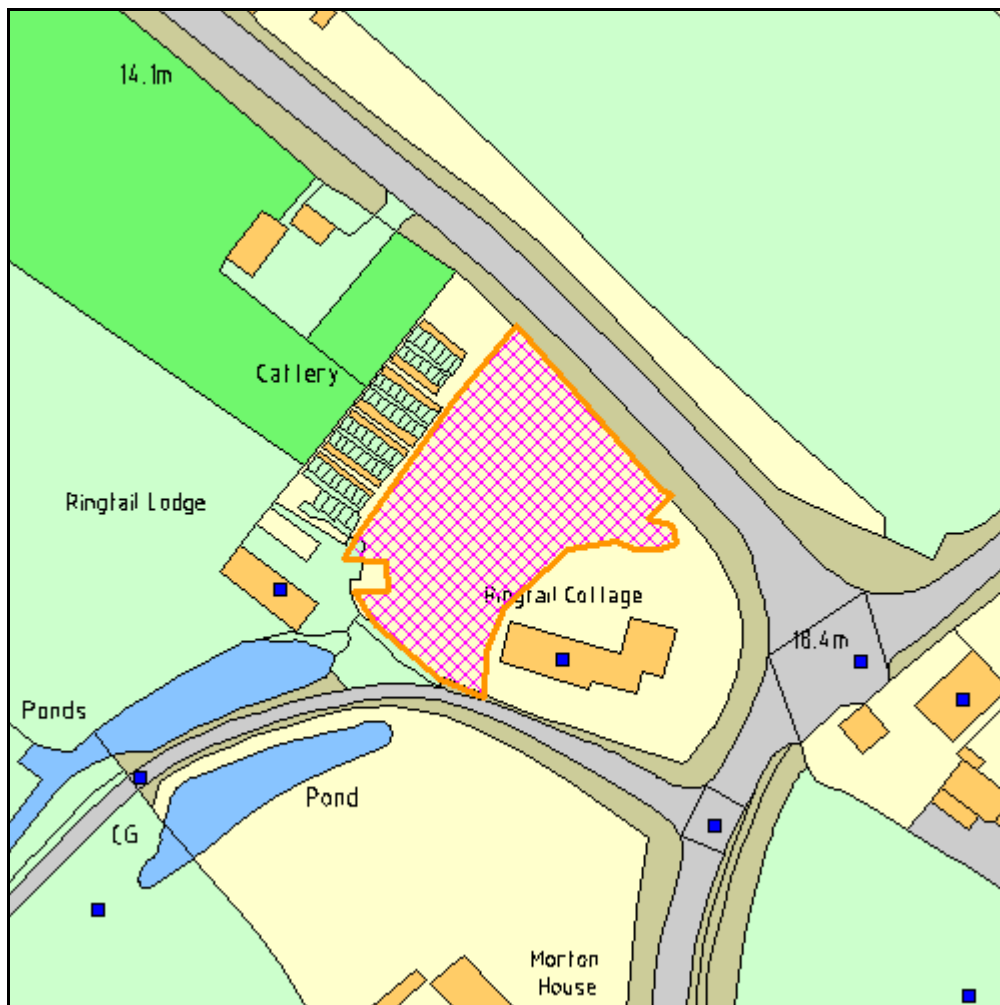
For the avoidance of doubt.

Case Officer: Mykola Druziakin

Authorising Officer: David Stockdale

CIRCULATED SCHEDULE NO. 35/21 - 3rd September 2021

App No.:	P21/02980/F	Applicant:	Ringtail Limited
Site:	Land Adjacent To Ringtail Cottage Butt Lane Thornbury South Gloucestershire BS35 1RA	Date Reg:	12th May 2021
Proposal:	Erection of 3 no. dwellings with associated works.	Parish:	Thornbury Town Council
Map Ref:	364019 191625	Ward:	Thornbury
Application Category:	Minor	Target Date:	6th July 2021



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

REASON FOR APPEARING ON CIRCULATED SCHEDULE

The application appears on the Council's Circulated Schedule procedure following the receipt of objections from Thornbury Town Council and local residents contrary to the officer recommendation below.

1. THE PROPOSAL

- 1.1 This application seeks full planning permission to erect three dwellinghouses in the existing garden of Ringtail Cottage.
- 1.2 The site is located outside, but close to the defined settlement boundary of Thornbury and within Flood Zone 1.
- 1.3 A previous application for two dwellings was granted on the site under ref: P19/6439/F, which remains extant and as such must be given significant weight.

2. POLICY CONTEXT

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

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1	High Quality Design
CS4a	Presumption in favour of sustainable development
CS5	Location of Development
CS8	Improving accessibility
CS9	Managing the Environment and heritage
CS15	Housing distribution
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
PSP19	Wider Biodiversity
PSP20	Drainage

PSP37	Internal space and accessibility standards for dwellings
PSP40	Residential development in the countryside
PSP43	Private amenity space standards

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Supplementary Planning Document)
Adopted 2007

Residential Parking Standards Supplementary Planning adopted December
2014

3. RELEVANT PLANNING HISTORY

3.1 P19/6439/F - Erection of no2 detached dwellings and no2 detached garages with associated works. – Approved 13.12.2019

3.2 PT18/5344/F - Erection of a two storey extension to form additional living accommodation and erection of front porch to kitchen area. – Approved 01.04.2019

4. CONSULTATION RESPONSES

4.1 Thornbury Town Council - *Object. Concern over additional traffic accessing the road on the bend at this location. The Town Council believes this land is extending building beyond the development boundary as defined in the Core Strategy.*

4.2 Conservation – The urbanisation of the immediate setting of Ringtail Cottage would be harmful to its significance as a non-designated heritage asset, and the proposals would result in less than substantial harm towards the lower end of the spectrum to the significance of the grade II listed Morton House.

4.3 Arboriculture - The garage shown within the root protection area of T004 within the submitted Arboricultural Tree protection plan should be moved outside of the RPA. There will be pressure on the tree to be pruned due to conflict with the building. Any works proposed within the RPA will require a method statement in accordance with BS:5837:2012.

4.4 Drainage – No objection in principle

4.5 Transportation DC – No objection in principle and proposal conforms to PSP16. Concerns raised in regards to size of parking spaces, suitability of junction, and material of access.

4.6 Highways Structures – No comment

4.7 Ecology – No objections

Other Representations

4.8 Local Residents – 5no. objection comments have been received, summarised as:

- Reports submitted during period where trees are in full leaf
- Access is one way
- Concern over visitor parking
- Access must be clear for emergency access
- Soakaway could be ineffective
- Junction at main road can be busy
- Adjoining land earmarked for 630 houses
- Adjacent business could be threatened
- Road is not wide enough for construction traffic
- Lane used as footpath
- Overdevelopment of the site
- Concerns over fire safety
- Impact on cattery due to construction
- Trees already removed on site
- Ecological impact of development
- Overlooking to existing property
- Heritage Statement inaccurate

5. ANALYSIS OF PROPOSAL

Principle of Development

- 5.1 The site is outside of the settlement boundary of Thornbury and as such there is not a presumption in favour of development. Under the spatial strategy set out above, development of this nature should therefore be permitted only in the urban areas or defined settlements.
- 5.2 The thrust of paragraph 14 of the NPPF is that sustainable development should only be resisted if specific and demonstrable harm can be shown as a result of the development when weighed against the benefit of providing the dwellings.
- 5.3 Notwithstanding this, and whilst the majority of applications for new residential development outside of settlement boundaries should be resisted in accordance with the Council's spatial strategy, the Local Planning Authority do consider that it may be suitable, in a few circumstances, to recommend approval of dwellings outside of the settlement boundary.
- 5.4 This will only apply when the site lies close to the edge of the defined settlement boundary and has a direct relationship with it (for example, may be linked to the settlement boundary by other buildings, or have good footpath links to the settlement boundary). Essentially, it should read as a natural extension to the settlement boundary. However in the interests of the Council's overall spatial strategy for new housing, this should only apply to very small development proposals. It is further considered that the particular case considered here is on balance acceptable for the development of three additional houses.

Location of Development – Relationship with Nearest Defined Settlement

- 5.5 The site is well related to the defined settlement boundary, and as such the proposal does form one of the few cases where development could be allowed given that the scheme is for three additional dwellings.
- 5.6 Policy CS5 is supportive of small scale development within the settlement boundaries of urban areas. The proposal site falls just outside the settlement boundary of Thornbury but the site is located close to the settlement boundary and recently permitted major residential sites, which are largely built out now. Further, the site is within a domestic garden and without separation by agricultural land to the designated settlement boundary. Further the addition of three houses given the above scenario would not undermine locational policies in the Core Strategy or the PSP. Notwithstanding this, whilst the site is essentially viewed as part of the settlement the design of the site and how it relates to the edge of settlement location will need to be of a sufficiently high standard to maintain the character of the edge of the settlement.
- 5.7 The development should not therefore be resisted in principle, however the other impacts of the proposal should still be considered; this analysis is set out in the sections below.

Sustainability

- 5.8 Whilst outside the settlement the site is as sustainable as Park Farm development by virtue of being so close to the existing new housing developments and having pedestrian link to that estate via the footpath immediately next to the site.

Design and Impact on Heritage Asset

- 5.9 The proposal consists of the erection of three detached dwellings to the north and west of the existing dwelling, each with a detached garage.
- 5.10 The application site can be considered to contribute to the setting of the grade II listed Morton House to the south of the site, and Ringtail Cottage itself can be considered to represent a non-designated heritage asset by reason of its scale, form and style.
- 5.11 The proposed units are set back into the site and behind the building line of Ringtail Cottage. Concerns have been raised by the Conservation Officer in regards to the more suburban layout of the proposal compared to the two dwellings already granted on site. Whilst this is noted, the nearby urban extensions must also be taken into account, which have changed the character of the area to an extent. It is not considered that the grain of development would appear out of character.
- 5.12 The land to the north of Morton House is considered to make a positive contribution to its setting as it still affords views where Morton House can be seen. Any intensive development of the site must be considered in terms of cumulative harm in light of the Park Farm and Post Farm developments.

It is acknowledged that an objection to the development of the site in principle would be difficult to sustain. The extant permission for the site also carries significant weight.

- 5.13 Whilst under the previous scheme the third house closest to Morton House was removed, the proposal now under consideration has reduced the overall quantum of development and remains set within the site. Whilst some trees have been removed, there are other trees between the proposed houses and Morton House which serve to create a foliage separation.
- 5.14 The materials proposed are roughcast render and traditional stone walls together with farmhouse style double roman tilers and timber effect UPVC fenestration. These are considered acceptable subject to detail which can be secured by a condition.
- 5.15 Overall, the proposals are considered to result in less than substantial harm, towards the lower end of the spectrum, to the significance of the grade II listed Morton House.
- 5.16 Under paragraph 202 of the NPPF, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
- 5.17 The proposal would introduce three well designed houses, however as South Gloucestershire Council current benefits from a five year housing supply, these benefits are minimal. The proposal has also come forward with the provision of a wildflower meadow to the front of the site, which as well as separating the development from the road, also has benefits to biodiversity.
- 5.18 Given the harm identified is to the lower end of the spectrum, the benefits identified, although small, are considered in this instance to outweigh the harm identified.

Transportation

- 5.19 The sustainability of the site is already considered above. The development confirms to the Council's minimum domestic car parking requirements in terms of quantitative provision. Although Transportation DC have raised reservations in terms of the dimensional requirements of PSP16, the plans are labelled as being within the minimum requirements and this has been confirmed by measuring the submitted plans. The officer is therefore content that parking provision is adequately provided for.
- 5.20 The sites access and parking facilities will be conditioned to be provided in a bound material, and one electric vehicle charging point to be provided per dwelling.
- 5.21 It has been established during the application that part of the public highway crosses into the garden of Ringtail Cottage. This means that a visibility splay of 2.4m by 38m will need to be maintained in the garden of Ringtail Cottage. This can be secured with a Grampian style condition such that the proposed houses

cannot be occupied unless the visibility splay is kept clear. Concerns initially raised regarding the contents of a speed survey have been addressed by the submission of the speed survey itself.

- 5.22 Arrangements for rubbish collection will be at Butt Lane, an arrangement that was accepted under the previous application which remains extant.
- 5.23 Overall, the scheme is acceptable subject to conditions securing timely provision of the above and maintaining the visibility splay onto Butt Lane.

Residential amenity

- 5.24 The houses would face roughly east and west such that the garden of Ringtail Cottage would be less private but the house itself is not unduly overlooked. The rear elevations face toward the Ringtail Cattery. The closest house is located only 7-9m from the cattery boundary but given the low level buildings over which the house would view there is no harm to the houses and similarly the houses are not considered to be noisy developments which would affect the cats.
- 5.25 A dwelling is located at the cattery, taking the form of a converted barn with fenestration at 90 degrees to the new houses and at some 20m distant. As such the houses are not considered to cause a material loss of privacy to each other.
- 5.26 There is a potential concern about noise mainly from Butt Lane affecting areas in the house and potentially in the garden areas and a less likelihood of noise from the cattery itself. As such the Environment Health team have requested a noise survey and if necessary a scheme of mitigation be carried out to ensure that the effects are mitigated in the house design. Double glazing is likely to resolve the issue but there is potential for other measures being necessary. This survey can be adequately secured by a condition.

Drainage

- 5.27 The site is within flood zone 1 where flooding is not likely to occur. The Lead Local Flood Authority raise no objection to the proposal and require further drainage detail by condition.

Ecology

- 5.28 From the updated report (Abricon, March 2021) a significant amount of trees have been felled since the initial survey in 2019, replacement trees have been recommended and this is to be adhered to, specific details relating to the size of the trees to be planted are provided and are welcomed.
- 5.29 Any fencing to be installed is to be installed with hedgehog holes (13cm x13cm).

- 5.30 The submitted report includes mitigation in regards to Great Crested Newts. A licence will be required from Natural England and the Ecology report has demonstrated that the three tests can be met. Chapter five sets out a number of recommendations to safeguard and enhance existing ecology on site and the recommendations shall be secured by condition. A further condition seeks that evidence is later supplied, prior to occupation, to ensure that this is carried out.
- 5.31 A detailed landscape and ecological management plan will also be required by condition to secure the wildflower meadow and pond, and to ensure their maintenance for perpetuity.

Arboriculture

- 5.32 Since the original submission the proposed garage has been moved outside of the RPZ of an existing tree. An additional arboricultural report is therefore no longer required.

Consideration of likely impact on Equalities

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

Planning Balance

- 5.34 Paragraph 11 NPPF 2019 sets a presumption in favour of sustainable development. The above report finds that the site is sustainable and that the development is appropriate development given its close links to the settlement and being seen as part of the settlement of Thornbury as a result of recent housing estates.
- 5.35 The proposals are considered to result in less than substantial harm, towards the lower end of the spectrum, to the significance of the grade II listed Morton House. These harms are considered to be outweighed by the public benefits of a small addition to overall housing provision and the provision of a wildflower meadow, in accordance with para 202 of the NPPF.
- 5.36 The proposal is, subject to conditions, not detrimental to other policies in the plan which would warrant a refusal being issued.

6. CONCLUSION

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

7. RECOMMENDATION

- 7.1 That planning permission is granted.

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

The CEMP shall address the following matters:

- (i) Measures to control the tracking of mud off-site from vehicles.
- (ii) Measures to control dust from the demolition and construction works approved.
- (iii) Adequate provision for the delivery and storage of materials.
- (iv) Adequate provision for contractor parking.
- (v) Access arrangements for construction and delivery vehicles ensuring the access road is not obstructed and reversing vehicles are guided by a Banksman.
- (vi) Contact details for the site manager.

Reason

In the interests of highway safety and to accord with Policies PSP11 of the adopted South Gloucestershire Policies, Sites and Places Plan Nov 2017

3. The dwellings shall not be occupied until the access and parking arrangements have been completed in accordance with the submitted details, in a bound and compacted material.

Reason

In the interest of highway safety and to accord with policies PSP11 and PSP16 of the Policies sites and places Plan Nov 2017.

4. The dwellings shall not be occupied until Electric Vehicle Charging points or other ultra-low emission facility have been provided for each dwelling in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason

To promote sustainable travel choices and to accord with South Gloucestershire Council's Supplementary Planning Document for Residential Car Parking Standards and Policy CS8 of the South Gloucestershire Local Plan Core Strategy Adopted December 2013.

5. No development shall commence until surface water and foul sewage 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.

A detailed development layout showing surface water and SUDS proposals is required as part of this submission.

For the avoidance of doubt we would expect to see the following details when discharging the above conditions:

- Confirmation and acceptance of an agreed connection point and discharge rate for surface water and foul water disposal from Wessex Water.
- A clearly labelled drainage layout plan showing the pipe networks and any attenuation infrastructure - to include drainage for Ringtail Cottage.
- Updated drainage calculations to show there is no flooding on site in 1 in 30 year storm events (winter and summer); and no flooding of buildings or off site in 1 in 100 year plus an allowance for climate change storm event (winter and summer) in line with the current industry accepted allowance.
- A plan showing the cross sections and design of the attenuation infrastructure (Permeable paving and attenuation crates) and its components.
- The drainage layout plan should also show exceedance / overland flood flow routes if flooding occurs and the likely depths of any flooding.
- The plan should also show any pipe node numbers referred to within the drainage calculations.
- A manhole / inspection chamber schedule to include cover and invert levels.
- Ownership and/or responsibility, along with details of the maintenance regime in relation to the Surface Water Network and any components such as Attenuation features and Flow Control Devices where applicable for the lifetime of the development. If privately maintained, the document should also consider any future sale scenarios and how tentative purchasers will also be made aware of their jointly vested highway and drainage assets.

Development must be implemented exactly in accordance with the agreed drawing strategy.

Reason

To comply with South Gloucestershire Local Plan: Policies, Sites and Plans Plan (Adopted) November 2017 Policy PSP20; South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 Policy CS1 and Policy CS9; and National Planning Policy Framework 2019.

6. The development shall be carried out in accordance with the Arboricultural Report received 29th April 2021.

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.

7. Prior to first occupation of the dwellings hereby permitted an acoustic report detailing how noise from the adjacent Butt Lane/Oldbury Lane and the Cattery will affect the proposed development and any necessary mitigation measures shall be submitted to and approved in writing by the Local Planning Authority. Development must be carried out exactly in accordance with the details agreed.

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy CS9 of the South Gloucestershire Local Plan Core Strategy Adopted December 2013, PSP8 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan Adopted November 2017 and the provisions of the National Planning Policy Framework.

8. Prior to first occupation of either new house the radii surrounding the new access shall be implemented and finished in stone and mortar to match the existing southern wall of Ringtail Cottage.

Reason

In the interests of the visual amenity of the area and to accord with Policy CS1 of the South Gloucestershire Local Plan Core Strategy Adopted December 2013, PSP1 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan Adopted November 2017 and the provisions of the National Planning Policy Framework.

9. The finished floor level of the ground floor of each proposed house shall not be more than 150mm above the natural ground level spot heights demonstrated at the front of the respective houses in the Arboricultural Report - tree constraints plan 190318-RTC-TCP-NB received 29th April 2021.

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 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and the National Planning Policy Framework.

10. The development shall proceed in strict accordance with the Mitigation Measures and Enhancements provided in the Preliminary Ecological Appraisal (Abricon, August 2019) and the updated Preliminary Ecological Appraisal (Abricon, March 2021) which includes the mitigation attached to the Great Crested Newt mitigation attached to the EPS license which is to be applied for prior to works commencing

Reason

To ensure the works are carried out in an appropriate manner and in the interests of the ecology of the site and to accord with Policy CS9 of the South Gloucestershire

Local Plan: Core Strategy (Adopted) December 2013, Policies PSP19 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan Adopted November 2017 and the National Planning Policy Framework.

11. Any changes to the enhancement plan provided in Preliminary Ecological Appraisal (Abricon, March 2021) are to be submitted to the local authority for review, however details of hedgehog holes are to be updated on the plan and submitted prior to commencement of works.

Reason

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

12. Prior to commencement of external walls, a lighting design strategy for biodiversity for the boundary features and any native planting shall be submitted to and approved in writing by the local planning authority.

The strategy shall:

- Identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
- Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

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

Reason

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

13. Prior to occupation a landscape and ecological management plan shall be submitted to and approved by the local planning authority for the management and long term maintenance of the proposed wildflower meadow and pond. The area shall be managed in accordance with the approved details.

Reason

To ensure the works are carried out in an appropriate manner and in the interests of the ecology of the site and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013, Policies PSP19 of the South

Gloucestershire Local Plan: Policies, Sites and Places Plan Adopted November 2017 and the National Planning Policy Framework.

14. The proposed houses shall not be occupied unless the visibility splay of 2.4m by 38m as shown on submitted plan Site Plan Rev C is provided. The splay must be kept permanently clear of vegetation and other obstructions (with the exception of electricity poles and a single tree trunk) between 0.9m and 2m above the carriageway.

Reason

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

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

29 Apr 2021	SITE LOCATION PLAN		
29 Apr 2021	178/3895/1		TOPOGRAPHICAL SURVEY
11 May 2021	2102/02	A	HOUSE 1 AND 2-FLOOR PLANS
11 May 2021	2102/03	A	HOUSE 3-FLOOR PLANS
11 May 2021	2102/04	A	HOUSE 3-ELEVATIONS
11 May 2021	2102/05	A	HOUSE 1 AND 2-ELEVATIONS
11 May 2021	2102/06	A	HOUSE 1-3, GARAGE
25 Jul 2021	C		SITE PLAN

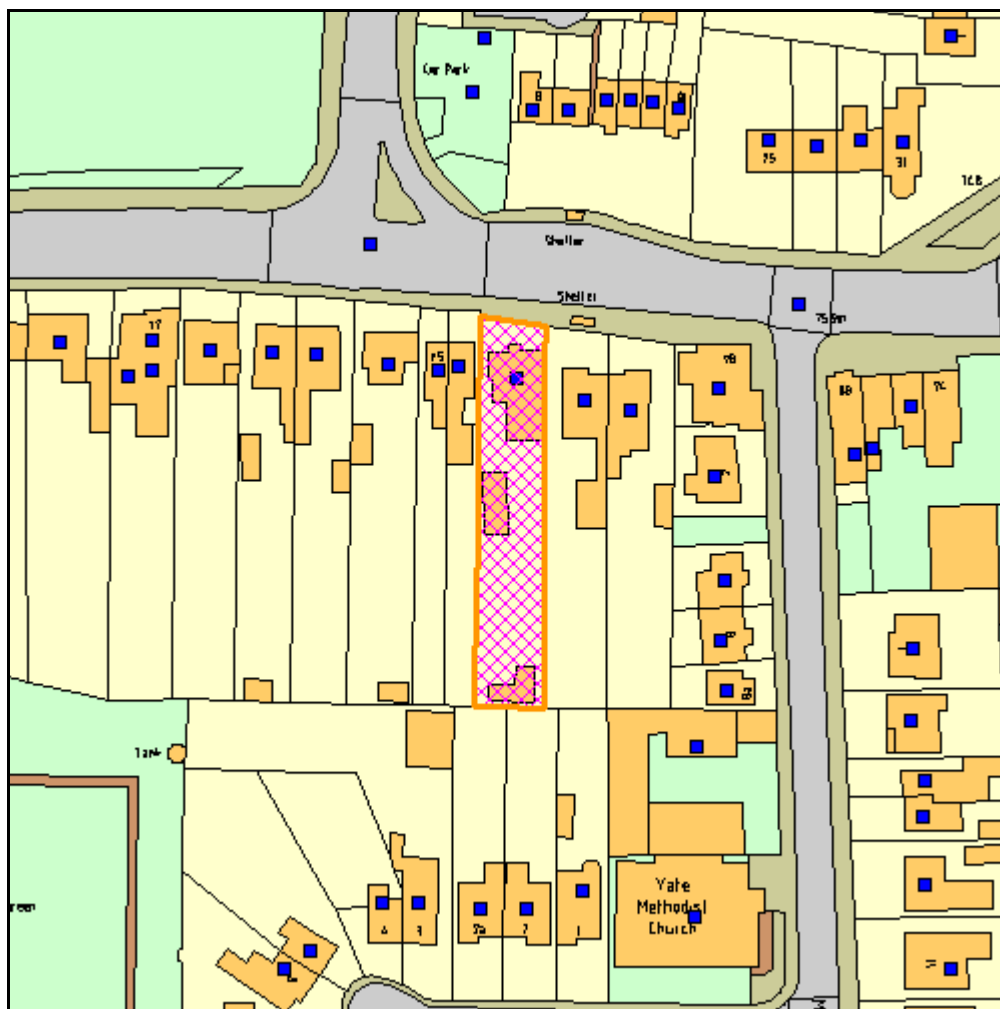
Reason

To define the terms and extent of the permission.

Case Officer: Rae Mepham
Authorising Officer: Marie Bath

CIRCULATED SCHEDULE NO. 35/21 - 3rd September 2021

App No.:	P21/04040/F	Applicant:	Timothy Roche Baker Street Nursery Ltd
Site:	58 Station Road Yate South Gloucestershire BS37 4PW	Date Reg:	3rd June 2021
Proposal:	Change of Use from Bed and Breakfast accommodation (Class C1) to Children's Day Nursery (Class E(f)) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended).	Parish:	Yate Town Council
Map Ref:	370533 182493	Ward:	Yate Central
Application Category:	Minor	Target Date:	23rd July 2021



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P21/04040/F

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

REASON FOR APPEARING ON CIRCULATED SCHEDULE

This application appears on the Council's Circulated Schedule procedure following an objection by the Parish Council, and objection letters from four local residents, contrary of the officer recommendation detailed below.

1. THE PROPOSAL

- 1.1 Full planning permission is sought for the Change of Use from Bed and Breakfast accommodation (Class C1) to Children's Day Nursery (Class E(f)) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended) at 58 Station Road, Yate. The proposed nursey would cater for 80 children and 15 staff at peak capacity, and operate from 07:30 to 18:00, Monday to Friday.
- 1.2 The application site relates to a former dwelling fronting Station Road, which has been in operation as a B&B since 2002. The surrounding area is predominantly residential, although the large Whirlpool factory and outlet store is located to the north west of the site, to the north of Station Road.
- 1.3 The site is located within the settlement boundary, and the Yate Town Centre Boundary (PSP31). Whilst it is not located within a primary or secondary shopping frontage, there are secondary shopping frontages to the east and west of the site. The land to the North West is also a safeguarded area for economic development. It is also noted that Station Road is also identified as an Active Travel Route.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1	High Quality Design
CS5	Location of Development
CS8	Improving Accessibility
CS14	Town Centres and Retail
CS23	Community Infrastructure and Cultural Activity
CS30	Yate and Chipping Sodbury

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

PSP8	Residential Amenity
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP31	Town Centre Uses

2.3 Supplementary Planning Guidance
South Gloucestershire Parking Standards SPD

3. RELEVANT PLANNING HISTORY

- 3.1 Ref. PK11/1829/EXT. Permission Granted, 11.8.2011
Proposal: *Demolition of existing garage and erection of single storey building for bed and breakfast accommodation (Class C1) as defined in the Town and Country Planning (Use Classes Order) 1987 (as amended). (Consent to extend time limit implementation for PK08/2144/F).*
- 3.2 Ref. PK08/2144/F. Permission Granted, 16.09.2008
Proposal: *Demolition of existing garage and erection of single storey building for bed and breakfast accommodation (Class C1) as defined in the Town and Country Planning (Use Classes Order) 1987 (as amended).*
- 3.3 Ref. PK07/0781/F. Permission Granted, 08.06.2007
Proposal: *Change of use of garage (C3) to Rehabilitation Clinic (D1) as defined in the Town & Country Planning (Use Classes) Order 1987 (as amended).*
- 3.4 Ref. PK02/2004/F. Permission Granted, 23.09.2002
Proposal: *Change of use from residential dwelling (C3) to bed and breakfast accommodation (C1). Erection of two storey rear extension.*
- 3.5 Ref. PK04/0212/ADV. Permission Granted, 01.03.2004
Proposal: *Display of 1 no. free-standing double sided illuminated static Guest House sign.*

4. CONSULTATION RESPONSES

4.1 Yate Town Council – Objection

“There is concern around parking issues. There is the public car park opposite, but it is not ideal to have children being dropped at nursery crossing a busy road at key times. Since it became a guest house, the availability of nearby on street parking has disappeared, and whilst the application shows an access drive it does not show a drop off or turning space. So any vehicles would have to reverse out right at the lights. It is a location where any change in turning movements would be very dangerous, as it is right at the lights, and no temporary waiting would be acceptable. It is not proposing any change to off street parking, which it says are 6 spaces. But is removing 5. So there will be only 1 off street parking space. How will parents drop off their children if they are not walking / cycling?”

“The application says it will not increase the number of employees, which seems odd. Converting the entire building to 6 nurseries, one downstairs and 5 upstairs with a total of staff 80 children means 15 staff. It talks about 4 drop off times in the morning to stagger arrivals. That would mean c 20 children arriving at a given drop of time, even if one parent is bringing more

than one child, that is still c15 people arriving in each drop off. The car park opposite is too small to cope with that number. Some may come by bus, foot or bike, but it is still a significant number of movements at critical times of the day. Even if most staff walk there, there will only be 1 on site parking space, and only 2 cycle spaces. There should be more cycle parking spaces so staff can cycle to work.

“In addition to this there concern that this will be further impacted by the cycle lane adding to pressures that already exist on this busy road.”

4.2 Sustainable Transport – No objection. Comments incorporated below.

Other Representations

4.3 Local Residents

Four objection letters have been received by the council from local residents. The key points have been summarised below:

- Increased parking problems
- Problems to local highway network
- Harm to pedestrian safety
- Limited outdoor play area
- Additional noise levels

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

Full planning permission is sought for the Change of Use from Bed and Breakfast accommodation (Class C1) to Children's Day Nursery (Class E(f)) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended) at 58 Station Road, Yate.

5.2 Policy CS23 of the adopted Core Strategy supports development providing additional, extended or enhanced community infrastructure, inclusive of childcare facilities. Given the nature of the proposal, there is no objection from planning policy perspective.

Highways Impacts

5.3 Residents' concerns are noted. The proposal to change the existing B & B use to a Nursery for 80 children looked after by 15 staff includes the conversion of the existing rear parking area to a children's play area. A single car parking space to the front of the property would be retained for disabled use and service vehicles. All other parking associated with the proposal would have to be accommodated either on-street or in the nearby public car parks. It is stated within the supporting statement that the nursery would operate staged drop offs and picks ups during the mornings and afternoons with 4 set times in the mornings and 5 in the afternoon.

5.4 On- street parking is available on Longs Drive, Cranleigh Court Road and Moorland Road. Public car parks are located at Longs Drive opposite the site, Cranleigh Court Road and Yate Railway Station. Station Road and sections of

- adjoining roads are covered by parking restrictions to prevent any ad-hoc unsafe parking from taking place.
- 5.5 Drop off and pick up of young children requires the child's carer to park the car and take the child into the nursery and settle them in. Although this would not take very long it would be illegal to leave a car parked on the double yellow lines for this length of time.
- 5.6 According to the TRICS national database the average number of vehicle arrivals for a capacity 80 children nursery during the busiest 08:00 to 09:00 hour is 18 with 16 departures. Given the accessible location in a large urban area next to frequent bus services and some 400m distance from Yate railway station the actual vehicle trips are likely to be less than the average.
- 5.7 It is appreciated that parking in the area is at a premium and thus it is not considered unreasonable should permission be granted to condition a proportionate Travel Plan to promote sustainable travel and direct any staff who have to drive to parking spaces further away from the site to help free up nearby spaces for drop off and pick up. To allow sufficient space to manoeuvre vehicles at the front of the property, a suitable condition to relocate the cycle parking to the rear of the property should be attached.
- 5.8 In summary, on the basis that any ad-hoc unsafe parking in the vicinity of the site is prevented by parking restrictions and on-street and public car parking is available within a short distance of the site the proposal, given its accessible location and the implementation of a Travel Plan, the proposal would not result in any highway safety issues and as such would not be contrary to Policy PSP11.

Residential Amenity

- 5.9 The proposals would alter the current use of the site from a bed and breakfast to children's nursery. The issue for consideration includes the level of amenity impact arising from the use of the site, when compared to the existing use, upon the nearest residential properties whether this impact is significant and material and whether any impact can be mitigated, and in this respect the received comments are noted.
- 5.10 The proposed children's nursery would operate from 07:30 to 18:00, Monday to Friday. With regards to noise generated internally, as the property is detached, and with the whole building being within the same use, related noise would be contained and is unlikely to cause problems to the neighbouring occupiers.
- 5.11 Concerning external noise, the nursery would have an outdoor play area located to the rear of the site which is encompassed with a 1.8m high timber fence. Within the supporting statement, it is stated that due to the size of the rear play area, it would be used separately by different age groups during allocated time in order to maximise learning and to minimise over-crowding, in turn, minimise external noise. On balance, officers note that the neighbours may experience additional noise as a result of children playing during certain time of the day, however, the co-existence of children's nurseries and residential accommodation is not an unusual occurrence, especially within built-up areas

and within town centre locations where some background noise is to be expected. As such, officers do not consider the additional noise as a result of the proposed use to amount to unreasonable harm to the living conditions of the neighbours. Furthermore, should the proposed development result in a level of unreasonable noise in the future, the matter could be investigated by Environmental Health, with injunctions used if necessary. The proposed development would therefore comply with policy PSP8.

5.12 Other Matters

The proposed external changes, inclusive of an additional door on the rear elevation and a change from a window to a door on the west elevation do not result in a material change to the overall appearance of the property. These elements are therefore not classed as development in accordance with S.55 of the 1990 Town and Country Planning Act.

5.13 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.

5.14 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 Grant Planning Permission subject to conditions.

CONDITIONS

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

Reason

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

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

Received by the council on 3rd June 2021: Existing and Proposed Plans, Existing and Proposed Elevations, Existing Garage Plans and Elevations, and Site Location Plan.

Reason

To define the terms and extent of the permission.

3. The maximum number of children permitted to attend the nursery on any permitted day must not exceed 80.

Reason

Any increase in child numbers would require further consideration of the impact of Parking on the surrounding highway network to accord with policy PSP11 South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) 2017.

4. The parking and service area to the front of the property is to be for disabled use and service vehicles only.

Reason

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

5. Notwithstanding the submitted details, the permitted change of use shall not be implemented until a minimum of two cycle parking spaces have been provided at a more suitable location to the rear of the property in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason

To prevent remedial action, and to promote sustainable travel and to accord with policy PSP16 South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) 2017.

6. The change of use shall not be implemented until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include but not necessarily limited to the following information:

- Measures to promote and encourage staff and customers to travel to the nursery by sustainable means of travel.
- Information about the staggered drop off and pick up times.
- Details of nearby public car parks.
- A nominated person responsible for monitoring and updating the Travel Plan.

The approved Travel Plan shall be implemented upon opening of the Nursery.

Reason

To prevent remedial action, and to promote sustainable travel and minimise the impact of parking on the surrounding highway and to accord with policy PSP11 South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) 2017.

7. The approved day nursery shall not operate on bank holidays, or outside the hours of 07:30 to 18:00, Monday to Friday.

Reason

To prevent unreasonable harm to the residential amenities of the neighbours, to accord with policy PSP8 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) 2017.

8. The premises shall be used for a Children's Day Nursery, Use Class E(f) and for no other purpose (including any purpose in Class E of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification

Reason

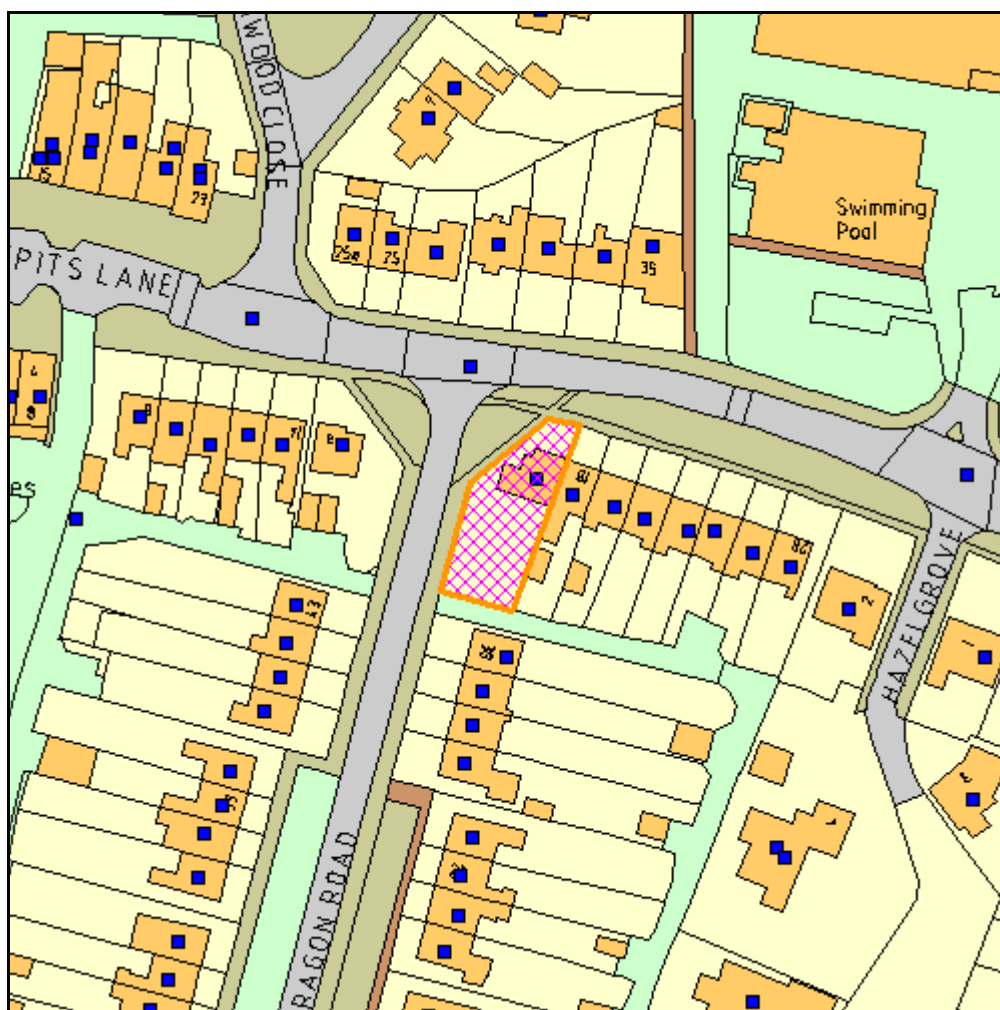
As the assessment has only addressed the specific use of the premises as a children's day nursery. Therefore this condition is necessary to protect the character and amenities of the area, to accord with Policies CS1 and CS5 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policies PSP1 and PSP8 of the Policies, Sites and Places Plan (Adopted) 2017; and the National Planning Policy Framework.

Case Officer: Thomas Smith

Authorising Officer: David Stockdale

CIRCULATED SCHEDULE NO. 35/21 -3rd September 2021

App No.:	P21/04961/F	Applicant:	Mr And Mrs Evans
Site:	The Annexe A 16A Flaxpits Lane Winterbourne South Gloucestershire BS36 1LA	Date Reg:	29th July 2021
Proposal:	Conversion of existing annexe to form 1 no. semi-detached dwelling with associated works.	Parish:	Winterbourne Parish Council
Map Ref:	364953 180510	Ward:	Winterbourne
Application Category:	Minor	Target Date:	9th September 2021



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N.T.S.

P21/04961/F

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

REASON FOR REFERRING TO THE CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 Full planning permission is sought to change the use of an attached annexe to 1no. independent dwelling with associated works.
- 1.2 The application site is an annexe that is attached to no.16 Flaxpits Lane, an end of terrace dwelling within the Winterbourne settlement boundary. The site is on a corner plot where Green Dragon Road joins Flaxpits Lane (a classified road). The site is not subject to any sensitive or restrictive planning constraints.
- 1.3 During the application's consideration, a revised plan has been submitted making adjustments to the parking provision. No public re-consultation was deemed necessary given the minor nature of the change, as it was not considered that anybody would be disadvantaged as a result.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework July 2021
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
CS8	Improving Accessibility
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
PSP8	Residential Amenity
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP38	Development within Existing Residential Curtilages
PSP39	Residential Conversions, Subdivision, and HMOs

PSP43 Private Amenity Space Standards

- 2.3 Supplementary Planning Guidance
 Design Checklist SPD (Adopted) August 2007
 Householder Design Guide SPD (Adopted) March 2021
 Residential Parking Standard SPD (Adopted) December 2013
 CIL and S106 SPD (Adopted) March 2015
 Waste Collection SPD (Adopted) January 2015 (updated March 2017)

3. RELEVANT PLANNING HISTORY

- 3.1 PT02/0881/F (approved 10/05/2002):
 Erection of rear conservatory.
- 3.2 P93/1904 (approved 08/08/1993):
 Erection of two storey side extension to form kitchen and lounge with two bedrooms and bathroom over.
- 3.3 P93/1449 (withdrawn 08/06/1993):
 Erection of dwelling.

4. CONSULTATION RESPONSES

4.1 Winterbourne Parish Council

Objection – application has been poorly presented with no background information. No parking provision accounted for and no indication given if they have rights of access through their Southern Boundary.

4.2 Sustainable Transport

Initial comments

Adjustments needed to the size of the parking area, EVCP needed, and cycle parking needed.

Updated comments

No objection, conditions recommended.

4.3 Drainage (LLFA)

No objection subject to informative.

4.4 Highway Structures

No comments have been received.

4.5 Local Residents

No comments have been received.

5. ANALYSIS OF PROPOSAL

5.1 The proposal seeks to change the use of an existing attached annexe to 1no. dwelling with associated works.

5.2 Principle Of Development

PSP39 permits the conversion or subdivision of existing residential buildings into smaller units of self-contained residential accommodation provided they would:

- 1) No harm the character and amenity of the area; and
- 2) Not prejudice the amenity of neighbours; and
- 3) Provide adequate amenity space; and
- 4) Provide parking in accordance with the Council's parking standards

The application site is what appears as a large two storey side extension that is understood to have been added to no.16 Flaxpits Lane in the 1990s. It is proposed to convert this annexe in to 1no. independent dwelling. This would be undertaken predominantly internally by blocking up the first-floor access between the annexe and no.16. Elsewhere, works would involve the creation of a parking area for the new dwelling. As the proposal has the effect of subdividing an existing dwelling, it is supported in principle under PSP39, subject to the following consideration.

5.3 Design, Visual Amenity and Character of the Area

Taking point (1) of PSP39, the existing dwelling (no.16) is an end-terrace dwelling with a hipped roof and roughcast rendered elevations. To the rear is a parking area accessed by a private/unadopted access lane on to Green Dragon Road. The annexe is constructed on the Western side elevation of no.16 and has a large rear garden. The annexe is c.5.5 metres wide, with an additional c.4.1 metre wide/c.6.5 metre deep (max) side single storey projection. Materials of the annexe/extension match no.16, and there is no built-in subservience by way of a set back or down, meaning the extension essentially forms a continuation of the original terrace. The single storey side projection from the annexe has the front door, which is understood to serve the annexe as existing. Of note in this case is that aside from the front door being in a different place and the annexe being slightly narrower than no.16, it could easily be mistaken for an end-terrace dwelling as it stands, albeit one that was added after the original terrace was built.

5.4 The proposal involves minimal external changes, with the works being internal (and limited in scope anyway). The only external works are the creation of parking for the new dwelling, which would be to the back of the garden and adjacent to the rear access lane that serves no.16 and other properties on Flaxpits Lane/Green Dragon Road. The parking area would be 6 metres deep and 5.6 metres wide and would be enclosed by a fence.

5.5 The new dwelling based on the scale of the annexe would be slightly narrower than no.16, but officers are mindful that it already forms part of the street scene

and has done for some time. The change in this case with minimal external works needs to be considered more in terms of the impact that an independent dwelling would have on the character of the area as opposed to the annexe in terms of its use. The new use would remain residential within a mature residential area, and the character of the building if used as an independent dwelling would not be at odds with the overall character and pattern of development in the area. Overall, officers therefore do not consider the proposal to present any material design issues or harm to the character of the area and as such consider the proposal to accord with (1) of PSP39.

5.6 Residential Amenity

PSP8 permits development where it does not prejudice the residential amenity of both occupiers of the development and of neighbouring dwellings through the creation of unacceptable impacts. Such unacceptable impacts include loss of privacy, overlooking, loss of light, loss of outlook and overbearing/dominant impacts.

5.7 No additional openings are proposed nor is any extension proposed to the annexe. Accordingly, officers do not consider the proposal to present any material overbearing, overshadowing or privacy issues. Overlooking from the new dwelling towards neighbours and of the amenity space of the new dwelling from the existing dwelling (no.16) would be similar to the levels of overlooking already present in the locality.

5.8 The new dwelling created would offer an internal area sufficient to meet the requirements of a 2 bed, 3 person dwelling per the Nationally Described Space Standards. All primary rooms in the new dwelling would be (and are currently) served with excellent levels of light and outlook.

5.9 As a two-bedroom dwelling, the new dwelling would require at least 50sqm private amenity space to accord with PSP43. The amount proposed far exceeds this at closer to 200sqm. The proposed dwelling as a result of the conversion therefore provides an acceptable level of private amenity space which is considered to be sufficiently useable and private and of sufficient quality.

5.10 No.16 would have a smaller amount of amenity space (c.45sqm), which, assuming it is 3 beds, would be 15sqm under the PSP43 guide of 60sqm. No.16 however falls outside the application site boundary (red line). Officers are also mindful that the garden of no.16 would not be significantly smaller than some of its neighbouring gardens. Moreover, the amenity space would still be sufficient to carry out day-to-day residential activities commensurate with a dwelling likely to be provide accommodation for a family with children.

5.11 Following the above consideration, officers are satisfied that the proposed development would be acceptable in terms of residential amenity and would provide satisfactory private amenity space, therefore according with (2) and (3) of PSP39.

5.12 Parking Standards

Parking would be provided by way of a rear parking area adjacent to the access lane that serves the rear parking area of no.16 Flaxpits Lane and other properties on Flaxpits Lane and Green Dragon Road. The parking area would provide 2no. spaces and would meet the SGC standards for a double garage of 6 metres by 5.6 metres. It was considered necessary to ensure that the parking area is sufficient using the garage standards to ensure that vehicles could be easily accessed, given that the area would be enclosed by fencing. As a two-bed dwelling, the level of parking accords with the PSP16 standard of 1no. space as a minimum. Access would be via an extended dropped kerb on to Green Dragon Road, an unclassified highway. Given the unclassified residential nature of the road and low speed limit, this access arrangement is not considered an issue and no objection is raised by the highways officers.

- 5.13 The existing dwelling benefits from a parking area for 2no. vehicles plus a garage, which would accord with the PSP16 standard for a 3 and 4 bed dwelling. Whilst outside the redline, the parking area is noted as being sufficient so as to not unacceptably reduce the parking for no.16. Access to this parking is understood to be via the rear access lane. Officers would note that this access has, according to aerial photographs, been in use by no.16 since 1991 (the furthest the images go back) and have no reason to believe that no.16 does not have access to this lane.
- 5.14 Following the above assessment, officers are satisfied that the proposal is acceptable in terms of parking and access. Accordingly, the proposal meets the requirements of (4) of PSP39. An appropriately worded condition should be applied, should permission be granted, to ensure the provision of the access and parking facilities for car and cycle, and the provision of an electric vehicle charging point (rated at a minimum of 7kw/32amp).

Impact on Equalities

- 5.15 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.
- 5.16 With regards to the above this planning application is considered to have a neutral impact on equality.
- 5.17 Other Matters
Comments from the Parish Council are noted regarding a lack of information. However, the application was supplied with sufficient information to be

validated and officers consider there to be sufficient information available to make the required assessment.

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 permission is **GRANTED**

CONDITIONS

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

Reason

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

2. The access and parking arrangements for both car and cycle (including extended crossover) as indicated on plan PA21/165/03 (revision A, Proposed site plan, as received 30th August 2021) shall be implemented prior to the first occupation of the independent dwelling hereby approved and shall be retained as such for their intended use thereafter.

Reason

In the interests of highway safety and to ensure the provision of a satisfactory level of parking in accordance with PSP11 and PSP16 of the South Gloucestershire Local Plan: Policies Sites and Places Plan (Adopted) November 2017.

3. The vehicular parking area as indicated on plan PA21/165/03 (revision A, proposed site plan, as received 30th August 2021) shall be provided with at least one electric vehicle charging socket with a minimum rating of 7kw/32amp prior to first occupation of the new independent dwelling and shall be retained thereafter.

Reason

In the interest of promoting sustainable transport modes and to accord with CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013.

4. The development shall be implemented in accordance with the following plans:

PA21/165/06 – Existing elevations
PA21/165/05 – Existing first floor plan
PA21/165/04 – Existing ground floor plan
PA21/165/02 – Existing site plan
PA21/165/06 – Proposed elevations
PA21/165/08 – Proposed first floor plan
PA21/165/07 – Proposed ground floor plan
PA21/165/01 – Site location plan
As received 15th July 2021

PA21/165/03 A – Proposed site plan
As received 30th August 2021

Reason

For the avoidance of doubt and to define the exact terms of the permission.

Case Officer: Alex Hemming
Authorising Officer: Marie Bath