

# 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: 45/21

**Date to Members: 12/11/2021**

**Member's Deadline: 18/11/2021 (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](mailto:MemberReferral@southglos.gov.uk) identifying the application reference and site location
- b) Within 5 working days of the date of this schedule e.g. if the schedule is published on a Friday, comments have to be received by end of the following Thursday (see cover page for the date)
- c) The referral should include the reasons for the referral why it would not be appropriate to permit the proposal to be determined under the delegated arrangements; the issue the proposal raises in relation to the relevant policy context and the balanced consideration that has been given to the extra costs and delay to the referral You may wish to consider the guidance given in the Members' Planning Code of Good Practice in the Council's constitution, which sets out the criteria the Chair of the Committee, in consultation with the Spokes will use to consider any referral requests.

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

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

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

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

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

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

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

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

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

7) Any applications, except those 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](mailto:MemberReferral@southglos.gov.uk) (not individual email addresses), where referrals can be picked up quickly by the Technical Support Team.

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

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

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

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

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

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

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

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

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

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

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

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

**Date:**

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

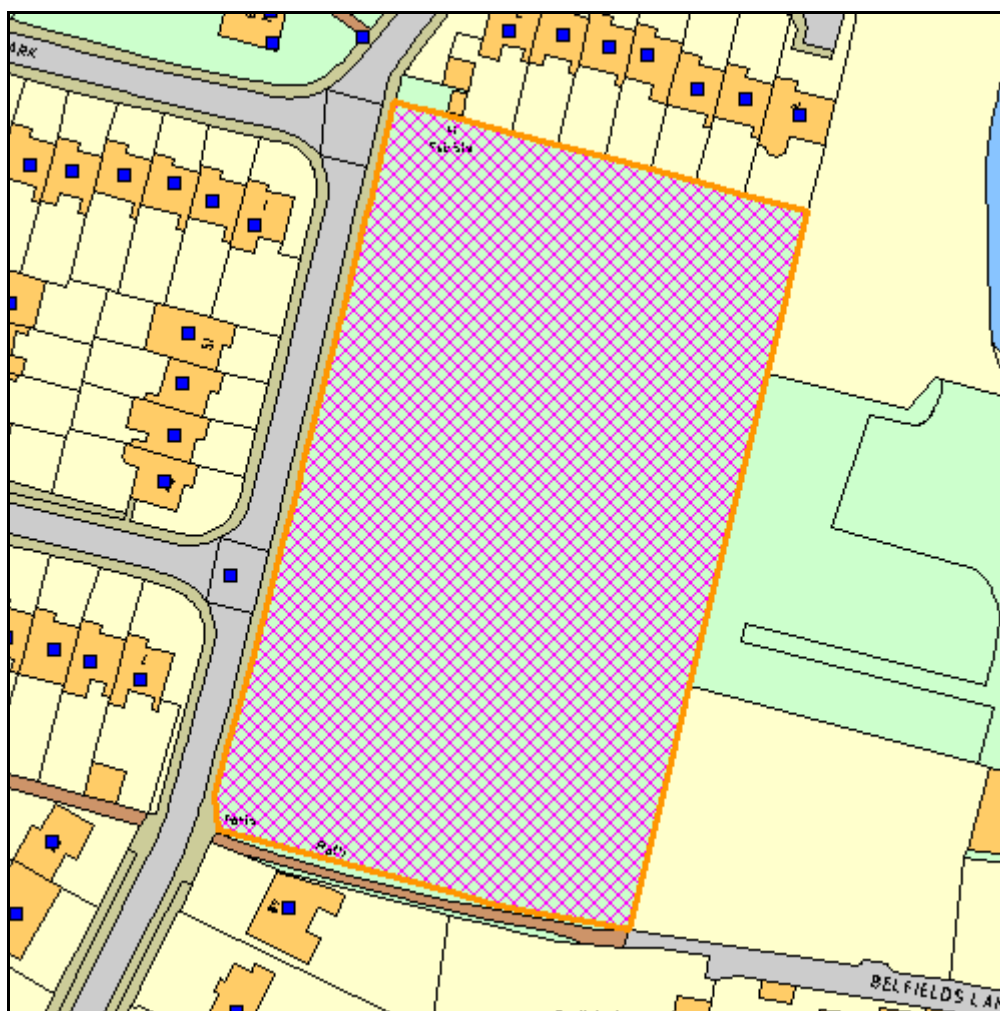
# CIRCULATED SCHEDULE 12 November 2021

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ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	P20/13119/F	Approved Subject to Section 106	Land East Of Malmain Drive Frenchay South Gloucestershire BS16 1PJ	Frenchay And Downend	Winterbourne Parish Council
2	P21/01001/F	Approve with Conditions	Land Off Bury Hill Hambrook South Gloucestershire	Winterbourne	Winterbourne Parish Council
3	P21/03385/F	Approve with Conditions	12 Tybalt Way Stoke Gifford South Gloucestershire BS34 8XJ	Stoke Gifford	Stoke Gifford Parish Council
4	P21/05901/F	Approve with Conditions	1 Kestrel Close Thornbury South Gloucestershire BS35 1AZ	Thornbury	Thornbury Town Council
5	P21/06135/F	Approve with Conditions	21 Milford Avenue Wick South Gloucestershire BS30 5PG	Boyd Valley	Wick And Abson Parish Council
6	P21/06629/F	Approve with Conditions	42 Mayville Avenue Filton South Gloucestershire BS34 7AB	Filton	Filton Town Council

**CIRCULATED SCHEDULE NO. 45/21 - 12th November 2021**

<b>App No.:</b>	P20/13119/F	<b>Applicant:</b>	Aequus Construction Ltd.
<b>Site:</b>	Land East Of Malmain Drive Frenchay South Gloucestershire BS16 1PJ	<b>Date Reg:</b>	4th September 2020
<b>Proposal:</b>	Erection of 30 no. dwellings, 2 no. new highway access points, hard and soft landscaping with associated works.	<b>Parish:</b>	Winterbourne Parish Council
<b>Map Ref:</b>	363962 178166	<b>Ward:</b>	Frenchay And Downend
<b>Application Category:</b>	Major	<b>Target Date:</b>	26th November 2020



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N.T.S.

P20/13119/F

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

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

This application is referred to the circulated schedule due to objections received from local residents which are contrary to the Officers recommendation.

### **1. THE PROPOSAL**

- 1.1 The application seeks full planning permission for the erection of 30 no. dwellings, the construction of 2 new highway access points and associated works at Land East of Malmains Drive, Frenchay.
- 1.2 The proposed units are to be made up as follows;
  - 2no. 1 bedroom apartments
  - 2no. 2 bedroom apartments
  - 3no. 2 bed dwellings
  - 15 no. 3 bed dwellings
  - 8no. 4 bed dwellings
- 1.3 The application site relates to a 0.89 hectare plot of land which is located within the established settlement boundary of the North Bristol Urban Fringe. Adjoining the eastern boundary of the site is the curtilage of Grade II\* listed, Frenchay Manor; Frenchay Conservation Area also sits adjacent to the site. A public right of way footpath runs along the entirety of the southern boundary and is separated by a low stone wall.
- 1.4 The site is allocated in the Local Plan for education use to provide a new primary school and is currently used informally by local residents for recreational purposes.
- 1.5 During the course of the application, the application reference number was amended from P20/13119/R3F to P20/13119/F in order to accurately reflect the correct type of planning application. Re-consultation letters were sent out accordingly informing local residents of the change.
- 1.6 Significant amendments were made during course of the application to address officer concerns, predominantly around the proposed drainage systems on site.

### **2. POLICY CONTEXT**

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

## 2.2 Development Plans

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

CS1 High Quality Design  
CS2 Green Infrastructure  
CS4a Presumption in Favour of Sustainable Development  
CS5 Location of Development  
CS6 Infrastructure and Developer Contributions  
CS8 Improving Accessibility  
CS9 Managing the Environment and Heritage  
CS15 Distribution of Housing  
CS16 Housing Density  
CS17 Housing Diversity  
CS24 Green Infrastructure, Sport and Recreation Standards  
CS25 Communities of the North Fringe of Bristol Urban Area

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

PSP1 Local Distinctiveness  
PSP2 Landscape  
PSP3 Trees and Woodland  
PSP6 Onsite Renewable and Low Carbon Energy  
PSP8 Residential Amenity  
PSP10 Active Travel Routes  
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.  
PSP21 Environmental Pollution and Impacts  
PSP43 Private Amenity Standards  
PSP44 Open Space, Sport and Recreation  
PSP47 Safeguarded Sites and Allocation

## 2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted) 2007

Residential Parking Standards SPD (Adopted) 2013

Waste Collection: Guidance for New Development SPD (Adopted) 2015

## 3. RELEVANT PLANNING HISTORY

### 3.1 PRE19/0630

Erection of 27 No. dwellings (Class C3) and associated access and landscaping works.

## 4. CONSULTATION RESPONSES

### 4.1 Winterbourne Parish Council

No objection, however concerns regarding the excess parking on main roads and extra traffic on Malmaims Drive which is already used as a rat run.



- 4.2 Tree Officer  
Updated arboricultural report submitted which clearly shows appropriate protection for existing trees.
- 4.3 Listed Building and Conservation  
Development would cause harm to the setting of Grade II\* Frenchay Manor and Grade II Manor Cottage. The proposals are also considered harmful to the setting of locally registered Frenchay Manor Park & Garden. In accordance with the Framework, the proposals would result in less than substantial harm towards the lower end of the spectrum to the significance of all the designated heritage assets identified.
- 4.4 Urban Design Officer  
Objections in regard to insecure living environment, specifically around exposed rear gardens, as well as channelling of open walkway to the south.
- 4.5 Archaeology  
Former 18 century garden, condition for programme of archaeological works required.
- 4.6 Landscape Officer  
No objection in principle.  
Considered unacceptable in respect of impact on views to Frenchay Manor.  
Notwithstanding this, conditions recommended.
- 4.7 Ecology  
No objection, subject to conditions.
- 4.8 Public Rights of Way  
No objection.
- 4.9 Sport England  
No detailed response as the development does not fall within either the statutory or non-statutory remit.
- 4.10 Environmental Protection  
No objections.
- 4.11 Avon Gardens Trust  
No objection but support the suggested condition by the Council's Archaeology Officer.
- 4.12 Arts and Development  
No objection, subject to a condition to secure public art.
- 4.13 Police Community Safety  
No objection, subject to comments.
- 4.14 Lead Local Flood Authority  
No objection, subject to conditions.

- 4.15 Children and Young People  
Site no longer required for education provision.
- 4.16 Highway Structures  
No objection subject to informative
- 4.17 Public Open Space  
On-site provision and off-site POS contributions to be secured by S106 agreement. Details of landscape scheme, including proposed play area to be conditioned.
- 4.18 Sustainable Transport  
No objection subject to conditions.
- 4.19 Waste Engineer  
Refuse and recycling capacity, storage and placement is adequate. Tracking of the site is accessible for collection vehicles.
- 4.20 Housing Enabling  
No objection, subject to legal agreement.
- 4.21 Environmental Policy and Climate Change  
Overall the approach to the Energy Strategy is supported.

### **Other Representations**

- 4.22 Local Residents  
Objection comments received from 40 local residents, summarised as follows;

#### Design

- Too many houses squeezed onto small site.
- Appearance of buildings not in keeping.
- Frenchay Manor Park has open fronted gardens and houses not overlooking one another. This appearance should be maintained.
- no attempt to carry on the uniform and open feel of the Manor Park Estate.
- Concerns over building height compared to existing in Manor Place.
- Request building pushed back 1-2metres.
- Rear gardens look shorter than exist locally.
- Back garden should be 100sqm and overall garden space one and a half times the building footprint.
- More 'cluttered' feel to Malmains Drive.

#### Residential Amenity

- Loss of sunlight to neighbouring gardens and rear windows.
- Views and aspect reduced for properties surrounding the development.
- Loss of outlook onto open space.
- Additional activity and noise disturbance.
- Overlooking from rooflights.

## Highways

- Malmain Drive is narrow and no room for parking on both sides.
- Infrastructure not in place to support more new homes in the area.
- Increase in traffic levels.
- 30 to 40 new vehicles adding to existing congestion problems.
- Junction at the end of Bristol Rd dysfunctional, proposal will exacerbate the problem.
- Local roads at capacity with parking spaces at a premium.
- Highway safety- children playing in the street.
- Garages should not be classed as parking spaces.
- Traffic dangerous, especially on corner with Homestead Gardens but also on narrow junction with Bristol Road.
- Often parking on white lines.
- Restrict vehicle access and maintain/improve access for cyclists.
- Suggestions made on road, cycle path and pedestrian footpath access and layouts on Malmain Drive.
- Will lead to increase in on-street parking.
- Surrounding roads narrow, lead to parking on pavements.
- Inadequate parking provision.
- There is already a dire lack of walk-able local shops and amenities in Frenchay, which means additional journeys by car to the bigger supermarkets.

## Green space

- Land used regularly by dog walkers and local children.
- Loss of green space to local community.

## Ecology

- Sighting of thrushes, gold crests and kingfisher.
- Toads, frogs, newts present.
- Large number of bats in the area.
- Foxes and squirrels present.
- Destruction of wildlife habitats.

## Drainage

- Soakaway located in communal area. Source and proposed action unclear.
- The field currently offers a large area of land for natural soak away- This could be threatened and expose properties to flooding.

## Other

- Vehicle pollution concerns
- Hope all funds will be going towards the new school.
- Why can't it be bungalows as there is a shortage of this type of development.
- Unnecessary- huge housing development already present on Frenchay Hospital site.
- Disruption to neighbours during construction.
- Local schools and facilities already under pressure.

Support comments received from 3 local resident, summarised as follows;

- Helpful contribution to housing shortage.
- Frenchay well-endowed with green spaces and play areas.
- Site has been earmarked for new school, however as this is now being built on the old hospital site this development would release vital funds for the new school.

## 5. **ANALYSIS OF PROPOSAL**

### 5.1 **Principle of Development**

Policy CS5 of the Core Strategy outlines the locations at which development is considered appropriate. CS5 dictates that new development should be directed towards existing urban areas and defined rural settlements. The application site is located within the area defined as the North Fringe of the Bristol Urban Area. As such, based solely on location, the development is acceptable in principle. This is subject to material planning consideration as discussed below.

#### **Loss of open space/school site.**

While a number of objections have been received in regards to a loss of green space used informally by the local community, the application site is not a designated local green space as defined by Policy PSP4 of the PSP Plan, and under policy PSP47 of the PSP plan the land at Malmains Drive was allocated to accommodate a replacement facility for Frenchay CEVC Primary School. Given the land in question is not intended as a recreational space and has already been allocated for development within the adopted local plans, the loss of open space is given limited weight.

The 2018/19 Capita Programme Report considered by the Council's Cabinet in February 2019 set out details of a scheme to enlarge Frenchay CEVC Primary School on land at the former Frenchay Hospital Site. This would mean the school is re-located from its existing site at Churchside.

The report identified the total projected cost of the scheme and proposed that the capital receipt from the sale of land at Malmains Drive would contribute to the cost of the scheme. This was subsequently approved by members. Therefore, given the approval outlined above, it has been confirmed by the Council's Education Department that this site can be released and is no longer required for education provision.

### 5.2 **Design and Visual Amenity**

The proposed site would be focused around a generous central POS with two vehicle accesses off Malmains Drive which connect internally within the site. The siting of shared amenity and play space at the heart of the development is an approach which is considered to create a visually pleasing and welcoming development and is therefore supported by officers. Fronting Malmains Drive itself would be 6no, 2-storey terraced houses, a 2-storey apartment block with 2no. pairs of semi-detached properties flanking the access. These houses face existing 2-storey terraced properties along Malmains Drive and therefore, this

approach is considered to be consistent with the general character of the area. Further two-storey, semi-detached houses would be located on the north and south of the site with 2no. detached and 3no. pairs of semi-detached 2.5 storey 'townhouse' style dwellings at the rear of the site fronting the POS.

The gardens for the proposed terraced houses would back onto the shared POS with a brick wall and planting providing a buffer. It has been suggested by the Council's urban design officer that more back-to-back garden properties should be included in the design, however this would require amendments to the location and possible size of the POS away from the central area, and as the proposed POS is considered to set the overall tone of the development any relocation would be considered likely to be detrimental to the character and inclusive feel of this small development. The current layout is considered by the case officer to make efficient use of land and provide a suitable mix of housing types to facilitate a balanced community. Given all of the above, it is considered that the proposed layout is acceptable in terms of design.

- 8.11 In response to the community safety officer comments the proposed access lanes between plots 23-24 and 26-block of flats would be gated in order to reduce anti-social behaviour opportunities, and the proposed properties backing onto the communal space would be afforded robust stone walls to improve security.
- 5.4 The application includes a mix of 6no different housing types, including a 2 storey apartment block, 2 storey terraced house, 2 storey semi detached dwellings, 2.5 storey detached dwellings and 2.5 storey semi-detached dwellings. A buff multi brick finish would be dominant throughout the scheme with a number of rendered elevations creating a welcomed variation in the streetscene. The properties located in key positions within the site would consist of visually pleasing gable end designs with strong window features. The windows are thought to be suitably sized and positioned on all the proposed dwellings which is considered to form an attractive, contemporary appearance throughout the development.
- 5.5 The design approach is considered to be entirely appropriate for the residential setting and is therefore not thought to result in any harm to the character and appearance of the surrounding area. That said, to ensure a high quality finish, a condition will be included for details of external facing materials to be submitted to and approved in writing by the LPA.
- 5.6 **Heritage**  
The application sits adjacent to the western boundary of the Frenchay Conservation Area and can also be considered to be located within the potential setting of the Grade II\* Frenchay Manor. The gardens enclosed by the stone boundary wall to the west are also a locally registered park and garden.
- 5.7 While the eastern boundary may benefit from a high level of screening due to the presence of the stone wall and the large tree specimens, this screen does not form a continuous screen along the length of the eastern boundary and due to the natural variations, the density of the planting also varies and will continue to change as the trees drop their leaves. Therefore, it is not the case that the

trees to the eastern boundary can be considered to provide a comprehensive screen but even if they did, in light of the sensitivity of the views to the east, only limited weight is given to any mitigation that the trees are suggested to provide as all trees will eventually need to be replaced and so at some point, to the east the view will open up.

- 5.8 From a conservation perspective this presents an issue as the 2.5-storey units have been located to take advantage of the trees and although they would clearly help filter levels of inter-visibility between the Grade II\* Manor House and the new 3-storey units, their presence and appreciation of scale and massing could still be achieved. It is not considered that the proposed new 3-storey units would be overbearing in respect of their impact on the Manor House, but by reason of their scale and massing, they would be visually intrusive into the views eastwards both from views from within the curtilage and in views from the building itself.
- 5.9 The proposed scale and massing of what is proposed to the eastern boundary is considered to result in a degree of change in the existing outlook from the Grade II\* listed Manor House (from both its curtilage and house itself) that would introduce a level of built form that would be visually intrusive and accordingly harmful and unjustified. The proposals would fail to meet the requirements of paragraph 199 of the NPPF in this regard.
- 5.10 In accordance with the NPPF, the proposals are considered to result in 'less than substantial harm' towards the lower end of the spectrum to the significance of all the designated heritage assets mentioned above. The harm to Grade II\* Manor Cottage would be towards the very lower end of the spectrum. The application should therefore be considered within the context of Paragraph 202 of the NPPF, which is a matter for the decision maker.
- 5.11 In accordance with 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..' In this case, it is considered that the public benefit of providing 30 units of accommodation, of which 11 would be affordable are significant public benefits that outweigh the identified harm.

5.12 **Residential Amenity**

Policy PSP8 of the PSP Plan states development proposals will be acceptable provided they do not create unacceptable living conditions or have an unacceptable impact on the residential amenity of occupiers of nearby properties. Unacceptable impacts could result from; loss of privacy; overbearing impact; loss of light; noise or disturbance; and odours, fumes and vibration.

- 5.13 Some concern has been raised by local residents in relation to a loss of sunlight to rear gardens and windows. Considering the path of the sun throughout the day the potential impact to rear gardens would be in relation to the existing properties located north of the site; the existing and proposed properties on the northern boundary of the site would sit back-to-back, with the

rear gardens providing separation. Given the scale of the proposed development and separation distances involved, approximately 20 metres at its closest point, the loss of light impact is not considered to be so severe as to warrant a refusal reason, nor is there considered to be any unacceptable loss of privacy. To the south of the site are residential properties which are orientated perpendicular to plots 14-18, the existing and proposed dwellings would be separated by an existing public right of way footpath and mature vegetation screening much of the rear gardens. This, combined with the separation distances involved, is considered by officers to satisfactorily mitigate any potentially unacceptable inter-visibility issues to the south.

5.14 It is acknowledged that the outlook and views of surrounding properties would be altered when erecting built form on an area of open land, as would there be a degree of noise increase. However given that the site is already located within a built up residential area, and is not considered to be within such close proximity to existing properties as to be overbearing, it is not considered by officers to result in any material harm in this regard.

5.15 Each of the proposed houses would include a private garden space that is considered to be acceptable in size for the number of bedrooms provided, in compliance with policy PSP43 of the PSP plan. The ground floor apartments would each be provided with a terrace and although no designated private amenity space would be allocated to the first floor flats, they would however be in very close proximity to the communal amenity space located at the centre of the site. Therefore, in this instance the proposed amenity space for future occupiers is considered acceptable.

#### 5.16 **Sustainable Energy**

Policy PSP6 states that new housing shall be 'encouraged' to minimise end user energy requirements over and above those required by building regulations. It goes on to say that the design and orientation of roofs should assist the potential siting and efficient operation of solar technology. Furthermore, all major greenfield residential developments are required to reduce CO2 emissions by at least 20% via renewable and /or low carbon energy generation sources on or near the site.

5.17 A sustainability strategy has been submitted in support of the application. The strategy outlines that there would be an average CO2 emissions reduction of 31.3% across the site, in compliance with the requirements of PSP6. This is achieved by lowering the annual energy demand due to low heat loss through use of passive principles; use of high efficiency equipment to provide space heating, hot water and lighting; and provision of two south facing solar PV panels on each dwelling. The Council's Environmental Policy Officer was supportive of the overall approach of the strategy and although some further details were requested, officers are satisfied that the proposed scheme is in accordance with the requirements of policy PSP6.

5.18 An appropriate condition will be included for details of the solar PV panels and air source heat pump (or similar) to be agreed in writing.

- 5.19 The sustainability statement does not make any reference to Electric Vehicle Charging points and while these are not shown on the revised plans, a condition would be included for details to be agreed prior to occupation.
- 5.20 Overall, subject to conditions, officers are satisfied that the application has adequately demonstrated it will incorporate carbon reduction measures, in accordance with the requirements of policy PSP6 of the PSP plan.
- 5.21 **Archaeology**  
The application site once formed part of Frenchay Manor's designed landscape dating back to the early 18<sup>th</sup> Century. It is unclear to what extent the existing landscape has been remodelled for the gardens. As such, on the recommendation of the Council's Archaeologist, a suitable condition will be included on any decision in relation to the potential archaeological interest of the site.
- 5.22 **Landscape and Trees**  
No landscape designations cover the site, however the eastern boundary of the application site sits adjacent to the western edge of Frenchay Conservation Area. Grade II\* listed Frenchay Manor lies within the edge of the Conservation Area to the east of the site. There are currently open views across the site towards the listed building.
- 5.23 The site extends to approximately 0.89ha and comprises of a rectangular area of open grass. Vertical metal railings mark the boundary with Malmaisons Drive and a low stone wall with cock and hen coping runs along the southern boundary, adjacent to a public right of way. The existing trees have been identified as mostly category B and C Poplars and Yews/Conifers along the eastern boundary. A large Category A Copper Beech lies close to the eastern site boundary within the grounds of Frenchay Manor.
- 5.24 The application has been carefully assessed by the Council's Landscape Officer who has raised no objection to the scheme in principal. Some concern was raised in regards to the impact on views both towards and from Frenchay Manor, however as discussed above the harm identified to the heritage asset is considered to be outweighed by the public benefits of the scheme. It is accepted that introducing built form on an area that is currently open grass is going to have an impact on existing views, however the harm resulting from this is not considered to be so severe as to warrant refusal. The gate proposed along the southern boundary is considered sufficient to enable access for maintenance to the landscaped strip along the southern boundary.
- 5.25 Subject to a series of conditions to secure the details of the hard landscape surfaces, ecology wall, play area equipment and street furniture, as well as the implementation of the proposed soft landscaping works, no objection is raised in terms of the landscape impact.
- 5.26 The Council's Tree Officer has carefully considered the submitted details. Subject to a condition to ensure works are carried out in accordance with the



submitted arboricultural report and tree protection plan, no objections are raised in this regard.

5.27 **Public Open Space**

It is reasonable to expect the residents of the proposed new residential development to require access to a full range of open spaces. Provision of a range of good quality and easily accessible open spaces is important to assist in the promotion of healthy lifestyles. It is estimated that the proposed development would generate a local population increase of 68.4 residents.

5.28 Policy CS24 requires provision to be delivered on site unless it is demonstrated that partial or full off-site provision or enhancement creates a more acceptable proposal. The proposal now includes the following in terms of POS:

- Informal Recreational Open Space (IROS) - as indicated in green on the submitted Landscape Adoption Plan (drawing no. 119-002\_F) - adequate amount provided.
- Ancillary Open Space (AOS)- as indicated in shaded red and yellow on the Landscape Adoption Plan (drawing no. 119-002\_F)- adequate amount provided.
- Outdoor Sports Facilities (OSF) - An audit identified an adequate quantity of OSF accessible from the proposed development.
- Provision for Children and Young People (PCYP) - 181 square metres provided on-site within central area- adequate quantity provided.
- Allotments- no on-site provision- contributions towards off-site provision of £1,418.14 and £1,808.87 maintenance.

5.29 It has been indicated that the proposed public open space will be maintained by a private management company. As such, the LPA will request inspection fees of £52 per 100 square metre plus £500 core service fee.

5.30 In agreement with the Parish Council, a receptor site at Tuckett Fields, Frenchay has been put forward for the proposed off-site allotment provision. This is considered by officers to be located within a suitable walking distance from the application site.

5.31 Detailed design of the proposed play equipment and associated street furniture (bins, benches, etc) will be required by condition to be submitted and approved in writing by the LPA. The provision and maintenance of the public open space (and contribution to allotment provision) will be secured through a S106 agreement.

5.32 **Public Right of Way**

A public right of way (LWB 8) runs along the southern border of the site which links Malmaims Drive with Belfields Lane; this sits outside of the application site. The Council's Public Rights of Way Officer has raised no objections to the proposal, however was concerned regarding maintenance issues that may arise from the bollard lighting indicated on the revised plans. Therefore, although marked on the plans, the bollard lighting will not be pursued by the Council and should be disregarded. There is an existing streetlight present

along this PROW and the proposed development is not thought to materially alter the existing conditions along this pathway. Therefore, the exclusion of the bollard lighting is not thought to result in any substantial harm.

5.33 **Ecology**

An Ecological Assessment has been submitted in support of the application. No statutory or non-statutory sites for nature conservation will be affected by this proposal. The submitted Ecological Assessment recommends mitigation and enhancement measures to prevent biodiversity loss, and enable biodiversity gain, through the development. This is supported by the Council's Ecologist. However, policy PSP19 states that wildlife corridors or new green infrastructure should enable the dispersal and favourable status of flora and fauna species. Unfortunately, the layout of the site dictates that the creation of green links is difficult to achieve in this instance and was therefore not pursued. However, the proposal is considered to broadly comply with the requirements of policy PSP19 providing suitable mitigation and enhancements. Therefore, subject to appropriately worded conditions, the proposal is deemed to be acceptable in this regard.

5.34 **Drainage**

Initially a large suds attenuation basin and two detention tanks were proposed within the central area of the site. Through extensive negotiation the drainage layout has been amended to remove the attenuation basin (which will now be additional POS) and include a larger detention tank at a suitable depth as not to harmfully impact the play area and provide appropriately sited access for maintenance. This tank is to be adopted by Wessex Water. The Lead Local Flood Authority has extensively reviewed the updated Drainage Strategy along with all other relevant updated documentation and are in acceptance of the proposed surface water drainage strategy. As such, no objections are raised in this regard subject to an appropriately worded condition.

5.35 **Transportation**

The application site is located within the settlement boundary and is considered to be a reasonable walking distance from local facilities, including a local convenience store. The Metrobus services are located within 450m along the A4174 and a number of other bus services are available along the Bristol Road between 300m and 350m away. This is considered a suitable walking distance and as such the site is considered to be located in a sustainable location.

5.36 The majority of neighbour objections received have been related to an increase in traffic and road safety concerns. The transport report submitted in support of the proposal indicates a trip rate of 4 arrivals and 12 departures in the peak am hour and 11 arrivals and 5 departures in the peak pm hour. From a review of the national database on trip rates (TRICS) and knowledge of other approved trip rates for developments in the area, the Council's Highways Officer is in acceptance that these trip rates are representative of a residential development at this location.

5.37 Assuming the distribution of traffic to the north and south of the site is 50/50, which is not deemed unreasonable, it would result in 8 two way trips in both directions. This is not considered by officers to result in any substantial

increase in traffic that would cause a severe impact on the surrounding highway network. Furthermore, police records indicate that there have been no personal injury collisions on Malmaims Drive in the past 5 years.

- 5.38 The location and visibility for vehicles entering and exiting the proposed access points is considered to be acceptable, and the width of the shared surface is also agreed to provide a safe and suitable access to the development. 2m wide block paved strips are to be provided at each of the site entrances to further highlight to change to a shared surface.
- 5.39 A number of concerns have been raised by local residents in regards to parking. Policy PSP16 of the PSP plan sets out the required minimum number of off-street parking spaces to be provided per dwelling. Each dwelling on site is considered to meet these adopted standards, and where garages are provided they are considered to meet the required internal space standards in order to count towards parking requirement. Furthermore, 6 visitor spaces would also be provided in compliance with the policy requirements. As such, no objections are raised in terms of the proposals impact on the highway.
- 5.40 That said, in order to ensure the safety of the highway during construction period a condition will be included for a Construction Environmental Management Plan (CEMP) to be agreed in writing prior to the commencement of the development. In addition, to promote sustainable forms of transport each dwelling shall be provided with an electric vehicle charging point.
- 5.41 **Affordable Housing**  
Based on Policy CS18 of the Core Strategy the Council will seek to secure 35% on site affordable housing. The application is for 30 new dwellings in the urban area of Frenchay and therefore the 11 affordable homes proposed are in line with policy.
- 5.42 The required split 76% social rent and 24% shared ownership. It has been indicated that;

#### Social Rent

- No. 2, 1-bed, 2 person flats
- No. 2, 2-bed, 4 person flats,
- No. 2, 2-bed, 4 person houses,
- No. 2, 3-bed, 5 person houses for social rent

#### Shared Ownership

- No. 1, 2-bed, 4 person house
- No. 2, 3-bed, 5 person houses.

There is a requirement for 1 x wheelchair unit on this site. As per the affordable housing statement no.1, 2-bed 4 person flat as a wheelchair unit would be acceptable. This would be appropriately provided on plot 27 and should be constructed to meet Part M of the Building Regulations accessibility standard M4(3)(2)(a).

5.43 The housing enabling team have raised no objections to the application subject to a S106 agreement to secure 11 affordable dwellings on plots 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30. Other than the wheelchair unit (plot 27), all affordable homes shall be constructed to meet Part M of the Building Regulations accessibility standard M4(2).

5.44 **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.

**CIL Issues**

The South Gloucestershire Community Infrastructure Levy (CIL) & Section 106 Planning Obligations Guide SPD was adopted March 2015. CIL charging commenced on 1st August 2015 and this development, if approved, would be liable to CIL charging.

5.45 **Planning Balance**

Section 38 (6) of the 2004 Act requires applications to be determined in accordance with the development plan, unless material considerations indicate otherwise.

5.46 In this instance, the proposed development is located on land that is allocated for development, albeit no longer required for educational provision, and is deemed to be in a sustainable location within the defined north fringe of Bristol Urban Area. The principal benefit of the proposal is that it is a full application with 35% affordable housing. As such this has the opportunity to contribute to the 5-year housing land supply, and being a full application, this will be possible to be delivered in the near future. This weighs in favour of the application.

5.47 However, the proposal conflicts with the policies relating to heritage. Paragraph 12 of the NPPF states that planning permission should not normally be granted where a proposal conflicts with an up to date development plan. However, in accordance with the statutory test set out above, it also recognises that material considerations may justify a departure from the development plan. The application has been determined in accordance with paragraph 199 of the NPPF in that great weight has been given to the conservation of the listed buildings and conservation areas.

5.48 That said, in this particular case it is considered that the identified benefits of the scheme demonstrably outweigh the conflict with the development plan, namely the impact on the heritage assets.

## 6. **CONCLUSION**

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

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

## 7. **RECOMMENDATION**

That authority be delegated to the Director of Environment and Community Services to grant planning permission, subject to the conditions set out below and the applicant first voluntarily entering into an Agreement under Section 106 of the Town and Country Planning act 1990 (as amended) to secure the following:

### a) **Affordable housing:**

35% of dwellings to be delivered as affordable housing on site as defined by the NPPF. For the proposed development of 30no. dwellings, this would equate to 11 dwellings for affordable housing.

Tenure split of 76% social housing and 24% shared ownership. Based on a requirement of 11 affordable homes this will generate a split of:

- 4 flats and 4 houses for social rent.
- 3 houses for shared ownership.

In all other respects the development shall comply with the requirements as set out in paragraphs 5.38-5.39 of this report.

The reason for this:

To accord with Policy CS18 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013.

### b) **Public Open Space**

- i) On-site provision of Informal Recreational Open Space as indicated in green on the Landscape Adoption Plan (drawing no. 119-002\_F)
- ii) On-site provision of Ancillary Open Space, as indicated in shaded red and yellow on the Landscape Adoption Plan (drawing no. 119-002\_F)

- iii) On-Site provision for Children and Young People (equipped play area), as indicated in green on the Landscape Adoption Plan (drawing no. 119-002\_F) and comprising a minimum of 163.5 sq.m.
- iv) £1,418.14 towards off-site provision of allotments (at Tuckett Fields in Frenchay) and £1,808.07 towards the maintenance of this provision.
- v) On-site provision of Informal Recreation Space, Ancillary Open Space and Children and Young People provision is to be privately managed.
- vi) It has been indicated that the proposed public open space will be maintained by a private management company. As such, the S 106 will require inspection fees of £52 per 100 square metre plus £500 core service fee payable to the LPA.
- vii) Triggers for the provision of all on site POS and payment of off- site contributions shall be included in the S 106

The reason for this:

To accord with Policy CS24 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013

## CONDITIONS

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

Reason

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

2. Prior to the commencement of above ground works, details of the external facing materials proposed to be used shall be submitted to and approved in writing by the Local Planning Authority. To include;

- o Facing bricks
- o Mortar
- o Render
- o Roof tiles
- o Coping
- o Window/door frames
- o Render and Metal panels
- o Garage door
- o Rainwater goods
- o Terrace railing.

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

Reason

To protect the character and appearance of the area to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan

Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

3. 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 including the provision of wheel washing facilities.
- (ii) Measures to control dust from the demolition and construction works approved.
- (iii) Adequate provision of fuel oil storage, landing, delivery and use, and how any spillage can be dealt with and contained.
- (iv) Adequate provision for the delivery and storage of materials.
- (v) Adequate provision for contractor parking.
- (vi) A lorry routing schedule.
- (vii) Measures to keep local residents informed of deliveries and construction activities.
- (viii) A procedure for dealing with complaints.
- (ix) Contact details for the Site Manager.
- (x) Main Contractor membership of Considerate Contractor scheme or similar

Reason

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

4. Prior to the first occupation of the dwellings hereby approved, the access road leading to the respective dwelling must be completed to surface level, provided with street lighting and surface water drainage in accordance with the details hereby approved.

Reason

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

5. Prior to the first occupation of the dwellings hereby approved, the proposed car and cycle parking facilities are to be completed in accordance with the submitted details.

Reason

In the interests of highway safety, to promote sustainable travel and to accord with Policies PSP11 and PSP16 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017

6. Prior to first occupation of the dwellings hereby approved, each dwelling with an on-plot car parking space or garage shall be provided with a 7Kw 32 Amp electric vehicle charging point and the remaining spaces provided with ducting for future connection to

an electric vehicle charging point, in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason

To promote sustainable travel and to accord with Policies PSP11 and PSP16 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017

7. The development hereby approved should proceed in accordance with the recommendations made in Section 8 of the Ecological Assessment by ethos (August, 2020). This includes establishing a meadow mixture for the lawns and open play space, incorporating green roofs on to the garages, creating a stormwater swale, new native shrub and tree planting, creating rain gardens and flower beds, establishing bat sensitive lighting scheme during construction, erection of bird and bat boxes, using hedgehog 'friendly' fencing and ensuring reptiles, hedgehogs and birds are not harmed during works.

Reason

To ensure the works are carried out in an appropriate manner and in the interests of conserving the local biodiversity, 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 National Planning Policy Framework,

8. Prior to first occupation of the dwellings hereby approved, a location plan (with photographic evidence) for 4 bird nest boxes, 6 1FR Schwegler Bat Tubes, 1 x Schwegler 2F bat box, 1 bee brick per structure, Hedgehog Fence Panel Gravel Boards with 1.83 x 150 x 28 mm hole between each fence, one bug hotel and two refugia should be submitted to the local planning authority for approval in writing. These shall be implemented in accordance with the agreed details and retained thereafter.

Reason

To ensure the works are carried out in an appropriate manner and in the interests of conserving the local biodiversity, 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 National Planning Policy Framework,

9. Prior to first occupation of the first dwelling hereby approved, details of the following shall be submitted to and approved in writing by the Local Planning Authority:
  - o all proposed hard landscape surface treatments, including design of design of proposed 'ecology wall', proposed levels and any soil retention/retaining walls that may be required, together with supporting schedule of proposed manufacturer hard landscape materials and site furniture products.

Works shall be implemented in accordance with the agreed details prior to the occupation of the first dwelling and retained thereafter as such.



- o Updated plan and detailed design of the proposed play area. To include: timber balance beam; timber stepping logs; timber see-saw; timber toddler table and seating logs; play area signage, seating (adult); and bins.

Works shall be implemented in accordance with the agreed details, to be provided in compliance with the trigger for the provision of the on-site play area included in the signed S106 agreement.

Reason

To protect the character and appearance of the area, and to accord with Policy CS1, CS9 and CS24 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy PSP2 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; and, the National Planning Policy Framework.

10. The proposed soft landscaping works shall be implemented no later than the first planting season following completion of construction works, in accordance with the approved Landscape Plan (drawing no. 119-001\_S Rev S) and Planting Plan (drawing no. 119-201\_B).

Reason

To protect the character and appearance of the area, and to accord with Policy CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy PSP2 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; and, the National Planning Policy Framework.

11. The development shall be carried out in accordance with the approved Arboricultural Survey and Tree Protection Plan compiled by ethos, received on 14th December 2020, and thereafter the trees shall be retained.

Reason

To ensure the works are carried out in an appropriate manner and in the interests of the health and visual amenity of the trees, and to accord with Policy PSP3 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017 and The Town and Country Planning (Tree Preservation) (England) Regulations 2012.

12. Prior to the commencement of development, 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 shall be submitted and approved in writing by the Local Planning Authority. For the avoidance of doubt, this should include the following details:

- o Confirmation and acceptance of an agreed connection point and discharge rate for surface water disposal from Wessex Water.

- o A clearly labelled drainage layout plan showing the pipe networks and any attenuation features.

- o 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.
- o Where attenuation forms part of the Surface Water Network, calculations showing the volume of attenuation provided, demonstrating how the system operates during a 1 in 100 year plus an allowance for climate change storm event (winter and summer) in line with the current industry accepted allowance.
- o The drainage layout plan should also show exceedance / overland flood flow routes if flooding occurs and the likely depths of any flooding.
- o The plan should also show any pipe node numbers referred to within the drainage calculations.
- o A manhole / inspection chamber schedule to include cover and invert levels.
- o Ownership and/or responsibility, along with details of the maintenance regime in relation to the Surface Water Network and any components such as Attenuation/Infiltration features and Flow Control Devices where applicable for the lifetime of the development.
- o Cross-Sectional drawings and details for both the proposed permeable paving and rain garden features within the site

Works shall be carried out in accordance with the approved 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. This is required to be agreed prior to commencement of development to avoid any unnecessary remedial action in the future.

13. As per approved plans all 11 Affordable Dwellings on plots shall be constructed to meet Part M of the Building Regulations accessibility standard M4(2). The Affordable Dwelling (social rented) on plot number 27, shall be constructed to meet Part M of the Building Regulations accessibility standard M4(3)(2)(a).

#### Reason

To ensure inclusive design access for all in accordance with Policy PSP37 of the adopted South Gloucestershire Local Plan: Policies, Sites and Places Plan.

14. Prior to the commencement of development, including geotechnical or remediation works, an archaeological desk-based assessment shall be submitted to the local planning authority. In the event that the site requires further investigation, a subsequent detailed mitigation, outreach and publication strategy, including a timetable for the mitigation strategy, must be submitted to and approved in writing by

the Local Planning Authority. Thereafter, the approved programme shall be implemented in all respects.

Reason

The site is within an area of potential archaeological interest and the Council will wish to examine and record items of interest discovered in accordance with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (adopted December 2013) and Policy PSP17 of the South Gloucestershire Local Plan: Policies, Sites and Places (adopted November 2017). This is required to be agreed prior to commencement to avoid archaeological remains and features being damaged by the initial development works.

15. Prior to the first occupation of the development hereby approved, full scale details, including the location and specification of the proposed solar panels (as shown on the plans dated 24th July 2020) and air source heat pumps (or similar low carbon system) (as suggested in the sustainability strategy carried out by e3 consulting engineers, Feb 2020), shall be submitted to and approved in writing by the Local Planning Authority. Work must take place exactly in accordance with the details agreed prior to first occupation of the dwellings in which they are located.

Reason

To provide energy reduction, efficiency, renewable and low-carbon energy measures in accordance with Policy PSP6 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (November 2017) and the provisions of the NPPF.

16. The existing stone walls located along the southern and eastern boundaries of the site are to be retained as such.

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.

17. The development hereby permitted shall take place in accordance with the following plans:

Received by the Council on 24th July 2020;

APARTMENT BLOCK PLANS (MAL-AHR-AB-ZZ-DR-A-20-001 REV 6)

2- BED AFFORDABLE TYPE 01 PLANS (MAL-AHR-HT-ZZ-DR-A-20-002 REV5)

3- BED AFFORDABLE TYPE 01 PLANS (MAL-AHR-HT-ZZ-DR-A-20-003 REV 5)

3- BED PRIVATE TYPE 01 PLANS (MAL-AHR-HT-ZZ-DR-A-20-004 REV 5)

3- BED SHARED OWNERSHIP TYPE 01 PLANS (MAL-AHR-HT-ZZ-DR-A-20-005 REV 5)

4- BED PRIVATE TYPE 01 PLANS (MAL-AHR-HT-ZZ-DR-A-20-006 REV 5)

4- BED PRIVATE DETACHED TYPE 02 PLANS (MAL-AHR-HT-ZZ-DR-A-20-007 REV 5)

3- BED PRIVATE TYPE 02 PLANS (MAL-AHR-HT-ZZ-DR-A-20-008 REV 4)

EXISTING BLOCK PLAN (MAL-AHR-ZZ-00-DR-A-05-002 REV 1)

Received by the Council on 24th August 2020;

SITE LOCATION PLAN (MAL-AHR-ZZ-00-DR-A-05-001 REV 5)  
TOPOGRAPHICAL SURVEY (MAL-AHR-ZZ-00-DR-A-05-003 REV 2)  
APARTMENT BLOCK ELEVATIONS (MAL-AHR-AB-ZZ-DR-A-20-101 REV 8)

Received by the Council on 23rd March 2021;  
EXTERNAL LIGHTING LAYOUT (X 00 J 1010 REV P2)  
HIGHWAY AMENDMENTS (0990-006 REV B)  
SITE PLAN GROUND FLOOR (MAL-AHR-ZZ-00-DR-A-90-001 REV 7)  
SITE BLOCK PLAN (MAL-AHR-ZZ-00-DR-A-05-002 REV 4)  
KEY PLAN (MAL-AHR-ZZ-00-DR-A-90-010 REV 6)  
SITE PLAN OVERLOOKING (MAL-AHR-ZZ-01-DR-A-20-005 REV 5)  
SITE PLAN FIRST FLOOR (MAL-AHR-ZZ-01-DR-A-90-002 REV 7)  
SITE PLAN ROOF PLAN (MAL-AHR-ZZ-02-DR-A-90-003 REV 7)

Received by the Council on 12th May 2021;  
LANDSCAPE PLAN (119-001\_S REV S)  
LANDSCAPE ADOPTION PLAN (119-002\_F REV F)  
BOUNDARY TREATMENT PLAN (119-003 C REV C)  
LANDSCAPE SECTIONS (119-005\_E REV E)  
PLANTING PLAN (119-201\_B REV B)  
ILLUSTRATIVE LANDSCAPE PLAN (119-801\_G REV G)

Received by the Council on 15th July 2021;  
DRAINAGE STRATEGY (19068-SK100 REV E)  
EXCEEDANCE FLOW ROUTES (19068-SK127 REV A)

Received by the Council on 2nd August 2021;  
DRAINAGE STRATEGY (19068-SK122 REV B)

Received by the Council on 8th October 2021;

2-BED AFFORDABLE ELEVATIONS (MAL-AHR-HT-ZZ-DR-A-20-102 REV 6)  
3-BED AFFORDABLE ELEVATIONS (MAL-AHR-HT-ZZ-DR-A-20-103 REV 6)  
3-BED PRIVATE TYPE 01 ELEVATIONS (MAL-AHR-HT-ZZ-DR-A-20-104 REV 6)  
3-BED PRIVATE TYPE 02 ELEVATIONS (MAL-AHR-HT-ZZ-DR-A-20-105 REV 6)  
4-BED PRIVATE TYPE 01 ELEVATIONS (MAL-AHR-HT-ZZ-DR-A-20-106 REV 6)  
4-BED PRIVATE DETACHED TYPE 02 ELEVATIONS (MAL-AHR-HT-ZZ-DR-A-20-107 REV 8)  
BUILDING SECTIONS (MAL-AHR-ZZ-ZZ-DR-A-20-200 REV 6)  
SITE SECTIONS (MAL-AHR-ZZ-ZZ-DR-A-20-201 REV 9)

Reason

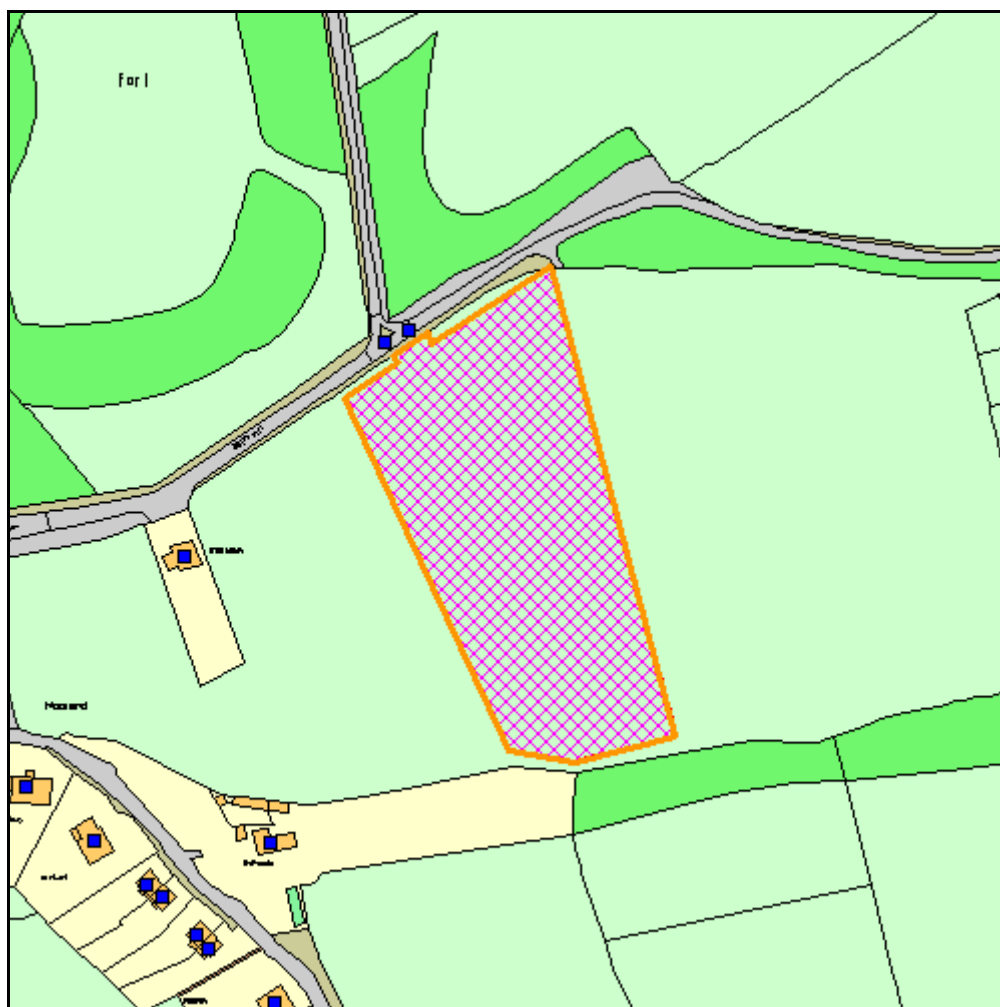
To define the terms and extent of the permission.

**Case Officer: James Reynolds**  
**Authorising Officer: Helen Ainsley**

**CIRCULATED SCHEDULE NO. 45/21 - 12th November 2021**

<b>App No.:</b>	P21/01001/F	<b>Applicant:</b>	Kelly Rogers Empowered Futures
<b>Site:</b>	Land Off Bury Hill Hambrook South Gloucestershire	<b>Date Reg:</b>	8th March 2021
<b>Proposal:</b>	Application for change of use of land to a mixed use of agriculture and education, parking , a poly tunnel (5m x 10m) and a building (8m x 11m, with an overhang) to be used as a teaching space for the Care Farm	<b>Parish:</b>	Winterbourne Parish Council
<b>Map Ref:</b>	365107 178994	<b>Ward:</b>	Winterbourne
<b>Application Category:</b>	Minor	<b>Target Date:</b>	3rd May 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 Winterbourne Parish Council and more than 3no. Objection comments which are contrary to the officer recommendation within the report.

### **1. THE PROPOSAL**

- 1.1 This is a full application for the change of use of land from agriculture, to mixed agriculture and education, including the installation of a parking area, polytunnel and a building for use as teaching space.
- 1.2 The proposed use is for a Care Farm, intended to run sessions for disadvantaged and disabled people to teach skills such as horticulture, animal husbandry, woodland management, nature, wool and willow weaving, and outdoor cookery.
- 1.3 The proposal site is within the Bristol/Bath Green Belt and outside of any designated settlement boundary. The site is opposite Bury Hill Camp, a Scheduled Ancient Monument.

### **2. POLICY CONTEXT**

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

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1	High Quality Design
CS2	Green Infrastructure
CS4A	Presumption in Favour of Sustainable Development
CS5	Location of Development
CS8	Improving Accessibility
CS9	Managing the Environment and Heritage
CS23	Community Infrastructure and Cultural Activity

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

PSP1	Local Distinctiveness
PSP2	Landscape

PSP3	Trees and Woodlands
PSP7	Development in the Green Belt
PSP8	Residential Amenity
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP17	Heritage Assets and the Historic Environment
PSP19	Wider Biodiversity
PSP28	Rural economy
PSP29	Agricultural Development

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

- 3.1 PT11/2994/F - Change of use of land from agricultural to mixed use of agriculture and land for the keeping of horses. Erection of stable block with access and associated works. – Approved 20.12.2011
- 3.2 PT12/3592/F - Erection of stable block. – Approved 21.12.2012

### 4. **CONSULTATION RESPONSES**

- 4.1 Winterbourne Parish Council - *The comments of the Parish Council are Objection. Whilst the Parish Council commends the objective and sentiment of the application the fact remains that the application is within Greenbelt Land. The Parish Council feels very strongly that Greenbelt Land should be upheld in line with both South Gloucestershire Council and Government Policy. There is also limited road access, the highway is particularly narrow with steep slopes. The increase in traffic would hinder what is a pleasant walking spot for many local residents. There are concerns of the effect to neighbouring properties, with noise and debris from the site.*
- 4.2 Historic England - Historic England has concerns regarding the application on heritage grounds due to the impact of the development on the adjacent Scheduled Ancient Monument.
- 4.3 Conservation – Objection – The development would fail to preserve the setting and the contribution it makes to the significance of the scheduled ancient monument.
- 4.4 Archaeology – Harm has been identified towards the lower end of less than substantial. There is potential for below ground archaeology, and any permission should include a condition for a programme of archaeological works.
- 4.5 Landscape – The visual impact of the proposed development will be localised and have a slight adverse effect. An appropriate mitigation planting scheme can be designed to offset this impact and further integrate the proposals into their landscape surroundings.

- 4.6 Ecology – No objection subject to mitigation measures, external lighting and details of ecological enhancements.
- 4.7 Drainage – No objection
- 4.8 Transportation DC – No objection subject to conditions relating to bound access and provision of parking and turning areas.

### **Other Representations**

4.9 Cllr representations:

*Councillor Boulton: Be Empowered Farm Futures has provided support and training for residents from across South Gloucestershire. They provide therapeutic activities and educational opportunities for a wide range of volunteers and service users. This would be a valuable and well used resource and I am happy to support this scheme as it would be an ideal and suitable use of this open space.*

*Be Empowered Farm Futures already has a polytunnel within Page Park in Staple Hill which is highly valued by the service users and the Friends of Page Park as an additional resource within our multi-award winning park.*

*Be Empowered Farm Futures has actively supported our #GrowingStapleHill project by building and maintaining new planters along our High Street. I have seen how much their work is appreciated by many across my community and this additional space would enable them to get even more involved in more communities across South Gloucestershire .*

*I hope that planners will recognise the valuable and much needed facility this asset would provide and ask that a way is found to support this application and hope that, if necessary, reasonable conditions can be applied in order to facilitate a positive outcome.*

Councillor Clark: Whilst noting the good intentions behind some objections I fear what the National Planning Policy Framework (NPPF) actually has to say about the Green Belt and development within it may have been misconstrued. The Green Belt is neither homogenous nor entirely exempt from development. The circumstances of each individual application must be properly considered and this is recognised in Paragraph 145 of the NPPF which clearly states:

"A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

- (a) buildings for agriculture and forestry;
- (b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it"



These proposals would facilitate teaching provision for young people and adults with learning difficulties in a number of subjects that fall outside of the standard curriculum. This includes, but is not limited to, forestry/woodland management, horticulture, animal husbandry and land management. The introduction of the proposed building to provide shelter from inclement weather, modest cooking facilities and some toilets would have limited impact upon the openness of the Green Belt especially when one factors in the screening of the site afforded by trees and shrubbery along its boundaries (which can be reinforced if necessary). Even when such harm is conceded this must be weighed against the evident social benefits that would arise from the approval of this application. A strong case can clearly be made for very special circumstances that would justify approval of this application. If the Green Belt were as sacrosanct and inviolable as is occasionally implied young people and adults with learning disabilities across much of South Gloucestershire would be effectively excluded from such teaching provision as there would be no facilities within a readily commutable distance of where they live.

It is worth also worth noting that the applicants would be willing to agree a condition to limit the maximum number of sessions and times of use. Such conditions could adequately address concerns about the capacity of the site, the impact on nearby properties and the impact on the users of the rural road in the vicinity.

### Local Residents

105 support comments have been received, summarised as:

- First of its kind in the area
- Work supports vulnerable adults and children with learning disabilities
- Charity benefits South Gloucestershire
- Current provision is lacking
- Will provide opportunities not currently available
- Innovative project
- Gives people new skills and career opportunities
- Will increase confidence
- Charity is self funding
- Often visit similar projects in other districts
- Supports returns to work and invests in the public
- Working standards are high
- Carefully run farm with excellent protocols
- Benefits to ecosystem
- Building will allow support in all weathers
- Projects aims and beliefs are sympathetic to the land and surrounding environment
- Project addresses needs highlighted by Disability Rights UK
- Will help address Climate Change and food insecurity
- Charity utilises a BSL interpreter
- Many disabled people cannot use the site without facilities such as a toilet
- Beautiful location
- Better use of land than housing
- Proposal will have minimal impacts on residents or users of the area

- Area already improved through planting
- Timber materials are in keeping
- Will help those who do not have gardens
- Care farms should be encouraged
- No different to existing stable block
- There are already buildings along Bury Lane
- Charity has a successful project at Page Park
- Number of visitors will be small

17 objection comments have been received, summarised as:

- Land is Green Belt and as such restricted
- Project should be sited outside of the Green Belt
- Additional buildings will set a precedent
- Design and density of plot is overbearing
- No proportionate amount of land left
- Additional traffic will be generated with limited access
- No pavements and lane is single track
- Loss of privacy and increased overlooking
- Not an appropriate location
- Building is large in comparison to plot
- Lanes used by walkers, horse-riders and cyclists
- Area should be preserved for heritage
- Proposal changes character of site
- Proposals block out open countryside
- Not in-keeping with local ecology
- Buildings do not preserve the openness of the Green Belt
- Site in an elevated position
- Harm caused to significance of a heritage asset
- Lack of general amenities including sewerage
- Works have been started prior to application being determined
- Building would interrupt long range views
- Inaccuracies in submission
- Nearest bus stop a considerable walk away
- Proposals comparable to a dwelling
- Building is not primarily agricultural
- Insufficient sewerage detail
- Subdivision of land for paddocks will be necessary
- Tree planting will impact on openness
- Address details are misleading
- Very special circumstances have not been demonstrated
- Access for machinery is impractical
- Wildflower meadow will reduce nutrients in the land
- Pre-application was not looked on favourably
- South West only has 4.5% of Green Belt remaining
- The project should consider temporary buildings instead

## **5. ANALYSIS OF PROPOSAL**

### Principle of Development

- 5.1 Paragraph 147 of the National Planning Policy Framework (the Framework) sets out that inappropriate development is, by definition, harmful to the GB and should not be approved except in very special circumstances. The Framework sets out that the construction of new buildings within the GB is inappropriate development, unless the development falls within one of a number of stated exceptions (Paragraph 149). Certain material changes of use of land, such as for outdoor sport or recreation, can be considered to be not inappropriate, providing they preserve its openness and do not conflict with the purposes of including land within in (Paragraph 150).
- 5.2 In this case, the use of the land would be a mixture of agriculture and educational, and would involve the erection of a building for teaching space. As the use of the land and buildings is not fully agricultural the development would not therefore meet with any of the stated exceptions within the Framework. The proposal would therefore constitute inappropriate development in the Green Belt.
- 5.3 As policy CS5 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 includes a requirement that development in the Green Belt will need to comply with the provisions in the Framework, then whether the proposal conflicts with this policy depends on whether very special circumstances exist (as set out in the Framework). Similarly, policy PSP7 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017 states that inappropriate development is harmful to the Green Belt and will not be acceptable unless very special circumstances exist.

#### Effect on openness

- 5.4 A fundamental aim of Green Belt policy, as set out in paragraph 133 of the Framework, is to keep land permanently open. Openness is generally accepted to mean absence of structures or activity.
- 5.5 The proposal involves the erection of an 8m by 11m building for teaching space, which has been reduced in height with a reduction of the overhang through the course of this application. A polytunnel is also proposed, as well as a parking area. The existing stable building on site will be converted for animal care.
- 5.6 The nature of the use, although still partly agricultural, will result in the creation of small animal pens and the subdivision of the land into pastures, meadows and planting areas, that would not be found on a typical working farm. Indeed, with the Care Farm already on site, although not carrying out their educational activities, the impact on openness can already be assessed to a degree.
- 5.7 The development would be carried out on land which is currently open to a significant degree. As such, the development would erode the sense of openness for this site, both spatially and visually.
- 5.8 Much of the development would be screened by existing tree lines and proposed plantings from wider views. The main developed area would also be

sited adjacent to the road, where other built forms along Bury Hill can be found. In terms of siting within the red line, the buildings are located where they would have the least impact, however there would be a clear loss of openness as a result of the development overall.

#### Impact upon Heritage Assets

5.9 Para 189 of the National Planning Policy Framework states:

*In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.*

5.10 Para 193 of the National Planning Policy Framework states:

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

5.11 Para 194 states:

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

5.12 Para 196 states:

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

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

5.14 The application site lies immediately to the southeast of Bury Hill Fort, a small, Iron-Age, multi vallate hillfort that is designated as a scheduled monument.

According to the Historic England scheduling map, the southern boundary of the monument coincides with the northern edge of Bury Hill road. The site also lies c200m to the east of Moorend Farm, a grade II\* listed, 17th century, high-status farmhouse, and its associated, grade II listed, 18th century farm-buildings. The site, therefore, can be considered to form part of the rural context and setting of these designated heritage assets.

- 5.15 It is acknowledged that there is no direct intervisibility between Moorend Farmhouse and the site. It is however worth noting that archaeological excavations of the hill fort have identified the presence of pillow mounds, artificial rabbit warrens, and what has been interpreted as an associated warrener's house.
- 5.16 These features are reported as being associated with the development and aggrandisement of Moorend Farm and, according to research, such features *"would have added to the amenities of the estate and made profitable use of what was otherwise an area of thin-soiled rough pasture"* (James Russell, *Archaeology South West Journal* 13, Summer 2004).
- 5.17 The 1840 tithe map and apportionment also record the hill fort, the land around it (including areas of land to the south), Moorend Farm and its associated farm buildings as being in the same ownership and occupied by the same individual. There is, therefore, a degree of historic, functional association between hillfort and the land surrounding it with Moorend Farm, even if there is no direct intervisibility. For the purposes of this assessment, however, no harm is identified in respect of the grade II\* listed Moorend Farm or its associated grade II listed farm buildings.
- 5.18 Given the defensive nature of the scheduled hillfort, it occupies elevated ground overlooking the river valley that snakes around its west and north sides. To the east, the land is relatively level, whilst it falls away to the south. These more accessible sides of the hillfort are defended by two closely-spaced ramparts with ditches, the ramparts surviving in places up to 3m high. The west side of the hillfort has suffered from extensive quarrying but would have been a steep drop down to the river.
- 5.19 According to the scheduling entry, small multi-vallate hill forts are rare and important for understanding the nature of settlement and social organisation within the Iron Age period. Despite quarrying and partial excavation, the small multivallate hillfort 165m north east of Moorend Farm will contain further archaeological and environmental evidence relating to its construction, development, longevity, territorial, social, economic and strategic significance, domestic arrangements, trade, agricultural practices, adaptive re-use and secondary occupation and overall landscape context.
- 5.20 Although the significance of the hillfort itself will come mostly from its historic and evidential value, it will also hold a degree of significance that comes from how it is experienced in the landscape, including its relationship with the surrounding topography. Views towards the hillfort from the public rights of way to the south may include the application site, creating a degree of co-visibility, whilst outward-looking views from the hill fort (such as from the

ramparts/entrance areas) may also include the application site, creating a degree of inter-visibility. Whilst areas of the monument are heavily vegetated, as are the verges of the road, this tree cover is ephemeral in the context of an Iron Age hillfort and new built form in a sensitive location may become visible as trees die, are maintained, or are removed.

- 5.21 The hillfort can be accessed via two main entrances, one to the north, the other to the south-east corner. The latter entrance is located to the north of the application site and comprises an informal footpath over a stone stile next to a field gate and leads through the double ramparts of the monument to the hillfort's interior. The footpath and entrance to the field is c30-40m along a private driveway. A narrow 'apron' of open land separates the outer edge of the ramparts from the roadside boundaries. From this open area and from the public footpath, the entrance to the application site, the open fields beyond, and the rear elevations of existing timber stables can all be seen, albeit filtered in places due to leaf cover on the trees and hedgerow vegetation.
- 5.22 On entering the monument, there is a distinct sense of enclosure and containment, with the ramparts remaining strong, well-defined features either side of the central ditch. Although the road-noise from the M32 is an omnipresent, audible intrusion, the site still feels largely secluded, tranquil and rural, with the trees on the ramparts giving the site a leafy, verdant edge with an expanse of open grassland reinforcing the rural, pastoral qualities of the site.
- 5.23 Although the public right of way cuts across the centre of the site, there is clear evidence of informal trails around the monument's interior, with some rising up to the top of the inner rampart. Whilst in leaf, the trees help to reinforce the sense of containment and seclusion of the monument's interior.
- 5.24 Evidence of the former quarrying activity on the west side of the hillfort is visible, whilst to the north, the public right of way exits the monument directly opposite Camp Cottage. Historic map regression shows there has been a building on this site since at least 1840, but its presence, as well as that of the 20th century outbuildings, does create a sense of encroachment and intrusion.
- 5.25 A secondary entrance to the site lies to the northeast and this is accessible via the informal tracks. From here, the southern edge of Winterbourne Down can be seen as a backdrop to pastoral fields presently subdivided for equestrian use.
- 5.26 On leaving the site via the main south-eastern entrance, the casual observer would pass through the well-defined, tree-topped ramparts either side of the ditch. The field gate and stile would be in the direct line of sight, but so too would be views through the trees and hedging towards the open fields to the south of the site. The entrance to the application site, with its existing signage, parked cars, stables/sheds as well as the structures in the adjoining field are all presently visible from this point and give the sense of incremental and piecemeal encroachment of 20th century development along the lane and into the open fields that form part of the open, rural landscape setting of the monument.

- 5.27 Following an informal loop through the grassed 'apron' area to the immediate south of the monument, the encroachment of the structures is quite noticeable, despite the partial screening effect of the boundary vegetation. Walking along Bury Hill, the backs and gables of various stables/sheds are visible through the boundary vegetation and field gates, with views out over the open land to the south. From various points on the lane, it is possible to discern the platform-like nature of the fields to the south and east of the monument, with the land gently sloping to the south before dropping away sharply – this is also noticeable from the E-W footpath to the south, and accounts for the monument not being visible from this footpath.
- 5.28 As noted by Historic England, the gently sloping land to the east and south would have made the hillfort vulnerable to attack, necessitating the need for impressive defences on this side, whilst the land would have been kept largely open and clear to provide good lines of sight as well as potentially serving as an important agricultural hinterland to the settlement. In addition to the various structures along the lane, piecemeal enclosure of this field with wire fencing, bollards, post and rail fencing etc has further eroded its sense of openness.
- 5.29 Views to the monument from the surrounding area, as well as views from within, reinforce an appreciation of the hillfort's strategic siting; it occupying the summit of a large plateau, with gently sloping land to the east and south, and with steep drops to the river valley to the north and west.
- 5.30 Outside the ramparts of the monument at its southern end, the predominantly rural context with informal views over open pastoral fields to the south, verdant tree-lined lanes along Bury Hill, and long-distance views over the surrounding open countryside make a positive contribution to the significance of the monument, allowing an appreciation of its historic landscape context. This setting is, however, being eroded by the incremental and piecemeal introduction of stables, hard-standings, vehicular entrances and a variety of field boundaries and paraphernalia mostly associated with equestrian use.
- 5.31 Views back to the plateau from the A4174 ring-road cycle track are currently obscured by vegetation, but this may change during winter months. Likewise, views from the bridge over the M4 are also presently screened by tree cover. The existing stables to the east are clearly visible from this viewpoint, and there is a risk that during winter months, a line of outbuildings may potentially become visible at the foot of the monument.
- 5.32 The proposal seeks permission to erect a large (11m wide x 8m deep x 4m high), free-standing timber framed building to the east of the present entrance, a 10x5m poly-tunnel and 'containers' of undisclosed design/materials beyond that. Other small ad-hoc structures have already appeared on site, and there will be a degree of subdivision of the wider plot into defined pastures/grow-zones and meadows.
- 5.33 The new timber framed building will be visible from the southern entrance of the monument, the southern 'apron' area and from Bury Hill. At present, this part of the site is open and there are no structures obstructing views out to the

countryside beyond. Although tree and vegetation cover may soften the outline of, and views to the building, it will nevertheless be perceived as a prominent, new building that is contributing to the creep of modern structures of varying quality along the southern side of the scheduled monument, in an area that would have historically been left open and clear of structures or obstructions. The building will be larger than any of the other current field structures along the lane and it will be quite visible through the relatively thin tree cover along the boundary. Views over the fields and countryside to the south will also be compromised by the proposed development.

- 5.34 The significance of the monument lies largely in its historic and evidential value, this coming from the archaeological and environmental evidence relating primarily to its construction, development, longevity, territorial, social, economic and strategic significance. Evidence of the adaptive re-use of the monument during the Roman period, and later during the 18th century when it was used as a warren serving Moorend Farm, also make a substantial contribution to the significance of the asset. The landscape setting, taking into account the nature of the site and degree of visibility, makes a modest contribution to significance, with the area to the south compromised slightly by the gradual infill and perceived creep of stables and sheds of varying quality.
- 5.35 The proposal will contribute to the ongoing erosion of the openness of the field to the south of the monument and will introduce further built form that will be visible from the entrance to the hillfort as well as from the 'apron' area immediately south of the outer rampart. The intensification of uses and activity on the site, coupled with an increase in vehicle movement on the lane may also potentially affect how the setting of the monument is perceived by reducing the sense of remoteness and 'tranquillity' of the locality, notwithstanding the background hum of the motorway. Winter views from the top of the inner rampart may also reveal the extent of intrusion of modern structures along Bury Hill.
- 5.36 The proposal will not change the intrinsic character or significance of the monument that comes from its physical remains and its historic and evidential values, but it will result in a slight change to its setting that would be considered a 'minor' magnitude of impact using the assessment framework established in the Cultural Heritage section of the Design Manual for Roads and Bridges guidance. This would equate to a slight adverse impact on the significance of the designated heritage asset through the introduction of additional built form in its historic landscape setting, and the effects of general intensification of uses and activity on the site itself.
- 5.37 There is also potential for below ground archaeology in this location, and as such any approval would be required to undertake a programme of archaeological works in the form of a watching brief during ground works.
- 5.38 In summary, the proposals fail to preserve the setting and the contribution it makes to the significance of the scheduled monument, contrary to policy PSP17 of the Adopted Local Plan: Policies, Sites and Places Plan. The proposal is considered to result in less than substantial harm, at the lower end of the scale, to the significance of a designated heritage asset.



### Applicant's Justification for the proposal

- 5.39 The application is submitted by Empowering Future, a Charitable Incorporated Association registered with the Charity Commission. The organisation provides opportunity for people with learning disabilities to learn how to look after animals, grow and cook food, and to feel valued rather than excluded and isolated from the rest of society.
- 5.40 The proposed building is to be used as a teaching space, with the rest of the land to be used for keeping goats, sheep and hens and for growing plants and vegetables. The animal husbandry and growing is to be undertaken by the participants under the supervision of trained volunteers. A forest school is proposed, with other skills being taught to include outdoor cookery, willow craft using willow grown on site, wool weaving and life skills.
- 5.41 The proposed site was chosen partly due to affordability, and partly due to being well located for the proposed users. Many participants are referrals from South Gloucestershire Council.
- 5.42 The proposed building is required by the organisation to enable teaching to take place out of the bad weather. Some people with learning disabilities have a short attention span and need to be in a secure environment, and people with autism sometimes need to find a quiet space. Physically disabled people need toilets that will provide space for wheelchairs and scooters. Hand washing facilities are required for hygiene purposes.
- 5.43 The teaching of animal care and horticulture brings other life skills into play, for example maths when scales are used to calculate animal food, empathy when an animal is ill, physical hand to eye control and motor skills for seed planting, cutting and pruning. Some tasks require reading comprehension, and participants work together learning teamwork and tolerance of others.
- 5.44 Cooking requires participants to be able to use cooking knives, follow a recipe, identify and dry herbs. Willow and wool weaving require motor skills, while recycling of pallet wood to construct planters allows new tools to be tried and introduces the idea of reuse rather than throwing away. The Care Farm also encourages exercise to look after the animals, and the woodland and forest schools provide learning about ecosystems. It is also acknowledged that applicant contributes outside of the site, providing recycled planters to the High Street at Staple Hill.
- 5.45 Other organisations who collaborate with the Care Farm are South Gloucestershire Council and Bristol South Community Learning Team, the 'Preparing for Adulthood' team at South Gloucestershire, and Fit and Fed who ensure children from deprived backgrounds are looked after in school holidays. A letter of support has also been received from Sharon Davis of New Beginnings, an organisation that looks after adults with learning disabilities in South Gloucestershire.

- 5.46 It is noted that there is no provision of this type within South Gloucestershire. Support for the project is clear from the submitted comments.
- 5.47 Paragraph 92 of the NPPF states that *“decisions should aim to achieve healthy, inclusive and safe places which ... promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other”*
- 5.48 Policy C23 states that *“The Council will work with partners to provide additional, extended or enhanced community infrastructure and encourage participation in cultural activity.”*

### Ecology

- 5.50 A Preliminary Ecological Appraisal and a Land Management Plan has been submitted. The site is not covered by any designated sites.
- 5.51 The building on site does not provide suitable opportunities for roosting bats. Any trees impacted by the works were inspected and do not provide suitable bat roosting features. Bats are likely to use the hedgerows and trees for foraging, any additional lighting is to be design sensitively in order not to create light spill onto these habitats.
- 5.52 Two waterbodies were identified within 500m of the site. Further investigation of these has clarified that the ponds have dried up and there are no Great Crested Newts present. No further information is required in regards to GCN.
- 5.53 There are areas suitable for nesting birds, these are to be safeguarded and sensitive timings have been recommended. If work is required to these habitats during nesting bird season, a suitably qualified ecologist is to carry out a check immediately prior to works commencing.
- 5.54 There are some areas suitable for reptiles, mainly confined to the south of the site. At present it is understood that this area will not be disturbed, if plans change a further assessment is required and appropriate surveys/mitigation is to be carried out.
- 5.55 An active badger sett was recorded in the south-west corner of the site, assumed to be a main sett.
- 5.56 Hedgehogs are not detailed within the report, however it is assumed that there are areas of habitat that are suitable for hedgehogs, and consideration is required for both hedgehogs and badgers during construction.
- 5.57 The Land Management Plan is welcomed and details the improvements that will be made pre and post development. These include the provision of a wildflower meadow, a traditional method of hedgerow creation to plant 420 saplings provided by the Woodland Trust, and planting of willow beds.

- 5.58 There is no ecology objections, providing the proposal is carried out in accordance with mitigation measures, a lighting design strategy for biodiversity is provided if any additional external lighting is required, and details of ecological enhancements are provided prior to occupation.

### Landscape

- 5.59 The site comprises a large rectilinear field off the south side of the Bury Hill in open countryside within the Green Belt, to the NE of Moorend. An existing stable block lies within the NW corner of the site adjacent to the road.
- 5.60 Lying adjacent to Bury Hill, the northern margin of the site is higher than much of the surrounding area of countryside to its south, with the land sloping down from around 60m AOD to just above 50m AOD along the southern site boundary.
- 5.61 Agricultural fields lie to either side (W and E) of the site, with a belt of woodland extending part way along its southern boundary from the east, with hedge planting lying further west. The native hedgerow with trees extending along the Bury Hill frontage is gappy and in rather poor condition. The applicant has stated that further planting has been carried out to the frontage of the site, however at the time of writing this report details of this planting have not been submitted.
- 5.62 The Frome Valley Walkway long distance path crosses the Bury Hill scheduled monument site before passing the road frontage of the site. A public footpath runs east from Church Lane in Moorend, to cross the fields lying south of the site.
- 5.63 The site lies in open countryside within the Green Belt. The proposed scheme will introduce a number of built structures adjacent to the southern edge of Bury Hill, which have the potential to alter its rural character.
- 5.64 The Landscape Management Plan comprises a grow zone around the new built structures, then 2No. pastures and a withy bed area within the south of the site.
- 5.65 The covering email states that the Woodland trust provided the native hedgerow plants that have already been planted on site, and that the intention is to undertake further planting in the Autumn 2021 season, which are detailed in the Landscape Management Plan. A condition will be required for approval of detailed planting plans for new field boundaries, together with reinforced roadside screen planting
- 5.66 The roadside hedge will need protection to BS5837:2012 during construction phase, which can be dealt with by a condition of planning.
- 5.67 A simple Visual Appraisal has been submitted by the applicant in the form of an aerial photograph marked up with 10 viewpoints, and supported by illustrative photographs and descriptions of views towards the proposed development area.

- 5.68 Photograph 1 shows that the landform of Bury Hill, and its associated vegetation cover, screens the proposed development area in potential views. Photograph 2 is taken from the lower slope of Bury Hill beneath the scheduled fort and shows there will be a limited view into the site, filtered by existing roadside vegetation. As proposed by the applicant/agent, it is considered that reinforcement of the roadside frontage vegetation either side of the site entrance will help mitigate this adverse visual effect. Photographs 3 to 7 inclusive and 10 from along Bury Hill (road and footpath) again show intermittent views into the development site which can be reduced and mitigated by complementary roadside and western boundary planting. Photographs 8 and 9 illustrates that the proposed development area is not visible from Church Lane.
- 5.69 In summary, the proposed development will have a slight visual impact on approach views from along Bury Hill (road) and footpaths lying at the SE edge of the lower slopes of the hill itself, which forms part of the current landscape setting of the scheduled monument.
- 5.70 The submitted visual analysis information is helpful and illustrates that the visual impact of the proposed development will be localised and 'slight adverse', and that an appropriate mitigation planting can be designed to offset this impact and further integrate the proposals into their landscape surroundings.
- 5.71 Given the sensitivity of the site's location it is still recommended that a Landscape Design and Mitigation Strategy is agreed as a pre-commencement condition. The submitted Landscape Management Plan provides sufficient information in terms of a land management and overarching planting strategy.
- 5.72 Subject to the submission of a detailed planting and landscape mitigation plan, there is no landscape objection.

#### Transportation and highways

- 5.73 The application includes the provision of hardstanding for parking. From the submitted information, 4no. spaces will be available for staff members. The majority of participants will arrive to site by minibus.
- 5.74 The amount of traffic generated by the proposal is not significant enough to cause any highway safety issues on the surrounding highway network. The access is existing and adequate visibility splays are available given the nature of Bury Hill.
- 5.75 There is no Transport objection, subject to conditions being applied to ensure the access is surfaced with a bound material, and for the parking and turning areas to be provided before the development is brought into use.

#### Drainage

- 5.76 The development was originally proposed with a Septic Tank for foul sewage. This has now been replaced with an underground sewage treatment plant and

rainwater harvesting tank. Foul drainage will be to the treatment plant, which will discharge into a drainage field along the east boundary. Rainwater from roofs will be collected in the rainwater harvesting tank for livestock and horticultural use. The Councils Drainage Team have no objections

#### Residential amenity

- 5.77 The proposal is in a relatively isolated location however there are some residential properties nearby. The use is not of a nature that is likely to cause harm to residential amenity due to increased noise, overlooking, smells or other disturbances.

#### Consideration of likely impact on Equalities

- 5.78 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 positive impact on equality.

#### Planning Balance

- 5.79 The proposal is considered to constitute inappropriate development and is thus, by definition, harmful to the Green Belt, and should not be approved unless very special circumstances can be demonstrated to overcome this harm, together with any other harm.
- 5.80 When considering any planning application, local authorities should ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
- 5.81 In terms of any other harm, the proposal has also been found to cause less than substantial harm, at the lower end of the scale, to the setting of the Bury Hill Fort, a Scheduled Ancient Monument.
- 5.82 Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, taking into account the great weight that should be given to the asset's conservation under paragraph 199 of the Framework (and the more important the asset, the greater the weight should be), irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

- 5.83 Scheduled monuments are assets of the highest significance, and any harm to its significance requires clear and convincing justification.
- 5.84 The public benefits of the scheme are set out in paragraphs 5.39 – 5.48. To re-iterate, these are the provision of a facility that enables people with learning disabilities to learn how to look after animals, grow and cook food amongst other life skills, and has a substantial social benefit. No facility of this type exists within South Gloucestershire.
- 5.85 In addition, the proposed planting scheme will provide further screening between the site and the Hill Fort. The proposal also includes ecological benefits in terms of a wildflower meadow.  
In terms of heritage, the question should not be addressed as a simple balancing exercise but whether there is justification for overriding the presumption in favour of preservation. Only when harm has been minimised should the unavoidable ‘residual harm’ be weighed against public benefits. For the reasons given in the report, relating to the revised building height and landscaping, the revised plans mitigate to some extent the less than substantial harm;
- 5.86 In this case, the public benefits of the proposal are considered to outweigh the harm to the setting of the heritage asset.
- 5.87 Overall, considering all matters raised, including the conflict with some of the Development Plan policies, there are in this case material considerations that indicate that this development should be allowed, such as the aforementioned public benefits of providing support to vulnerable people. As such, other considerations clearly outweigh the harm arising from inappropriateness, and any other harm (such as the harm to the heritage asset), so as to amount to very special circumstances.
- 5.88 As very special circumstances have been identified, the proposal would not conflict with policies CS5 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013, or Policy PSP7 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017.

#### Other matters

- 5.89 It is noted that there is a current enforcement investigation on the site, as some activities have commenced prior to the granting of any planning permission. These activities are largely agricultural, however the provision of the current polytunnel on site does require planning permission.
- 5.90 It is understood that the polytunnel is a temporary measure to allow the organisation to commence growing whilst the application was under consideration, and will be removed once the polytunnel on the approved plans is erected. A condition will be applied to ensure this is carried out.

## **6. CONCLUSION**

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

## **7. RECOMMENDATION**

- 7.1 It is recommended that planning permission is GRANTED.

## **CONDITIONS**

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

Reason

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

2. Prior to the commencement of development, a detailed planting and landscape mitigation plan shall be submitted to and approved in writing by the Local Planning Authority. Said plan shall include specifying tree/hedgerow protection plan/measures to BS3857:2012, together with the location, species, stock size, planting centres and quantities of all proposed tree and structure planting. Such details as approved shall be implemented in the first season following completion of construction works in accordance with the submitted details.

Reason:

To ensure the provision of an appropriate landscape setting to the development in accordance with PSP2 of the adopted South Gloucestershire Policies, Sites and Places DPD (Adopted) November 2017. This is required prior to commencement to ensure that appropriate tree protection is in place before construction commences.

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

Reason:

In order to ensure the adequate protection of archaeological remains, and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework. This is required prior to commencement to ensure that archaeology is not disturbed before an agreed watching brief is in place.

4. The development shall proceed in strict accordance with the Mitigation Measures provided in the Preliminary Ecological Appraisal (Louis Pearson Ecology, January 2021) and a Land Management Plan (Louis Pearson, January 2020).

Reason:

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

5. If additional external lighting is required, prior to commencement, a "lighting design strategy for biodiversity" for the boundary features and any native planting shall be submitted to and approved in writing by the local planning authority. The strategy shall:

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

- Show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

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

Reason:

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

6. Prior to the commencement of use, details of ecological enhancements are to be submitted to the local authority. These include, but are not limited to, bat and bird boxes.

Reason:

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

7. The development shall not be brought into use until the access has been surfaced with a bound material for at least the first 5m from the road edge.

Reason:

To prevent loose stones and gravel from spreading across the highway in the interest of highway safety and to accord with Policy PSP11 of the Policies Sites and Places DPD (Adopted) November 2017.



8. The development shall not be brought into use until the parking and turning areas have been completed in accordance with the submitted details. Such areas shall be retained in perpetuity.

In the interest of highway and to accord with Policy PSP11 of the Policies Sites and Places DPD (Adopted) November 2017.

9. Within 3 months of the erection of the polytunnel shown on Site Plan - Proposed (4948 03A) dated 1st October 2021, the existing polytunnel shall be permanently removed from site.

Reason:

The existing polytunnel is unauthorised and does not form part of this planning application. Any further structures on site require consideration against the Development Plan.

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

22 Feb 2021	4948-01	LOCATION PLAN
22 Feb 2021	4948-05	POLYTUNNEL PLAN AND ELEVATIONS
07 May 2021	2	PROPOSED ELEVATIONS AND FLOOR PLAN
01 Oct 2021	4948 03 A	SITE PLAN - PROPOSED

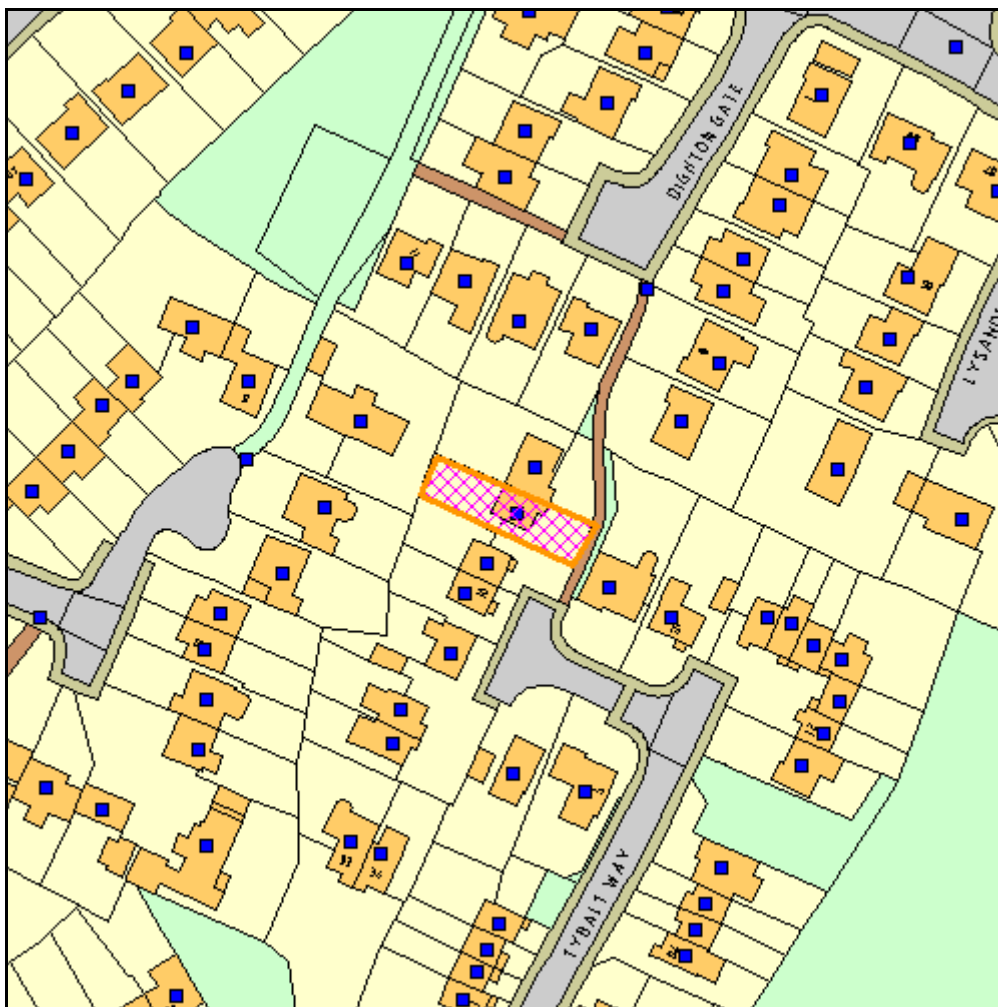
Reason:

To define the terms and extent of the permission.

**Case Officer: Rae Mepham**  
**Authorising Officer: Helen Ainsley**

**CIRCULATED SCHEDULE NO. 45/21 - 12th November 2021**

<b>App No.:</b>	P21/03385/F	<b>Applicant:</b>	Venkat Palukuru
<b>Site:</b>	12 Tybalt Way Stoke Gifford South Gloucestershire BS34 8XJ	<b>Date Reg:</b>	24th May 2021
<b>Proposal:</b>	Erection of two storey side/rear extension and single story rear extension to provide additional living accommodation.	<b>Parish:</b>	Stoke Gifford Parish Council
<b>Map Ref:</b>	362381 180290	<b>Ward:</b>	Stoke Gifford
<b>Application Category:</b>	Householder	<b>Target Date:</b>	12th July 2021



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P21/03385/F

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

## **INTRODUCTION**

This application is referred to the Circulated Schedule in accordance with procedure as an objection has been received from the Parish Council that is contrary to the officer recommendation.

### **1. THE PROPOSAL**

- 1.1 The application seeks full planning permission for the erection of a two-storey side and two storey side/rear extension and single story rear extension.
- 1.2 The application site is a semi-detached mid/late 20<sup>th</sup> two storey property on a residential cul-de-sac within the urban boundary of Stoke Gifford.
- 1.3 The proposed extension would see a continuation of the dwelling on its southern flank, with the ridge set marginally down from the main building and set back from the original front wall. The two storey element has a width of approx. 2.4 m, with a depth of 6.8m with an additional 1.3 metres projecting beyond the rear elevation where it has a width of 2.7m. The single storey element would have a width of 4.9m.

### **2. POLICY CONTEXT**

#### 2.1 National Guidance

National Planning Policy Framework July 2021  
National Planning Policy Guidance

#### 2.2 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
PSP16	Parking Standards
PSP38	Development within Existing Residential Curtilages
PSP43	Private Amenity Standards

#### 2.3 Supplementary Planning Guidance

Householder Design Guide SPD (Adopted) March 2021  
South Gloucestershire Design Checklist (Adopted) 2007  
Residential Parking Standards SPD (Adopted) 2013

### **3. CONSULTATION RESPONSES**

#### **3.1 Stoke Gifford Parish Council**

The Parish Council have concerns about the adverse impact to the neighbouring properties. The Parish Council objects due to over-development and, by virtue of the constrained parking, concerns about access for emergency vehicles and to the neighbouring property due to the proximity of the proposed parking space to the shared access road.

#### **3.2 Transportation**

The applicant seeks to erect a two storey side/rear extension and single storey rear extension to provide additional living accommodation. The proposals would increase the number of bedrooms within the dwelling from 3 to 4. Two off street parking spaces are shown on the submitted plans which is in line with SGC minimum parking standards for a 4 bed house. There are no transportation objections.

### **4. ANALYSIS OF PROPOSAL**

#### **4.1 Principle of Development**

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. The Householder Design Guide SPD sets out further guidance on what is expected of residential extensions in terms of design. Consideration is also required with regard to the impact upon the residential amenity of neighbouring occupiers and whether the proposal allows for the retention of sufficient parking space to accord with the Council standards.

Subject to consideration of the above matters the development of a residential extension is considered acceptable in principle.

#### **4.2 Design**

The proposal has been carefully assessed against the design policies and has found to be in compliance with these policies. This is because the proposed development is of an acceptable standard of design that reflects the character and design cues of the host and surrounding dwellings and accords with the general objectives of CS1, PSP38, PSP1. The extension is subordinate to the host dwelling in particular its width but also it is set marginally down from the main roof and set back from the front elevation. Materials are shown as matching. The proposal is acceptable in design terms.

#### 4.2 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 outlines the types of issues that could result in an unacceptable impact. The proposal has been carefully assessed and has found to be in compliance with these policies. This is because by reason of its form, scale, siting and positioning of openings, the proposed development will not result in any unacceptable overlooking, overbearing or overshadowing impacts with respect to neighbouring dwellings. Given the close proximity of neighbouring properties in this “tight” cul-de-sac location it is appropriate to add a construction hours condition.

#### 4.3 Transport

Policy PSP16 of the Policies, Sites and Places Plan sets out the Council's parking standards.

The concerns raised by the Parish Council are noted with respect to the impact upon the highway, however submitted plans show that two off street spaces can be provided and that this is in accordance with the Council's parking standards. It is not considered that the provision of an additional space would detract significantly from visual amenity as an area of grassed space will be retained to the front of the property. It is considered appropriate to apply a condition to ensure the provision of the addition space prior to the commencement of development (which would be required as space to the side of the property which forms a parking space will be lost).

#### 4.4 Consideration of likely impact on Equalities

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

### 5. CONCLUSION

- 5.1 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. 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.

**6. RECOMMENDATION**

6.1 It is recommended that planning permission is **GRANTED**.

**CONDITIONS**

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

Reason

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

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

Received 17th May 2021

EXISTING ELEVATION PLANS  
EXISTING FIRST FLOOR PLAN  
EXISTING GROUND FLOOR PLAN  
PROPOSED FIRST FLOOR PLAN  
SITE LOCATION PLAN AND PROPOSED BLOCK PLAN

Received 7th June 2021

PROPOSED ELEVATIONS  
PROPOSED GROUND FLOOR

Reason:

For the avoidance of doubt

3. The hours of working on site during the period of construction shall be restricted to  
Monday - Friday.....7:30am - 6:00pm  
Saturday.....8:00am - 1:00pm  
No working shall take place on Sundays or Public Holidays.  
The term working shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site

Reason:

To protect the residential amenity of neighbouring occupiers and to accord with Policy PSP8 of the South Gloucestershire Local Plan Policies Sites and Places Plan 2017

4. Prior to the commencement of the development the additional parking space shown on the Site Location and Block Plan received 17th May 2021 shall be provided and shall be retained as such thereafter.

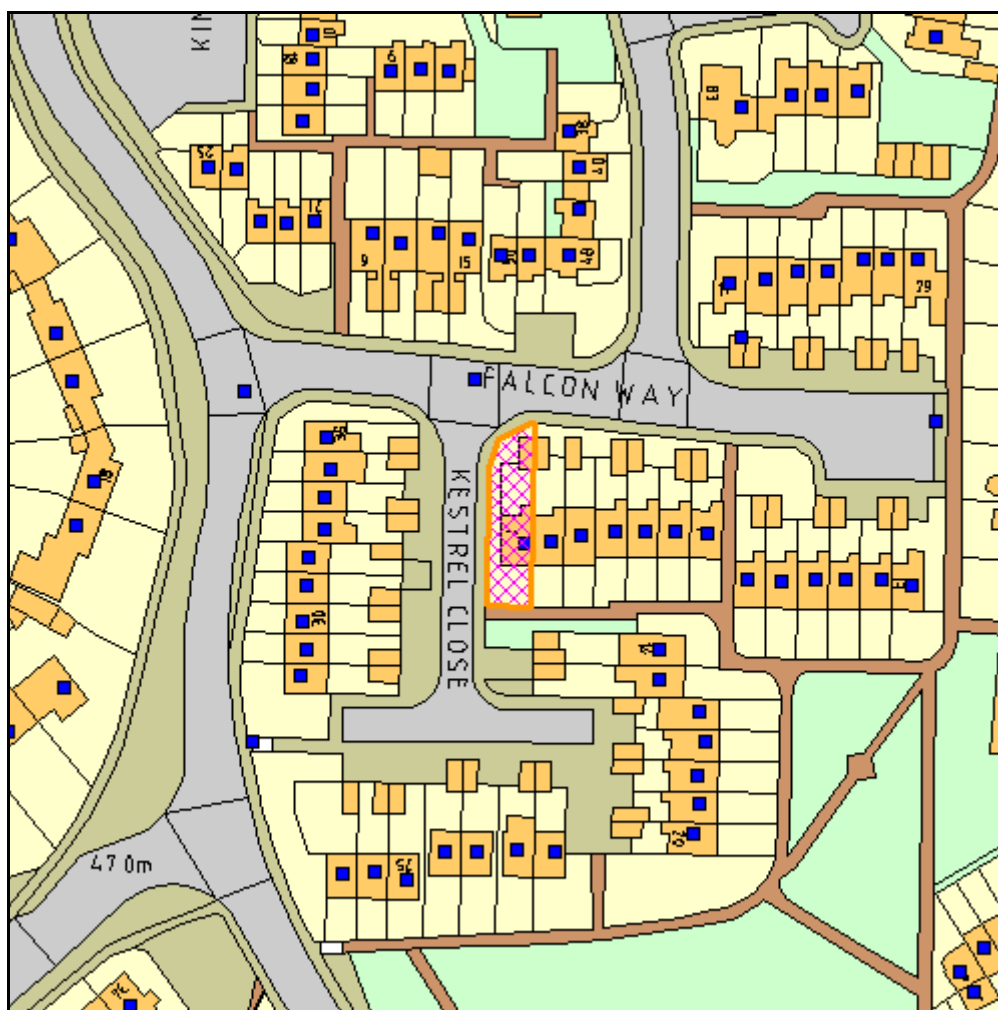
Reason:

To ensure adequate parking provision and to accord with Policy PSP16 of the South Gloucestershire Local Plan Policies Sites and Places Plan 2017

**Case Officer: Mykola Druziakin**  
**Authorising Officer: Marie Bath**

**CIRCULATED SCHEDULE NO. 45/21 - 12th November 2021**

<b>App No.:</b>	P21/05901/F	<b>Applicant:</b>	Mrs Michelle Dodd
<b>Site:</b>	1 Kestrel Close Thornbury South Gloucestershire BS35 1AZ	<b>Date Reg:</b>	24th September 2021
<b>Proposal:</b>	Replacement of existing boundary wall to facilitate the increase in residential curtilage.	<b>Parish:</b>	Thornbury Town Council
<b>Map Ref:</b>	364581 190640	<b>Ward:</b>	Thornbury
<b>Application Category:</b>	Householder	<b>Target Date:</b>	11th November 2021



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P21/05901/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.

This planning application will be added to the Circulated Schedule because the proposal has received 1No objection from Thornbury Town Council, which is contrary to the officer's recommendation.

## **1. THE PROPOSAL**

- 1.1 The application seeks full planning permission for the replacement of existing boundary wall to facilitate the increase in residential curtilage, as detailed on the application form and illustrated on the accompanying drawings.
- 1.2 The application site can be found at 1 Kestrel Close, is set within a moderately sized plot, and is an existing end of terrace property located within the established residential area of Thornbury. As part of the assessment of this application, advice has been sought in terms of a land registry search on the site and it has been confirmed that the proposed land for the inclusion of, is within the applicant's property red line and therefore the applicant's boundary.
- 1.3 An additional consultation has been requested of the SGC Arboricultural Officer in respect of the existing tree within the applicant's curtilage. It has also been confirmed by the applicants, that a tree surgeon has confirmed that the said tree 'a silver birch' has been deemed unsafe and has caused structural damage to the existing boundary wall. The Tree officer has since commented upon the application following this consultation with 'No objections' and agreed that a replacement planting of a Cherry Tree within the residential curtilage would be satisfactory.

## **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
PSP3	Trees and Woodland
PSP5	Undesignated Open Spaces within Urban Areas and Settlements
PSP8	Residential Amenity
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP38	Development within Existing Residential Curtilages
PSP43	Private Amenity Space Standards

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted 2007)  
Residential Parking Standards SPS (Adopted 2013)  
Household Design Guide SPD (Adopted 2021)  
Trees and Development SPD (Adopted 2021)

3. **RELEVANT PLANNING HISTORY**

3.1 PRE20/0318. Move existing wall to enlarge rear garden. 30.07.2020.

4. **CONSULTATION RESPONSES**

4.1 Thornbury Town Council

1No letter of Objection –

- *Any changes to boundary walls should be in line with the existing design of the area. Objection to enclosing the space outside the existing wall on the grounds that the area was designed to have greenery outside the walls to make the public space give a feel of openness.*

4.2 Other Consultees

Sustainable Transport – Transportation DC  
No objections – comments made.

Arboricultural Officer  
No objections.

**Other Representations**

4.3 Local Residents

No Comments received.

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

Policy PSP38 of the PSP Plan (November 2017) allows the principle of development within residential curtilages, subject to considerations of visual amenity, residential amenity and highway safety. It states that new dwellings and extensions within existing residential curtilages are acceptable in principle

- but should respect the overall design and character of the street and surrounding area. They should not prejudice the amenities of neighbours, or that of highway safety and the parking provision should be of an acceptable level for any new and existing buildings. The adequate provision of private amenity space should also not be sacrificed for any new development that forms part of a settlement pattern that also contributes to local character.
- 5.2 Policy CS1 of the Core Strategy seeks that the siting, form, scale, height, massing, detailing, colour and materials are informed by, respect and enhance the character, distinctiveness and amenity of both the application site and its context.
- 5.3 Land Use  
Policy PSP5 of the Policies, Sites, and Places Plan seeks to protect undesignated open spaces within urban areas against development which would harm the quality, character, recreational opportunities, amenity or distinctiveness of the locality.
- 5.4 The boundary to the rear garden of the application site is already a 1.97 meter high boundary/screen wall to the existing amenity space and landscaping. 1No 'silver birch' tree is located on this existing strip of grass land. The applicant intends to reposition this wall, and bring the existing amenity land to within their residential curtilage by altering the use from amenity land to residential curtilage. As there are no objections to the proposal or to the removal of the existing Silver birch tree, the applicant will be expected to plant a replacement tree in line with the Councils adopted trees SPD.
- 5.5 In regard to the loss of a soft landscaping feature, it is considered appropriate to consider an appeal decision (APP/P0119/A/08/2085241) relating to 27 Pentland Avenue, Thornbury. On a similar 1970s/1980s built estate with open landscaped areas. This allowed the extension of a property's residential curtilage resulting in the loss of approximately 100 square metres of land considered as soft landscaping space. In this case the inspector determined that the appearance of the boundary treatment mitigated against the loss of open space and therefore no harm was caused to the visual amenity. In the instance of this application under consideration, it is proposed for the residential curtilage to be extended and the existing wall repositioned. Given the proposed boundary wall already exists to the rear of the garden, the repositioned wall is not considered to detriment the visual amenity of the locality.
- 5.6 It is acknowledged that soft landscaping features such as the amenity area that are to be incorporated into the private amenity space were originally incorporated into the design of the estate and are considered significant to the visual amenity of the area. However, it is considered that the proposal of repositioning the wall would not be detrimental to the character of the property or its context. Thus, the proposal is acceptable in terms of design and visual amenity, and would comply with policy CS1 of the Core Strategy.
- 5.7 Furthermore, the area of land proposed for a change of use sits towards the western edge of the site, and currently consists of grass and 1No tree. Whilst

the incidental space adjacent to the footpath contributes positively to the character and amenity of the area and its loss would be regrettable, it would not be unreasonable. As such, the change of use of the land from undesignated amenity land to C3 use would not result in unreasonable harm to the quality, character, recreational opportunities, amenity or distinctiveness of the locality and would therefore comply with Policy PSP5.

#### 5.8 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. This means that developments should be informed by, respect, and enhance the character, distinctiveness and amenity of both the site and its context.

- 5.9 The 1.97 meter high replacement brick screen wall has been proposed through its design to match that of the existing screen wall in the choice of materials and any detailing, ensuring that the aesthetical appearance of the screen wall continues to compliment the adjacent host dwellinghouse, matching the materials of the existing screen wall, and therefore officers have concluded that the scale and form of the proposed replacement screen wall does respect the proportions and character of its surroundings.

#### 5.10 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.

- 5.11 The impact on residential amenity has been assessed in terms of the surrounding neighbouring properties. The proposed replacement screen wall is proposed to be built out to and be sited along the back edge of the existing tarmac footpath. With a proposed height of 1.97 metres, matching that of the existing screen wall height, officers are satisfied that the impact will be minimal. Accordingly, officers are satisfied that the proposed development would not result in a significant impacts on the residential amenity to the occupants of the surrounding properties.

#### 5.12 Transport

Policy PSP16 of the Policies, Sites and Places Plan sets out the Councils parking standards. It has been noted that this application seeks to reposition the boundary wall of this property. The land to be enclosed within the proposed wall is within the red edge of the submitted plan and therefore is within the applicant's boundary. There are no transportation objections.

*Note: The wall should be set far enough back from the footway to enable maintenance work to be carried out on the highway should it be needed.*

### 5.13 Private Amenity Space

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

### 5.14 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.

5.15 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 It is recommended that planning 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 plans as set out in the plans list below:

Location Plan (Date received 29/08/21)

Existing and Proposed West Elevations (Date received 23/09/21)

Existing Block Plan (Date received 23/09/21)  
Proposed Block Plan (Date received 23/09/21)

Reason

To define the terms and extent of the permission.

**Case Officer: Helen Turner**

**Authorising Officer: David Stockdale**

**CIRCULATED SCHEDULE NO. 45/21 - 12th November 2021**

<b>App No.:</b>	P21/06135/F	<b>Applicant:</b>	R Wyatt
<b>Site:</b>	21 Milford Avenue Wick South Gloucestershire BS30 5PG	<b>Date Reg:</b>	15th September 2021
<b>Proposal:</b>	Conversion of double garage to 1 bed dwelling and associated works	<b>Parish:</b>	Wick And Abson Parish Council
<b>Map Ref:</b>	369933 173014	<b>Ward:</b>	Boyd Valley
<b>Application Category:</b>	Minor	<b>Target Date:</b>	8th November 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.

## **INTRODUCTION**

This application appears on the Circulated Schedule as a result of comments received, from the Parish Council, contrary to Officer recommendation.

### **1. THE PROPOSAL**

- 1.1 The application is for conversion of a double garage to a 1 bed dwelling and associated works.
- 1.2 The application site is a garage associated with no. 21 Milford Avenue, Wick. No additional building works are proposed. The dwelling itself fronts Milford Avenue, the garage is in the rear curtilage, currently accessed from a lane to the rear.
- 1.3 The site is located within the residential area of Wick, the village is washed over by the Green Belt.

### **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 (Inc. Green Belt)
CS8	Improving Accessibility
CS15	Distribution of Housing
CS16	Housing Density
CS17	Housing Diversity

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

PSP7	Development in the Green Belt
PSP8	Residential Amenity
PSP11	Development Related Transport Impact Management
PSP16	Parking Standards
PSP	Wider Biodiversity
PSP37	Internal Space and Accessibility Standards for Dwellings
PSP38	Development within Existing Residential Curtilages
PSP42	Custom Build Dwellings
PSP43	Private Amenity Space Standards



- 2.3 Supplementary Planning Guidance  
Residential Parking Standards SPD (Adopted) December 2013  
Design Checklist SPD (Adopted) 2007  
Householder Design Guidance SPD  
Green Belt SPD  
Community Infrastructure Levy and Section 106 Planning Obligations Guide  
(Adopted) March 2015

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

- 3.1 P19/3181/F - Erection of a detached garage. Approved 27.06.2019

### 4. **CONSULTATION RESPONSES**

4.1 Wick Parish Council

Objection:

- Change of use within greenbelt
- No consideration within application for Biodiversity and the potential interference with bats

Highway Structures

No comment

Lead Local Flood Authority

No objection

Landscape Officer

No objection. Landscape condition recommended.

Lead Local Flood Authority

No objection in principle, informative recommended relating to proximity of public sewer

Sustainable Transportation

No objection in principle. Conditions and informatives recommended.

Public Rights of Way

No objection. Public Rights of Way LWA 41 runs along the southwestern boundary of the site, so the applicant will need to be aware of the limitation associated with this footpath in terms of keeping the path clear, safe and accessible during works.

### **Other Representations**

4.3 Local Residents

One letter of objection has been received:

*'As the owners of the adjoining property, including the lock-up garages and land, we advise there is no right of way over our property for access to 21 Milford Avenue. It would appear that the intended access/egress to the dwelling*

*would be over our land, for which no permission has been sought or indeed granted.'*

## **5. ANALYSIS OF PROPOSAL**

### **5.1 Principle of Development**

5.2 The NPPF emphasis is on sustainable growth, including boosting housing supply and building including through windfall development. The NPPF indicates a presumption in favour of sustainable development except where adverse impacts of doing so would significantly and demonstrably outweigh the benefits or specific policies in the framework indicate development should be restricted. The site is located within the defined settlement boundary, with other residential dwellings around. The proposals would lead to the formation of an additional dwelling in a sustainable area and would make a modest contribution towards overall housing supply and diversity of housing in the area.

5.3 Extensions to dwellings and new dwellings within residential curtilages are acceptable in principle subject to detailed development control considerations in respect of local amenity, design and transportation; as set out in policy PSP38. The application site is an existing garage building within the residential curtilage. The issues for consideration in this respect therefore are whether the proposals have an adverse impact on the amenities of nearby occupiers, provide suitable residential accommodation for occupiers, provide sufficient parking and whether the design of the proposal is sufficiently in keeping with the site and surroundings. The site is however also located in the Green Belt so consideration as to the appropriateness of the development in this respect is also a key factor.

### **5.4 Green Belt**

The NPPF states that the re-use of buildings in the Green Belt would not be inappropriate, provided they preserve its openness and do not conflict with the purposes of including land within it and the buildings are of permanent and substantial construction. The proposals for use of an existing building in existing residential curtilage, with no extension proposed, would not impact upon the existing openness of the Green Belt. The building would remain in residential use. The building is considered to be of permanent and substantial construction. On the basis of the above the proposals are considered appropriate and therefore acceptable development within the Green Belt in this instance.

### **5.5 Residential Amenity**

The proposals are for a small, one bedroomed dwelling. Whilst relatively small the key tests would be whether it can provide suitable living accommodation and associated requirements. The proposals itself would provide an additional unit in a residential area offering a relatively small alternative to larger dwellings, with bedroom, living/kitchen area and bathroom. The dimensions are acceptable providing sufficient living space and light and the building is therefore of sufficient scale. There is useable and enclosed private garden provision for private amenity space allocated to the sub divided property, which

provides sufficient area in accordance with policy requirements. Sufficient space would also remain around the host dwelling.

5.6 The building is existing and all windows and openings from two small velux windows, are at single storey level and looking towards the road/access area or to the garden associated with the new dwelling. The side wall of the single storey building is approximately 17 metres from the rear wall of the nearest (host) property. On the basis of the above, it is not considered that the proposals would give rise to significant or material amenity impacts.

5.7 Design

The building is existing, and the nature of the conversion would not involve such changes that would give rise to any material visual amenity concerns. The main differences would be the removal of the garage door and the addition of the windows and openings. Given the nature of the proposals and the submitted plans, the layout and, subdivision and relative garden areas are acceptable. There is limited scope for any landscaping scheme that would impact upon the external appearance. Domestic planting within the garden will be for the occupiers. Bin storage and cycle storage are incorporated within the plans. The proposals are considered acceptable within the context of the existing site and surroundings, in design terms.

5.8 Highways

The existing property would be subdivided into two properties with the garage building and associated curtilage to the south-west section of the existing dwelling. The existing dwelling would have provision for a minimum of two off-street spaces, whilst one space is also incorporated with the layout for the proposed dwelling. This space was also part of the layout of the plans for the planning permission for the garage. This is considered acceptable and in accordance with the Council's off-street parking requirements for the size of the respective dwellings. Sufficient parking therefore exists within the curtilage to provide adequate off-street parking. Access exists to the host dwelling to the front of the property along Milford Avenue. The comments regarding access rights are noted. An ownership certificate has been completed and landowners notified in accordance with the requirements of the application form. The access proposed is acceptable in highways terms, however the applicants/developers and subsequent occupiers would need to be satisfied that access rights have been secured. It should be noted that the means of access to the proposed garage is through an existing garage court area which does not form part of the public highway. Therefore, the applicant should seek the landowner's permission. It is noted that bin stores are included in the plans, as above refuse collection access would also require to be agreed with the relevant landowners and the waste collection authority. Given the letter received, detailed above, this appears not to be the case at the present time and this is therefore a consideration for the applicants. The granting of planning permission does not grant rights to access or use land not within the applicant's control.

5.9 Ecology

No demolition or additional building forms part of this application. The changes necessary for the conversion would be minimal and the roof would remain as

existing. Photographs provided illustrate that the garage is in good condition and is unlikely to support bat roosts, however some access points if present are not always evident in pictures. It is considered on this basis and in this instance, that a bat assessment is not required, however a condition is recommended that a suitably qualified ecologist is to inspect the building immediately prior to works commencing, if bats or evidence of bats are present emergence / re-entry surveys are to be undertaken in line with the BCT guidelines.

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

### 7. RECOMMENDATION

- 7.1 That planning permission is granted, subject to the conditions recommended.

### CONDITIONS

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

Reason

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

2. The development/works hereby permitted shall only be implemented in accordance with the plans as set out in the plans list below:  
Location Plan, Block Plan and Existing and Proposed Plans and Elevations (Ref PLN-1), received by the Council on the 13th September 2021.

Reason:

To define the terms and extent of the permission.

3. Immediately prior to the works hereby approved commencing, a suitably qualified ecologist is to inspect the building. Confirmation that this has occurred shall be provided in writing to the Council. If bats or evidence of bats are present emergence / re-entry surveys are to be undertaken in line with the Bat Conservation Trust guidelines.

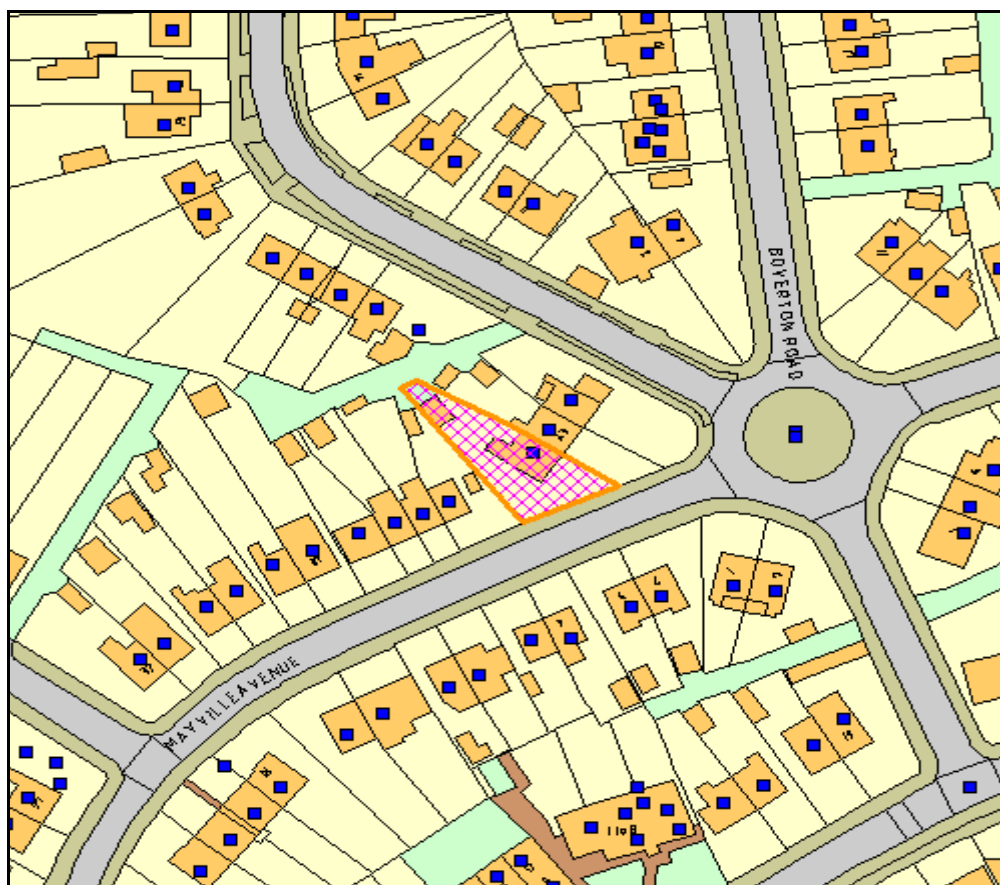
Reason:

In the interests of the potential ecology of the site and to accord with PSP19 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan.

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

**CIRCULATED SCHEDULE NO. 45/21 - 12th November 2021**

<b>App No.:</b>	P21/06629/F	<b>Applicant:</b>	Mr Padbury Kasa Real Estate Ltd.
<b>Site:</b>	42 Mayville Avenue Filton South Gloucestershire BS34 7AB	<b>Date Reg:</b>	14th October 2021
<b>Proposal:</b>	Change of use from C4 HMO to a nine-bedroom large house in multiple occupation (Sui Generis) for up to nine people. Erection of single storey side and rear extensions and installation of rear dormer to facilitate loft conversion including vehicle parking, bin storage and cycle parking.	<b>Parish:</b>	Filton Town Council
<b>Map Ref:</b>	360490 179417	<b>Ward:</b>	Filton
<b>Application Category:</b>	Minor	<b>Target Date:</b>	6th December 2021



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N.T.S.

P21/06629/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 following objection comments from local residents and the Parish contrary to Officer recommendation.

### **1. THE PROPOSAL**

- 1.1 The applicant seeks full planning for the Change of use from C4 HMO to a nine-bedroom large house in multiple occupation (Sui Generis) for up to nine people. Erection of single storey side and rear extensions and installation of rear dormer to facilitate loft conversion including vehicle parking, bin storage and cycle parking.
- 1.2 The application site, 42 Mayville Avenue, and lies within the settlement boundary of Filton.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework 2021  
National Planning Guidance

- 2.2 Development Plans

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

CS1	High Quality Design
CS4a	Presumption in Favour of Sustainable Development
CS5	Location of Development
CS8	Improving Accessibility
CS9	Managing the Environment and Heritage
CS15	Distribution of Housing
CS16	Housing Density
CS17	Housing Diversity
CS25	Communities of the North Fringe of Bristol Urban Area

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

PSP1	Local Distinctiveness
PSP8	Residential Development
PSP11	Transport
PSP16	Parking Standards
PSP38	Development within Existing Residential Curtilages
PSP39	Residential Conversions, Subdivision, and HMOs
PSP43	Private Amenity Standards

- 2.3 Supplementary Planning Guidance  
South Gloucestershire Design Checklist (Adopted) 2007  
Residential Parking Standards SPD (Adopted) 2013  
Waste Collection: Guidance for new developments SPD (Adopted) 2015  
Houses in Multiple Occupation SPD (Adopted) 2021

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

- 3.1 P21/04459/F Erection of a two storey side extension to form additional living accommodation.  
Approved 6.10.21
- 3.2 P21/02728/CLP Installation of 1 no. rear and side dormer to facilitate a loft conversion and associated works.  
Approved 16.6.21
- 3.3 PT01/0904/F Erection of two storey rear extension and conservatory  
Approved 9.5.01

### **4. CONSULTATION RESPONSES**

- 4.1 Filton Town Parish Council  
OBJECT to the Rear roof extension and the hip and gable extension. on the following grounds: -  
1) Not in- keeping with neighbouring properties  
2) Over developed

#### **Internal Statutory / External Consultees**

- 4.2 Sustainable Transport  
No objection subject to condition.

#### **Other Representations**

- 4.3 Local Residents

Objection letters received from 7 local residents. Points raised are summarised as:

- Development would see 3 HMOs in the street and will destroy community feel
- Parking issues already – where will 9 cars park?
- Garden unkempt
- A number of electric scooters abandoned on the street since property let out
- Occupation by 9 is too many
- Every time an application for HMOs are made the powers that be roll over and grant permission.
- Filton residents fed up with the number of HMOs in the area and it's time the council took notice



- What is the SPD?
- Garden is small not large
- Mandatory licence for a large HMO does not mean it will be well managed. Who will be managing it and what is their track record – want to see evidence.
- The introduction of dropped kerb will lead to a loss of parking on the street
- Would like to see evidence relating to resident's complaints of other HMOs
- Impact on value of properties – want to see evidence of house price changes in areas where HMOs dominate
- Proposed double storey extension will impact views of sunsets – impact on well-being
- Concerns about noise affected my young family
- Concerns about rubbish and waste
- Concerns about access to my property during the build
- Car been hit twice by occupants of the existing HMO
- Within less than 100m there are 13 plus HMOs – not including houses converted into flats and extra houses built in gardens and 'rooms to let' signs
- Been promised yellow lines at Mayville Avenue roundabout but this has not happened
- Bins are seemingly stored on the pavement with no one at the property taking responsibility. Trolleys are wheeled back from shops and left in the garden
- Lane at the back of Mayville has becomes a dumping ground for builder's materials
- Negative effect on street and resentment is high

## **ANALYSIS OF PROPOSAL**

- 5.1 This application is for the Change of use from C4 HMO to a nine-bedroom large house in multiple occupation (Sui Generis) for up to nine people. Erection of single storey side and rear extensions and installation of rear dormer to facilitate loft conversion including vehicle parking, bin storage and cycle parking.
- 5.2 Principle of Development  
The application stands to be assessed against the above listed policies and all material considerations. The determination of whether the change of use of a dwelling in C3 use to a large HMO use will have an unacceptable impact upon the surrounding area is primarily assessed via the tests outlined within the Houses in Multiple Occupation Supplementary Planning Document (SPD) (Adopted) 2021. The SPD provides a way of using available data (licensed HMOs) to provide tangible and substantiated evidence regarding the concentration of HMOs and overall housing mix within the locality of the proposal.
- 5.3 Policy PSP39 within the adopted Policies, Sites and Places Plan (2017) states that where planning permission for an HMO is required, this will be acceptable, provided that this will not prejudice the amenity of neighbours. Supporting text

states that the term “neighbours” should be taken to mean properties adjacent to, and surrounding, the application site which have a reasonable potential to be directly affected by harmful impacts arising from the proposal(s).

- 5.4 In addition, Policy PSP8 maintains that development proposals will only be acceptable provided that they do not ‘have unacceptable impacts on residential amenity of occupiers of the development or of nearby properties’. Unacceptable impacts could result from noise or disturbance, amongst other factors, which could arise from HMOs functioning less like traditional single households on a day-to-day basis.
- 5.5 Prejudicing the amenity of neighbours can arise at a localised level when developments of such HMO uses are inappropriately located, or become concentrated, particularly at an individual street level.
- 5.6 Additional Explanatory Guidance 1 sets out that the following factors should be taken into account when determining if the proposal would prejudice the amenity of adjacent neighbours:
- Whether any dwelling house would be ‘sandwiched’ between two licensed HMOS, or,
  - Result in three or more adjacent licensed HMO properties.
- 5.7 In the case of the current application site, 42 Mayville Avenue the property would not be sandwiched between two licensed HMOs, or result in three or more adjacent licensed HMO properties in this road.
- 5.8 As set out in Policy CS17, providing a wide variety of housing type and sizes to accommodate a range of different households, will be essential to supporting mixed communities in all localities. Sub-division of existing dwellings and non-residential properties to form flats or HMOs can make a valuable contribution suitable for smaller households and single people as part of these mixed communities.
- 5.9 Policy CS17 does not define what is meant by ‘mixed communities’ in all localities. Instead, it acknowledges that implementation of this policy, and PSP39, will be made on a case basis through the development management process. Therefore, the HMO SPD aims to acknowledge that some intensification, if carried out sensitively, and where it would not adversely affect the character of an area, can contribute to the local mix and affordability of housing, viability of local services, vitality of local areas and contribute to the Council’s housing delivery targets.
- 5.10 As there are localities which are already experiencing concentrations of HMOs, the SPD requires consideration of existing localities that are already experiencing levels of HMOs which harm the ability to support mixed communities and preventing impact on character and amenities, and applications which would result in a level of HMOs that could contribute towards harmful impacts.

- 5.11 Additional Explanatory Guidance 2 sets out that the following factors should be taken into account when determining if the proposal would contribute to harmful impacts in respect of a mixed community and the character and amenity of an area:
- An additional HMO in localities where licensed HMO properties already represent more than 10% of households, or,
  - More than 20% of households within a 100m radius of the application property.
- 5.12 For the purposes of this assessment, a 'locality' is defined by a statistical boundary known as a Census Output Area.
- 5.13 In the case of 42 Mayville Avenue, HMO properties currently represent 5.1% of households. Within 100m radius there are 95 properties, 6 of which are HMOs thereby achieving a 6.3% concentration of licensed HMOs within this radius.
- 5.14 The principle of a change of use to an HMO is therefore considered to comply with policies PSP39, PSP8 and CS17 and the SPD.
- 5.15 In regards to the proposed alterations, Policy PSP38 of the PSP Plan allows the principle of development within residential curtilages, subject to considerations of visual amenity, residential amenity and highway safety. Furthermore, Policy CS1 of the Core Strategy seeks that the siting, form, scale, height, massing, detailing, colour and materials are informed by, respect and enhance the character, distinctiveness and amenity of both the application site and its context.
- 5.16 Design and Visual Amenity  
The NPPF and local adopted policy under CS1 places great emphasis on the importance of design. Good quality design respects both the character of existing properties and the character of an area in general. The NPPF suggests good design should respond to and be sensitive to local character, should aim to raise standards of design and enhance the immediate setting. The updated guidance emphasises high quality design, that takes into account local design standards, continues to be important, and poor design that fails to take opportunities to improve the quality of an area or to take this into account, should be resisted.
- 5.17 The application site is a two-storey semi-detached dwelling. Dwellings here have a typical post WWII appearance with hipped roofs, bay fronted windows, smaller gardens to the front and larger gardens and parking to the rear accessed off a rear lane. The application site benefits from a single garage close to the lane which will remain and be put to use as the cycle storage area for the occupiers.
- 5.18 This application is assessing the change of use only as previously approved applications for the two-storey side extension and the side and rear dormers remain extant. These structures have been shown on submitted plans to

- demonstrate how the proposed 9 bedrooms and living accommodate would be presented.
- 5.19 As such no objection can be sustained with regards to the design or the comment of overdevelopment on this site. It is however considered that the property has been extended to its full capacity and therefore permitted development rights will be removed.
- 5.20 Residential amenity:  
With regards to the amenity of future occupiers, plans indicate the proposed extended property would have a kitchen/diner plus communal area on the ground floor along with 2 bedrooms. The first floor would have 5 bedrooms with the final 2 in the loft area. It is the responsibility of the landlord to ensure the rooms accord with internal national space standards for future occupiers.
- 5.21 Comments from neighbours opposite have expressed disappointment that the proposed two-storey side extension would impact on enjoyment of experiencing the sunset. The properties would be firstly separated by the highway but furthermore there is no right to a view and as such the objection would not be sufficient to warrant a refusal reason to the scheme.
- 5.22 The proposed development would entail the removal of the existing front garden wall to create two off-street parking spaces. A purpose built bin storage area would also be created in the front garden.
- 5.23 Policy PSP43 sets out minimum standards for private amenity space, however there is no set standard for HMOs. Using this policy as a reference, a 1no. bed flat should have access to a minimum for 5m<sup>2</sup> amenity space. Using this standard, 9 x 1bed. flats would require 45m<sup>2</sup> amenity space. The rear garden would achieve sufficient useable amenity space to accord with adopted policy.
- 5.24 Extant permission for the two storey side and the roof dormer windows means there is no reason to re-visit the assessment made by Officers at the time of those recent approvals and the scheme is therefore acceptable in terms of having no adverse impact on residential amenity.
- 5.25 Sustainable transport:  
The applicant submitted a detailed parking survey with photographs, which Transport Officers have accepted and used to supplement their assessment.
- 5.26 The site is located within a sustainable location but adopted policy requires HMOs to provide 1 parking space per 2 bedrooms. In addition secure cycle storage would be needed.
- 5.27 An HMO of this size would according to our standards require a minimum of 4 car parking spaces. The site only indicates 3 parking spaces, with the existing garage converted to secure cycle parking.
- 5.28 According to our standards the absence of on-site car parking can be accommodated on the road if there is availability without causing congestion or a road safety issue.

- 5.29 The accompanying parking survey indicates that sufficient car parking is available both at weekends and evenings to make up the shortfall without causing a highway safety issue.
- 5.30 Given the above there are no transport objections subject to a condition that prior to first use of the site as a nine bed HMO the three on-site car parking spaces each have a 32amp/7Kw electric vehicle charging point installed.
- 5.31 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.
- 5.32 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.
- 5.33 The local planning authority is statutorily required to apply the Equality Duty to its decision taking. With regards to the Duty, the development contained within this planning application is considered to have neutral impact.
- 5.34 Other Matters  
A number of matters raised from the consultation responses have not been addressed in the main body of this report. These will be considered below.
- 5.35 *Property value:*  
This is not a planning matter and therefore falls outside the remit of this planning assessment.
- 5.36 *Waste and rubbish on the street and in the rear lane::*  
If such a situation occurs residents are advised to contact the Council's Street Care Team.
- 5.37 *Noise and disturbance:*  
The property would be a domestic residence. Any inconsiderate behaviour over and above what is normally expected should be reported to the correct authority in this case The Police Authority. A condition will be attached to the decision notice regarding construction times and good working practice.
- 5.38 *Vehicles hit and inconsiderate parking:*  
Again this is not a planning matter and any issues should be reported to the correct authority in this case The Police Authority.
- 5.39 *Yellow lines:*

The proposal to introduce yellow lines as quoted by a local resident appears to be something already agreed with another Council department and any delay in the project is not related to this planning application.

## 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 attached to 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 11.10.21:

Existing and proposed site plan

Existing elevations

Existing floor plans

Existing site sections

Proposed bin storage

Proposed drainage section

Proposed elevations

Proposed floor plans

Proposed loft and roof plan

Proposed sections

Location plan

As per the description of development, the HMO may only be occupied by a maximum of 9 people

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; PSP1 of the Policies Sites and Places Plan (Adopted) 2017 and the National Planning Policy Framework.

3. Prior to first use of the site as a nine bed HMO the three on-site car parking spaces each have a 32amp/7Kw electric vehicle charging point installed. Details shall be submitted to the LPA for written approval and development shall proceed in accordance with the approved details.

Reason

To encourage sustainable methods of transportation and to accord with Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013.

4. Notwithstanding the provisions of Schedule 2 of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no development as specified in Part 1 (Classes A, B, D, E, F, G) 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; PSP1 of the Policies Sites and Places Plan (Adopted) 2017 and the National Planning Policy Framework.

5. The hours of working on site during the period of construction shall be restricted to  
Monday - Friday.....7:30am - 6:00pm  
Saturday.....8:00am - 1:00pm  
No working shall take place on Sundays or Public Holidays.  
The term working shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site

Reason

To protect the residential amenity of the neighbouring occupiers and to accord with Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and the National Planning Policy Framework.

**Case Officer: Anne Joseph**  
**Authorising Officer: Marie Bath**