

# 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: 38/21

**Date to Members: 24/09/2021**

**Member's Deadline: 30/09/2021 (5.00pm)**

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

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

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

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

## NOTES FOR COUNCILLORS

### – formal arrangements for referral to committee

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

c. All applications for non-material amendments

d. All applications to discharge planning conditions

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

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

### **Additional guidance for Members**

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

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

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

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

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

A template for referral is set out below:

## Referral from Circulated Schedule to Development Management Committee

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

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

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

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

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

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

**Date:**

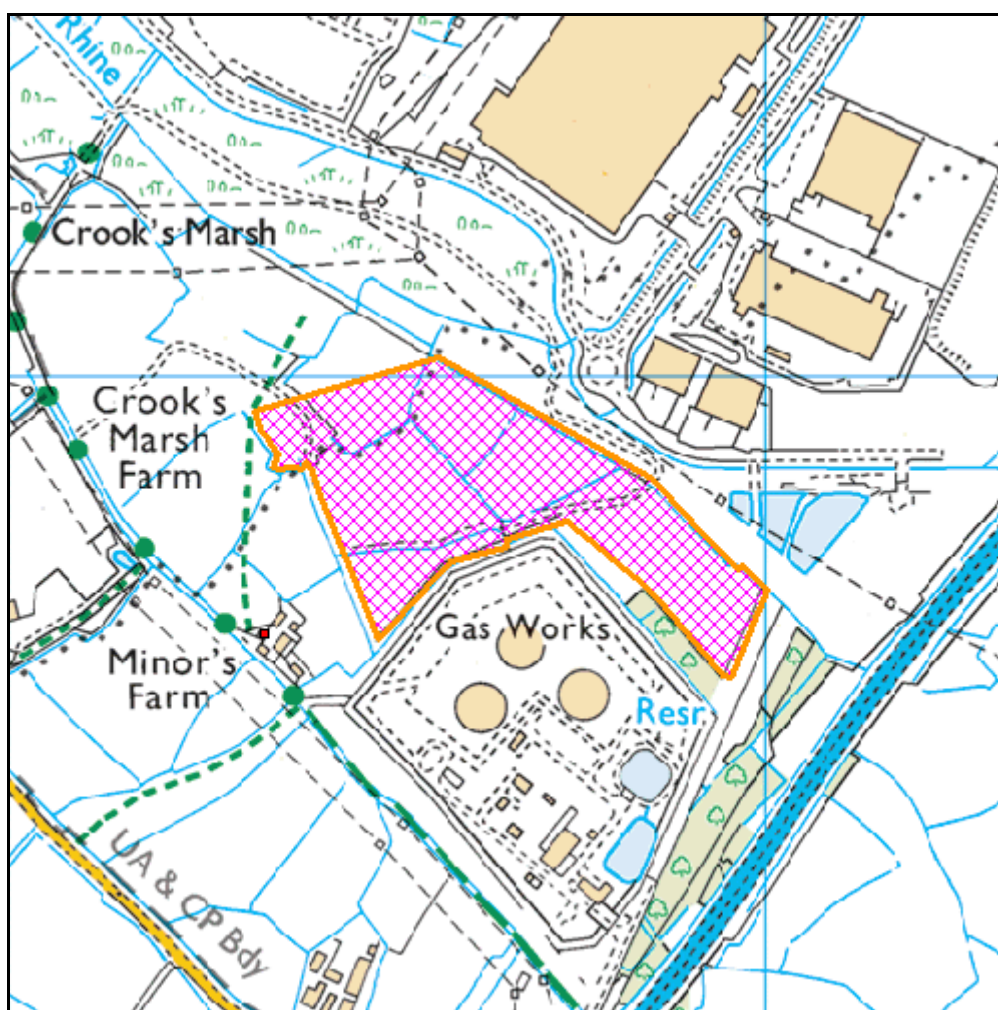
To be emailed to [MemberReferral@southglos.gov.uk](mailto:MemberReferral@southglos.gov.uk)

# CIRCULATED SCHEDULE 24 September 2021

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	P20/04470/F	Approve with Conditions	Land To The North Of Minor's Lane Ableton Lane Hallen South Gloucestershire BS10 7SF	Pilning And Severn Beach	Almondsbury Parish Council
2	P21/00712/F	Approve with Conditions	Land To The Rear Of Carpenters Arms 10 Church Road Wick South Gloucestershire BS30 5QL	Boyd Valley	Wick And Abson Parish Council
3	P21/01616/F	Approve with Conditions	63 Lees Hill Kingswood South Gloucestershire BS15 4TW	New Cheltenham	None
4	P21/02146/RVC	Approve with Conditions	Aldi Brook Way Bradley Stoke South Gloucestershire BS32 9DA	Bradley Stoke North	Bradley Stoke Town Council
5	P21/04656/F	Approve with Conditions	77 Dragon Road Winterbourne South Gloucestershire BS36 1BH	Winterbourne	Winterbourne Parish Council
6	P21/04885/F	Approve with Conditions	1 Tyndale Road Kingswood South Gloucestershire BS15 4QH	New Cheltenham	
7	P21/05044/F	Approve with Conditions	115 Quakers Road Downend South Gloucestershire BS16 6NJ	Frenchay And Downend	Downend And Bromley Heath Parish Council
8	P21/05263/F	Approve with Conditions	2 Braemar Crescent Filton South Gloucestershire BS7 0TD	Filton	Filton Town Council
9	P21/05295/F	Refusal	1 St Francis Drive Wick South Gloucestershire BS30 5PQ	Boyd Valley	Wick And Abson Parish Council

**CIRCULATED SCHEDULE NO. 38/21 -24th September 2021**

<b>App No.:</b>	P20/04470/F	<b>Applicant:</b>	Trapoc Ltd
<b>Site:</b>	Land To The North Of Minor's Lane Ableton Lane Hallen South Gloucestershire BS10 7SF	<b>Date Reg:</b>	24th April 2020
<b>Proposal:</b>	Change of Use of land from agricultural to land for storage and distribution (Class B8) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended) to include erection of perimeter fence, installation of 2 no. bridges and associated development.	<b>Parish:</b>	Almondsbury Parish Council
<b>Map Ref:</b>	354339 181662	<b>Ward:</b>	Pilning And Severn Beach
<b>Application Category:</b>	Major	<b>Target Date:</b>	22nd July 2020



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N.T.S.

P20/04470/F

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

## **INTRODUCTION**

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

### **1. THE PROPOSAL**

1.1 The application is for the change of use of land from agricultural to land for storage and distribution (Class B8) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended) and includes erection of a perimeter fence.

1.2 The site would essentially be an extension of an existing storage and distribution site (Use Class B8) to the north west of the site, which was granted permission to extend its site area in 2018. The proposed extension site comprises open fields and is located to the north of Hallen, north east of Minor's Lane. No new buildings are proposed. The existing operation (Copart) receives and stores cars for auction resale. The company operates on-line auctions for cars secured from insurance companies. The existing site covers approximately 18 hectares and is surrounded by peripheral security fencing and this would similarly extend around the proposed extension area to the site. It is not proposed to cover the site with hardstanding but utilise existing/previous materials to aid the drainage of the site, as set out in the drainage assessment. The site is located within the Severnside Safeguarded Employment Area. The applicants would continue to use the existing access to the existing site.

The Applicant has an existing/approved storage facility to the immediate west and south-west, which is accessed at via Ableton Lane, with Minors Lane splitting the first phase from the second phase (2018 approval). The proposed site area is approximately 11.7ha hectares. The site is currently vacant of buildings and considered to be agricultural land but designated in the Local Plan as a safeguarded area for economic development.

Two new single width bridges would provide access between the two parcels of land on the site which is separated by a Rhyne that runs north to south. A third smaller parcel to the south of the site would be dedicated to a new flood basin

The site lies in Flood Zone 3, which has a high probability of flooding but benefits from flood defences. There are no listed buildings, conservation areas or scheduled monuments on or adjacent to the site.

The development also seeks the placement of 1 metre depth of suitable material, spread and compacted across the site to aid flood risk. The majority of landscape will remain whilst substantial new planting is proposed within and around the site to aid biodiversity on the site.

1.3 The proposal has been screened under the 2017 EIA Regs, whereby it was considered that an EIA was not required. A Flood Risk and Drainage Assessment,

Heritage Assessment and Ecological Assessment have been submitted in support of the application.

## **2. POLICY CONTEXT**

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

2.2 Development Plans

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

CS1 High Quality Design  
CS2 Green Infrastructure  
CS9 Managing the Environment and Heritage  
CS11 Distribution of Economic Land  
CS12 Safeguarded Areas for Economic Development  
CS35 Severnside

### South Gloucestershire Local Plan: Policies, Sites and Places Plan June 2016

PSP1 Local Distinctiveness  
PSP2 Landscape  
PSP3 Trees and Woodland  
PSP11 Transport Impact Management  
PSP18 Statutory Wildlife Sites  
PSP19 Wider Biodiversity  
PSP26 Enterprise Areas  
PSP27 B8 Storage and Distribution Uses

## **3. RELEVANT PLANNING HISTORY**

3.1 PT02/0109/F - Change of use from Sui Generis spoil tip to class B8 Storage including provision of service buildings, security fencing and landscaping. Approved 1/4/2003.

3.2 PRE16/1378 - Extension of existing storage and distribution site (Use Class B8) to the south of Minors Lane. Enquiry complete 10/3/17

3.3 PT17//006/SCR - Extension of existing storage and distribution site (Use Class B8) to the south of Minors Lane. No EIA required. 20/4/17

3.4 PT17/5514/F - Change of Use of land from agricultural to land for storage and distribution (Class B8) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended) to include erection of perimeter fence and alteration to highway. Permission granted 8/5/18

3.5 P20/003/SCR- Change of use to land for storage and distribution in association with existing Copart site. No EIA required 25.3.20



## 4. CONSULTATION RESPONSES

### 4.1 Almondsbury Parish Council

The existing site generates considerable daily vehicle movements of low loaders carrying cars to and from the existing site, through the village of Hallen. An increase in size, and the storage of more cars, will lead to more vehicle movements. A full transport survey should be undertaken before any expansion is agreed. Additionally, replacing a field with hard standing will have a detrimental effect on the environment.

### 4.2 Other Consultees

### 4.3 National Grid

The site is in close proximity to a High Pressure Gas pipeline feeder. Following an initial holding objection, National Grid confirmed that following a site visit by the Operation Engineers that there is no objection subject to a condition. The condition being that National Grid will have be able to access the pipeline should a perimeter fence be constructed along the M49 side of the plot.

Health and Safety Executive  
In accordance with the guidance on the HSE Land Use Planning web page and decision matrix the recommendation is HSE does not advise, on safety grounds, against the granting of planning permission in this case.

Environment Agency  
There was an initial objection on grounds of the information provided in the FRA and further information sought.

Following the receipt of additional information the Environment Agency has withdrawn its earlier objection to the proposed development, subject to the Local Planning Authority being satisfied that the requirements of the Sequential Test under the National Planning Policy Framework (NPPF) are met, and the inclusion of a condition requiring compliance with the mitigation measures in the submitted FRA which concern the flood emergency plan, and the direction of staff to safe higher ground some 600m to the south of the main office on site.

The development shall be carried out in accordance with the submitted Flood Risk Assessment (ref 2810/FRA/Final Version F2) and particularly the following mitigation measures it details:

- 5.3.2 On receipt of a flood warning the Flood Warning Emergency Plan is initiated and evacuation is compulsory for site occupants.
- 5.3.3 Occupants will be directed to a safe access to higher ground along Severn Road which is approximately 600m south of the site or to existing main office site office that is located to the West of the site on raised ground.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/ phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Wessex Water

Wessex Water has no objections to this application and can advise the following information for the applicant: According to our records there are no recorded public sewers or water mains within the red line boundary of the development site.

Internal

Consultees

Highway Authority: Sustainable Transportation

The current operator would be using this additional space in the way described by the applicant, as such the impact of the additional vehicles delivering/collecting from the site would be acceptable. If the operator were to change there may be an increase in vehicle movements, but the adjacent highway is relatively lightly trafficked, and as such is capable of accommodating extra vehicle movements without creating a 'severe' transportation impact. I believe that there should be signage at the exit directing all HGV's to turn right when leaving the site. As such I would suggest that signage is located at the exit of the site onto Ableton Lane directing HGV's turn right. Details to be submitted for approval and implemented in accordance with the approved plans prior to first use of this new area. Clearly, if the signage already exists then this condition would not be required.

SGC

Ecology

Following the receipt of further information, no objection subject to conditions.

SGC

Environmental

Protection

*Contamination:*

No objection. Information submitted in support of this application refers to the existing use of the land as "agricultural land". Environment Agency records of historic landfill sites however indicate a former landfill site within the south eastern part of the proposed development boundary.

Although the development is a change of use and does not involve the construction of any buildings, surface levels are proposed to re-modelled including slight raising and levelling on the area indicated to be a landfill. There is therefore a potential to increase and or alter any potential risk from the landfill. A condition is therefore recommended. The scale and nature of any site investigations undertaken should be commensurate with the proposed future use of the site and may not need to be onerous depending on the outcome of the desk study.

A condition requiring contamination investigation, with potential remediation and verification is therefore recommended.

*Noise*

No objection subject to informative.

SGC

Landscape

No objection subject to conditions.

SGC Conservation Officer

No objection.

SGC Low Carbon Project Officer

No comments.

SGC Lead Local Flood Authority

No objection.

All matters appertaining to land drainage must be discussed and agreed with The Lower Severn Internal Drainage Board (LSIDB) who is the Land Drainage Authority for this area.

Land Drainage Consent: The application involves works, and/or structures to, in or affecting an ordinary watercourse/ditch. These works may require formal consent from South Gloucestershire Council.

SGC Urban Design Officer

No objection.

SGC Lighting Engineer

Regarding the submitted lighting report and specification, the Council's Lighting Engineer has confirmed that the chosen lanterns have zero upward light using the 0° tilt angle as shown on the "typical lighting standard with concrete base detail" drawing. Also, there are no residential properties nearby which would be adversely affected by the proposed lighting, so we would have no objection from the obtrusive light point of view.

Designing Out Crime Officer

No objection.

Archaeology

An archaeological survey has been submitted to consider the nature of the proposals with the archaeological potential of the site. Additional archaeological comments are awaited.

**Other Representations**

4.3 Local Residents

Comments have been received from one local resident; summarised as follows:

- This site straddles the alignment, shown in the South Glos Local Plan, of the north-south spine road of the Central Park/Sevenside warehouse park and the new M49 junction. This spine road was envisaged in the 1995 master-planning of Sevenside, and is anticipated to be a replacement road for the A403.
- Egress from the Copart site onto Ableton Lane requires a Left turn at their gateway. It is where Ableton Lane joins Severn Road that the right turn signage that Transport DC suggests is required
- Severn Rd, at this point is an unclassified road, constructed as just a country lane. It is heavily trafficked with the increase in vehicles to the

Bristol & Avon recycling site and other recent developments. It is not 'lightly trafficked' as per Transport DC comments.

## 5. **ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

The site is located within a Safeguarded Employment Area and Enterprise Area. Policy CS12 Safeguards the area for economic development within the B use classes. Other development not within Use Class B would need to demonstrate that it would be acceptable and not prejudice the context of the economic development allocation. Policy CS35 states that:

*'Land at Severnside will be safeguarded and developed for distribution and other extensive employment uses, including energy generation, broadly in line with the extant planning permissions dating from 1957 and 1958 in the area.'*

- 5.2 The proposal, for an extensive B8 use, located within the '57/58 consent area is therefore in compliance with this policy in principle.

The policy also states that the Council will seek to provide a strategic development approach which will help to deliver development while mitigating site constraints, including flood risk, coastal protection, biodiversity, archaeology and transportation.

These key issues which will need to be fully addressed and/or mitigated are discussed in more detail below.

### 5.3 Ecology

The application is accompanied by an Ecological Assessment.

#### Designated sites for Nature Conservation

There are no designated sites within the site, although the Severn Estuary SPA, SAC, Ramsar and SSSI lies approximately 850m to the north-west of the site. The SPA is designated for a number of internationally important populations of wildfowl and the SAC is designated for its internationally important habitats and populations of certain fish species. The site is within typical migration distance for birds and is hydrologically connected to the estuary via the network of rhynes.

A Shadow Habitat Regulations Assessment (HRA) has been submitted to assess any impact of the development on the Severn Estuary SPA, SAC and Ramsar site.

#### *Shadow HRA*

The Shadow HRA considers potential pathways by which significant effects could arise in relation to the Severn Estuary SAC / SPA / Ramsar, which has been considered. Consideration has been given to potential for significant adverse effects from:

- Potential Hydrological Impacts / Toxic Contamination;
- Lighting, Noise and Dust Impacts; and

- Disturbance effects (on qualifying bird species) / loss of supporting habitat

#### *Hydrological impacts / Toxic Contamination*

A series of drainage ditches flow through and adjacent the application site towards the SAC/SPA/Ramsar. As such, specific consideration has been given to the proposed surface water and foul water drainage strategies associated with the proposals. The proposals do not involve the construction of buildings or areas of significant hardstanding. The site is to be 'dressed' with aggregate, which will act to filter substances/materials which could otherwise accumulate within the soil. There remains a need for any fuel or other chemical spillages to be remediated immediately following an incident.

The use of a permeable gravel surface will also result in no additional run-off from the application site, thus there would be no increase in the existing run-off rates. In the context of the volume of tidal flow in the estuary compared to the surface water discharged, any changes in run-off rates are also considered likely to be insignificant. Precautionary mitigation is proposed comprising an off-channel attenuation pond that during flood conditions would receive over bank flows from the Rhyne passing through the site. It is noted that the Flood Risk Assessment (FRA) concludes that the placement of aggregate fill across the site would not increase surface run-off relative to existing conditions.

An Environmental Construction and Management Plan (ECMP) will need to form an intrinsic element of the proposed scheme to deal with the construction phase.

The ditch which runs directly through the application site and towards the SAC / SPA / Ramsar site holds a large amount of water. This ditch will be fully retained and protected during all phases of the development, with no impediment to flow. A small number of minor drainage ditches will be infilled which has the potential to increase flood risk, although any impacts of this nature are considered to be minimal. A precautionary approach will still be taken, and mitigation to include the installation of perforated pipes along former minor drainage ditches and the retention of existing ground profiles to retain flow paths.

The Council's Ecologist considers that having regard to the minimal scale and complexity activities construction practises (limited ground disturbance and use of permeable surface material), it is not considered likely that the quality and quantity of water being discharged would change compared to the existing situation; neither is it expected that the development proposals would have a significant effect on the SAC/SPA/Ramsar sites and associated underpinning SSSIs as a result of hydrological impacts. As such, it has been concluded by the Council's Ecologist that there would be no likely significant effect on the Severn Estuary (or SSSI) in the light of the conservation objectives.

#### *Lighting, Noise and Dust Impacts*

Given the proximity of the site to relevant designated sites, consideration has been given to the potential for adverse impacts on the SAC/SPA/Ramsar through lighting, noise and dust during the construction / operational phase.

Due to the substantial physical barriers provided by existing vegetation buffers and existing built form to the west, it is predicted that there will not be any significant impact from dust deposition on habitats within the designated sites. Particulate levels

will be monitored throughout the construction phase of the development to ensure that they do not exceed recommended guidelines and standard industry avoidance practices will be undertaken, in order to mitigate any potential impact on surrounding habitat. Standard industry practices will be employed in order to ensure that contamination of surface and groundwater is avoided. It is noted that these measures will be included in the ECMP.

The potential for new artificial lighting associated with the proposed development to impact upon designated sites has also been considered in the Shadow HRA. Given the presence of existing/retained mature vegetation it is not considered that the development proposals would have any significant adverse impact upon the designated sites and qualifying bird species. However, a sensitive lighting scheme is to be adopted for the proposals, with this ensuring only low-level light spill which will be directed away from linear features and greenspace (including the designated sites). Light spill will therefore be fully attenuated before reaching the designated sites.

The potential adverse impacts of noise disturbance have been considered, both within the construction and operational stages of the development. Due to the distance of the application site from the designated sites (approximately 1.2km), it is predicted that noise from the construction and operational phases would not be likely to have a significant impact upon the qualifying features of the SAC/SPA/Ramsar. It is noted that any potentially noise sensitive species utilising the designated sites (birds) will be accustomed to a degree of anthropogenic noise given existing development including industrial buildings. It is proposed to retain boundary hedgerows and trees, in addition to providing new hedgerow planting, which will further serve to buffer any minimal noise which may arise as a result of the proposals.

#### *Disturbance effects (on qualifying bird species) / loss of supporting habitat*

Considering the distance from the site to the SPA/SSSI, it is considered that there would be no disturbance effects on birds within the SPA/SSSI itself. The habitats within the application site and wider area are not considered suitable to support SPA qualifying bird species. The semi-improved grassland which comprises the vast majority of the application site supports a long, unmanaged sward which provides sub-optimal opportunities for wading birds or waterfowl. It is therefore concluded that the application site does not provide supporting habitat for those bird species reliant upon the SPA.

Consideration has also been given to the fact that the application site is enclosed by existing industrial and commercial development to the north, east, and west, which is considered likely to act as a deterrent for wetland birds. The application site is enclosed by public and private roads which are subject to regular traffic thereby generating regular disturbance.

The application site therefore does not constitute supporting habitat for the SPA.

#### *HRA Conclusion*

Having reviewed the shadow HRA, which considers in detail the potential significant effects that could arise from the proposed scheme, and in light of the avoidance and mitigation measures proposed, it is concluded by the Council's Ecologist that the proposals would not result in any significant adverse effects on the integrity of the Severn Estuary SAC/ SPA / Ramsar sites. As such, the proposed scheme is

considered to be acceptable subject to securing the mitigation and avoidance measures proposed.

### *Habitats*

The habitats within the application site hold limited ecological value. Areas of new species-rich wildflower grassland will be implemented into the landscaping scheme which is welcomed. A SUDs system has been proposed and will be managed to support wildlife. Additional hedgerows are also proposed which will increase connectivity to the wider landscape.

### *Species protected under the Conservation of Habitats & Species Regulations 2017 ('European Protected Species) and Wildlife & Countryside Act 1981 (as amended):*

#### *Bats*

Activity surveys were undertaken in 2019 and found overall, the activity surveys show that the application site is predominately used by a low number of common and widespread species. Relatively higher amounts of bat activity were recorded on the southern curved boundary of the application site (adjacent linear features which border the existing gasworks which abuts the southern part of the application site). Static detectors were deployed and shows that the application site is mostly used by low numbers of common and widespread species, with very few registrations of more notable species such as Barbastelle.

All trees with bat roosting potential will be retained. A sensitive lighting regime has been recommended and this would be conditioned. Installation of bat boxes has been recommended and are welcomed.

*Great crested newt (GCN):* Ditches D1-D12 were surveyed in 2017 and found no GCN present. A further two ditches that demonstrated suitability in 2019 were surveyed and also found no GCN. During the course of the application, further information was provided by the applicant regarding the ditches that were assessed in 2017 in order to assess any material changes. The applicant's Ecologist confirmed that there are still no GCN and the Council's Ecologist is satisfied with this and that no further information is needed.

*Dormice:* It was concluded that dormice are highly unlikely to be using the site.

*Otter:* No evidence of Otters was recorded within any of the wet ditches present within the application site.

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

#### *Birds (not including those associated with the Severn Estuary SPA)*

From 2017 surveys for the adjacent site, the site offers some habitat for birds to nest within the grassland, hedgerows and trees. Species recorded during the surveys included the Red-Listed and Section 41 species song thrush, skylark and yellowhammer. The report recommends the sensitive removal of hedgerows and trees outwith the breeding bird season (to be defined as March to August as minimum period). This should be extended to the grassland as well due to the presence of ground-nesting birds recorded during the surveys such as skylark. The proposed use would result in the loss of all available breeding habitat on site for skylark, a Section 41 species, which the local planning authority must show due regard to its conservation when assessing planning applications. The enhancements proposed are therefore welcomed.

*Reptiles:* Due to the low number of reptiles found, a translocation exercise was deemed unnecessary, a gradual habitat manipulation has been proposed in order to clear reptile habitats and this is welcomed. Hibernacula has been recommended and this should be installed prior to site clearance in order to place reptiles found, this is to be detailed within a Construction and Environmental Management Plan.

*Water Vole:* The report confirmed that evidence of water vole was recorded within the application site in 2017 and during updated surveys in 2019. It is not expected that the works will impact on water voles, however it is advised that a pre-commencement check is undertaken to ensure that water voles will not be impacted, specifically any burrows during installation of an access bridge.

*Badgers protected under the Badger Act 1992:* No setts or signs of badgers were recorded in 2017 or 2019, no further surveys required.

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

*Hedgehog:* Hedgehogs are not mentioned within the report, however it is likely that they will use the area for foraging and shelter.

*Invertebrates:* The report confirms that the site is expected to support a limited range of common invertebrate species, but there is no evidence to suggest that any protected or notable species are likely due to the habitats present.

#### Ecology Conclusion

There is no objection to the proposal from the Council's Ecologist, subject to conditions to ensure the following:

- Development to accord with proposed mitigation measures
- Lighting strategy for biodiversity
- CEMP
- LEMP
- Update surveys if more than 12 months elapses
- Contamination Plan

#### 5.4 Transportation

Access would be gained from the entrance from the existing Copart site located on Ableton Lane. The current proposed site would then be connected to the existing site through a proposed (private) access on the north western boundary. The vehicles to be stored on the site would be lifted into place by JCB heavy loaders which would operate within the site only.

Hence the proposed development does not seek to alter access or egress from the main site entrance on Ableton Lane, but an internal access would be provided between the existing site and the proposal site to enable movement within the wider site. The applicant has stated that the proposal seeks to enable a greater capacity for storage on site and as such may result in a marginal increase in HGV movements to and from the site above what is existing. Likewise, it is stated that there is likely to be a marginal increase in employment on site. However, the applicant states that in both cases the increases are expected to be so marginal that it would not materially impact movements onto/off the site on a daily basis. This is because the increased storage



area is largely offset by the fact the site has enlarged the office, parking, loadout areas etc so the 10 acres of the original (pre- 2018) site that was used for storage previously is now used for on-site operational activities. Additionally the new layout allows easier access/movement for larger vehicles on the site, which limits trips of smaller HGVs.

As such, despite the concerns of the Parish Council, the Transport DC Officer is satisfied that the impact of the additional vehicles delivering/collecting from the site would be acceptable and the adjacent highway is capable of accommodating extra vehicle movements without creating a 'severe' transportation impact.

Transport DC have requested signage at the exit directing all HGV's when leaving the site onto Ableton Lane. The applicant has agreed to providing signage. It is noted that the local resident has picked up that it is a turn left sign that is needed onto Ableton Lane, (not a turn right) and the planning officer can confirm that this is correct. Transport DC have not requested and further signage onto Severn Road, as requested by the local resident, as this could not be substantiated as a reasonable condition. As per the previous planning permission to extend the site, a condition is proposed to ensure that the development is used as one planning unit with the adjacent B8 use approved under reference PT02/0109/F and PT17/5514/F such that it shall not be sub-divided and access to the site shall be solely from the existing access off Ableton Lane, at the southern point of the site. Subject to these conditions, the application is acceptable in transport terms.

#### Spine Road Extension

The application site is dissected by a policy aspiration for a spine road:

Core Strategy Policy CS35 relates to Severnside. Para 17.16 relates to Transport. Fig 14 on page 163 shows a diagrammatic plan of the location of the spine road, with the relevant text stating at 17.19:

#### *The Spine Road*

*It is anticipated that the spine road will become the realigned A403. A large section of the spine road has already been constructed, however, the precise alignment of the final sections to the south is not yet known. Cross-boundary working with Bristol City Council will need to ensure a suitable and sustainable linkage with the existing road network is provided.*

The need for a spine road therefore is identified in the adopted Core Strategy Policy CS35 and figure 14. This is set out as an aspiration rather than a precise alignment but this aspiration still exists in adopted policy.

This aspiration was not carried through into any actual safeguarding of land in the Policies Sites and Places therefore the issue is only covered in the PSP plan by the principle in PSP26 for supporting infrastructure in the enterprise area. Given that CS35 still identifies the need and broad alignment for the spine road the question in policy terms would be the extent to which the proposed development would impact on the potential to deliver the spine road.

Given this policy position, (which as noted in the consultation section is also identified by the local resident), the planning officer has sought further advice from the Council's Transport and Environmental Policy team and Bristol City Council.

The spine road is still current policy, and it is noted that most of it has been built already. It can only be removed from policy if a formal process is gone through which involves a briefing note to Members and their approval. SGC are currently commissioning a new Masterplan for Severnside, which is expected to be finished in 2022. This will clarify the current need for the spine road and include the WECA overview in relation to how it would integrate with BCC, the boundary of which is along Minors Lane.

It is considered therefore that there is current uncertainty surrounding the spine road link, not least because currently no spine road link continuation to the south is shown in the BCC Development Plan (whereas in a previous BCC Local Plan it was shown). In view of this the applicant has accepted a condition for a temporary 5 year consent. It is considered that this is sufficient time to make the development worthwhile, as well as giving sufficient time for certainty as to the future of the spine road link in policy terms.

### 5.8 Landscape

The site is located within the Severnside 1957/58 permission areas and is within the designated safeguarded area for economic development. The site, although currently on open field, is within an existing and developing industrial and employment area. The Council's Landscape Architect is satisfied that a landscape and visual impact assessment is not required as no new buildings are proposed under the terms of the scheme and peripheral vegetation is to be retained.

Officers did request some planting within the hardcore area, through the use of reinforced grid however this was found to be impractical. In any event to mitigate the inability to plant on the main storage areas, it is noted that the applicant has given over land within its ownership as ecological conservation areas; these areas are reserved as existing or planted with recommended species and remain protected from business activities. This land will total 4.05ha and will comprise of conservation land, retained hedgerows and an attenuation pond.

From a landscape point of view, most of the vegetation is being retained and there is new tree and hedge planting proposed. There is no detail of proposed species though, so this is required to be detailed by condition which requires tree and shrub planting to be native species, and wildflower seeding adjacent to the hedgerows, and to accord with the Landscape Strategy set out in the Council's landscape strategy for the Pilning Levels (LCA 20).

In addition, details of the attenuation pond proposed; sections and profile of pond + suggested marginal and aquatic planting species palette will be secured by condition.

A Landscape & Ecological Management Plan (LEMP) detailing hedgerow management proposals, for all new and existing hedgerows on the site and tree management will also be secured by condition (as noted under *Ecology*). In addition the standard landscape compliance condition will be applied, requiring planting to be carried out within the first available planting season and all plant failures occurring within the first 5 years, to be replaced with like size and species

It is considered that the proposals are acceptable in landscape terms, subject to the conditions noted above.

### 5.9 Contamination/Drainage

Following initial EA concerns over the Flood Risk and Drainage Assessment, further information was subsequently submitted by the applicant. These details were considered acceptable by the EA, subject to a condition regarding flood risk mitigation measures in an emergency. No new buildings or significant landscape changes are proposed. It is noted that the EA have recommended that the Council undertake a sequential test, however the Government advice on this is that a sequential test is not needed for a change of use, which is what this application seeks permission for.

Conditions are recommended in accordance with EA considerations, and EPO and Ecologist's advice, addressing contamination issues associated with previous and uses and the proposed use of the site, including risk assessment, site investigation, remediation and containment and disposal of contaminated run off and pollution prevention.

### 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.

## 6. **CONCLUSION**

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

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

## 7. **RECOMMENDATION**

7.1 That authority be delegated to the Director of Environment and Community Services, to GRANT planning permission, subject to the conditions set out below and upon further consultation with the Council's Archaeologist to confirm:

- i) there are no archaeological objections to the proposals
- ii) any required additional archaeological conditions and mitigation measures are incorporated into the decision notice.

## CONDITIONS

1. The use hereby permitted shall be discontinued and the land restored to its former condition on or before 30th September 2026 in accordance with a scheme of work submitted to and approved in writing by the Local Planning Authority.

Reason:

To comply with Policy CS35 of the adopted South Gloucestershire Core Strategy which includes an aspiration for spine road link in the vicinity of the application site.

2. The development shall proceed in strict accordance with the Mitigation Measures provided in the Ecological Assessment (Ecology Solutions, February 2020).

Reason:

To protect the wildlife and the ecological interests of the site, in accordance with Policy CS9 of the adopted South Gloucestershire Local Plan: Core Strategy, and Policies PSP18 and PSP19 of the adopted South Gloucestershire Policies Sites and Places Plan.

3. Prior to first use of the development hereby approved, 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 other wildlife using the boundaries and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
- Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places, a contour plan is also to be submitted as part of the lighting strategy.

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 the wildlife and the ecological interests of the site, in accordance with Policy CS9 of the adopted South Gloucestershire Local Plan: Core Strategy, and Policies PSP18 and PSP19 of the adopted South Gloucestershire Policies Sites and Places Plan.

4. Prior to commencement of the development hereby approved, a Landscape and Ecological Management Plan (LEMP) is to be submitted to ensure important habitats such as hedgerows/tree lines around the site, are retained and enhanced and should expand on the enhancements proposed within the ecological report, this should include a 5 year management plan, and locations and plant species for all enhancements.

Reason:

To protect the wildlife and the ecological interests of the site, in accordance with Policy CS9 of the adopted South Gloucestershire Local Plan: Core Strategy, and Policies PSP18 and PSP19 of the adopted South Gloucestershire Policies Sites and Places Plan.

5. If works are delayed for more than 12 months since the ecological surveys submitted with the planning application for the development hereby approved, the site shall be re-surveyed and a report submitted to and approved in writing by the Local Planning Authority, such report is to include details of any required additional mitigation measures. All works shall be carried out in accordance with said report.

Reason:

To protect the wildlife and the ecological interests of the site, in accordance with Policy CS9 of the adopted South Gloucestershire Local Plan: Core Strategy, and Policies PSP18 and PSP19 of the adopted Policies Sites and Places Plan

6. Prior to commencement of the development hereby approved, a Construction Environmental Management Plan (CEMP) is to be submitted to the local planning authority.
  - This CEMP should include a range of measures to ensure impacts on off-site habitats and features are avoided, including measures to ensure that any contaminants and surface waters are appropriately dealt with during the construction phase. Regarding contamination issues, these measures which are integral to the scheme and which avoid or mitigate potential significant effects will be described within the ECMP.
  - Detail all mitigation to safeguard species (including hedgehogs and use of hedgehog tunnels at base of fencing) that could be impacted by the construction process.
  - Measures should include the provision of spill kits to machine operators, use of interceptors / bunds where appropriate and agreed safe storage protocols for any chemicals on site.
  - The CEMP should also secure a scheme for any disposal of contaminated waters (including run-off and contaminated drainage) that avoids potential adverse impacts arising on the designated sites.
  - Appropriate measures should also be secured within the CEMP to control the emission of dust, dirt or harmful particulates which may otherwise have the potential to result in adverse impacts on off- site habitats (including the SAC/SPA/Ramsar and underpinning sites).
  - Containment of silt/soil contaminated run-off.
  - Site induction for workforce highlighting pollution prevention and awareness.
  - Standard industry practices will be employed and detailed in the CEMP in order to ensure that contamination of surface and groundwater is avoided.

The scheme shall thereafter be implemented in accordance with the approve details.

Reason:

To prevent pollution, contamination and flooding, and to protect the wildlife and ecological interests of the site and its surroundings, in accordance with Policy CS9 of the adopted South Gloucestershire Local Plan: Core Strategy; and Policies PSP18, PSP19 and PSP21 of the adopted South Gloucestershire Policies Sites and Places Plan. (Adopted) November 2017, and the National Planning Policy Framework.

This is a pre-commencement condition in order to ensure that issues that may affect pollution, contamination and flooding are addressed within the site at an early stage.

7. Prior to the first use of the development hereby approved, details of signage to direct HGVs leaving the site shall be submitted to and approved in writing by the Local Planning Authority. Such details as approved shall be implemented in accordance with the approved plans prior to first use of the new area hereby approved, and retained as such thereafter.

Reason:

In the interests of highway safety, and in accordance with Policy PSP11 of the South Gloucestershire Policies Sites and Places Plan, Adopted November 2017.

8. No development approved by this planning permission shall take place until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the LPA:

1. A preliminary risk assessment which has identified: - all previous uses; - potential contaminants associated with those uses; - a conceptual model of the site indicating sources, pathways and receptors; and potentially unacceptable risks arising from contamination at the site.

2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk, arising from the development, to all receptors that may be affected, including those off site.

3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required due to the development and how they are to be undertaken.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the Local Planning Authority. The scheme shall be implemented as approved.

Reason:

To prevent pollution, contamination and flooding, and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and Policy PSP21 of the South Gloucestershire Policies, Sites and Places Plan (Adopted) November 2017, and the National Planning Policy Framework. Some elements of this condition require investigations to be undertaken prior to commencement of development in order to properly assess the likely risk of ground contamination, and to allow appropriate mitigation to be made in the event it is found.

9. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the LPA) shall be carried out until the developer has submitted a remediation strategy to the LPA detailing how this unsuspected contamination shall be dealt with and obtained written approval from the LPA. The remediation strategy shall be implemented as approved.

Reason:

To prevent pollution, contamination and flooding, and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and Policy PSP21 of the South Gloucestershire Policies, Sites and Places Plan (Adopted) November 2017, and the NPPF.

10. The development shall be carried out in accordance with the submitted Flood Risk Assessment (ref 2810/FRA/Final Version F2) and particularly the following mitigation measures it details:

5.3.2 On receipt of a flood warning the Flood Warning Emergency Plan is initiated and evacuation is compulsory for site occupants.

5.3.3 Occupants will be directed to a safe access to higher ground along Severn Road which is approximately 600m south of the site or to existing main office site office that is located to the West of the site on raised ground.

These mitigation measures shall be fully implemented prior to first use of the development hereby approved and subsequently maintained in accordance with the scheme's timing/ phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason:

Having regard to the location of the site in Flood Zone 3, in the interests of safety and Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and Policy PSP20 of the South Gloucestershire Policies, Sites and Places Plan (Adopted) November 2017, and the NPPF.

11. Prior to the commencement of development a scheme of landscaping, which shall include details of all existing trees and hedgerows on the land and details of those to be retained, together with measures for their protection during the course of the construction shall be submitted to the Local Planning Authority, and approved in writing. Said landscaping scheme shall include tree and shrub planting which is native species and accords with the Landscape Strategy set out in the Council's landscape strategy for the Pilning Levels (LCA 20, and includes wildflower planting adjacent to the hedgerows shown on a 1:200 scale planting plan, detailing size, type and specification of all proposed planting.

Such details shall also include details of the attenuation pond proposed; sections and profile of pond + suggested marginal and aquatic planting species palette.

Reason:

In the interests of visual amenity and to accord with Policies CS1, CS2 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and Policies PSP2 and PSP3 of the South Gloucestershire Policies, Sites and Places Plan (Adopted) November 2017, and the National Planning Policy Framework. This is a

pre-commencement condition to ensure that visual amenity aspects are incorporated within the scheme at an early stage.

12. All planting and seeding comprised in the soft landscaping details approved, shall be carried out no later than the first planting and seeding season following the substantive completion of the development hereby approved, and any trees or plants (retained or planted) which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting seasons with others of a size and species as shall reasonably be specified by the Local Planning Authority.

Reason:

To prevent losses or damage and to achieve the earliest possible establishment of the landscape and its retention, and protect the character and appearance of the area, and in accordance with Policy PSP2 of the South Gloucestershire Policies, Sites and Places Plan (Adopted) November 2017, and Policy CS2 of the adopted South Gloucestershire Core Strategy.

13. The development hereby permitted shall be used as one planning unit with the adjacent B8 use approved under reference PT02/0109/F and PT17/5514/F such that it shall not be subdivided and access to the site shall be solely from the existing access off Ableton Lane, at the southern point of the site. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) the site shall be used only for the open storage of vehicles and equipment (Class B8) and ancillary use in accordance with the approved plans and details.

Reason:

The highway merits and likely movements arising from the proposal have been assessed on the basis of one planning unit using the existing access point. Any differences in use and access arrangements will need further consideration in terms of highway impact and mitigation. This is to accord with Policies CS8 of the South Gloucestershire Local Plan Core Strategy, Adopted, December 2013 and PSP11 of the South Gloucestershire Policies Sites and Places Plan, Adopted November 2017.

14. This decision refers only to the plans listed below:

Typical lighting standard 56094/007  
Existing Landscaping 0311-04-A  
Vegetation removal and protection 0311- 05-A  
Landscape Proposals 0311- 06-A  
Location Plan 0311-08  
Landform comparison 4138-772-01  
Palisade fencing 2094-501  
Rhyne crossing 56147/011  
CCTV mast 1311-D1  
Documents referred to in conditions above.

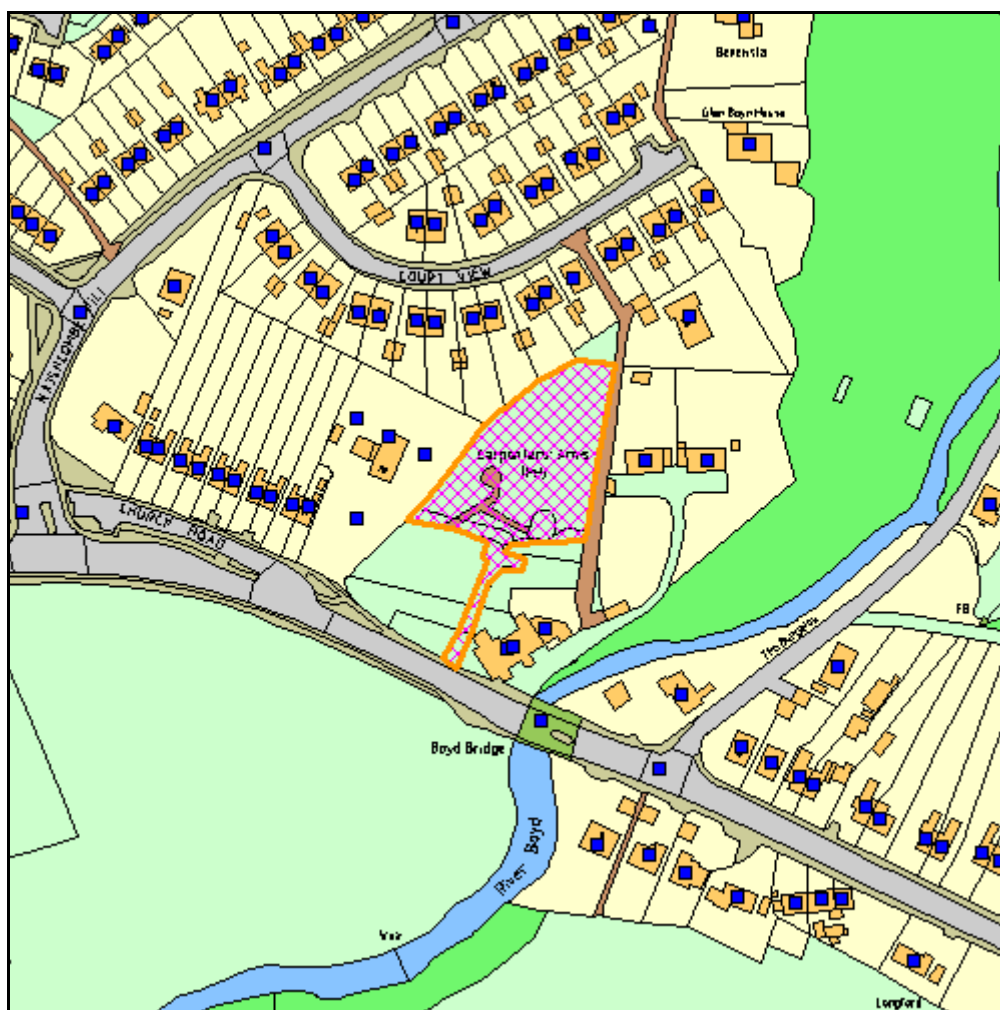
Reason: To define the extent of the permission and for the avoidance of doubt.



**Case Officer: Helen Ainsley**  
**Authorising Officer: David Stockdale**

**CIRCULATED SCHEDULE NO. 38/21 -24th September 2021**

<b>App No.:</b>	P21/00712/F	<b>Applicant:</b>	Chewton Keynsham Ltd
<b>Site:</b>	Land To The Rear Of Carpenters Arms 10 Church Road Wick South Gloucestershire BS30 5QL	<b>Date Reg:</b>	2nd March 2021
<b>Proposal:</b>	Erection of 5 no. detached dwellings with associated works.	<b>Parish:</b>	Wick And Abson Parish Council
<b>Map Ref:</b>	370184 172849	<b>Ward:</b>	Boyd Valley
<b>Application Category:</b>	Minor	<b>Target Date:</b>	26th April 2021



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N.T.S.

P21/00712/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.

### **Reasons for Referring to the Circulated Schedule**

This application has been referred to the Circulated Schedule following the receipt of objections from the Parish Council and 10no. local residents; the concerns raised being contrary to the officer recommendation.

## **1. THE PROPOSAL**

- 1.1 The proposal is Phase 2 of the redevelopment of the Carpenters Arms Public House site in Wick. Planning permission P19/7800/F was previously granted for Phase 1 i.e. "Subdivision of existing public house to form 1 No. dwelling and public house with 1 No. flat above. Erection of 3 No. detached dwellings, 1 No. detached garage, creation of access and associated works. Creation of public house car park."
- 1.2 It is proposed to construct a further 5No. detached dwellings on the land at the rear of the site with access via the Phase 1 site which fronts onto High Street and is currently under construction.
- 1.3 The site lies within the Wick settlement boundary, which is a washed over settlement within the Bristol & Bath Green Belt, the site is not within the Cotswolds AONB. The site forms part of that previously designated an Asset of Community Value (ACV).
- 1.4 The site is bounded by infill and estate housing to the East, West and North. To the South is the main A420 Bristol / Chippenham Road (High Street, Wick). Opposite the site to the south and beyond the houses being constructed in Phase 1, is open countryside with views to Lansdown. The pub building can also be considered a non-designated heritage asset given its age, use and presence on the roadside. The bridge located close to the front of the public house is a Grade II listed building.
- 1.5 During the course of this application the red edge site plan, which defines the development site, has been amended to take account of a triangular area of land in the north, which is not in the applicant's ownership.
- 1.6 The application is supported by the following documents:
  - Design & Access Statement
  - Sustainability Statement
  - Noise Impact Assessment
  - Preliminary Ecological Appraisal

## **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework February 2019  
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  
CS6 Infrastructure and Developer Contributions  
CS8 Improving Accessibility  
CS9 Managing the Environment and Heritage  
CS15 Distribution of Housing  
CS16 Housing Density  
CS17 Housing Diversity  
CS34 Rural Areas

### South Gloucestershire Local Plan: Proposed Submission: Policies, Sites and Places Plan June 2016

PSP1 Local Distinctiveness  
PSP2 Landscape  
PSP3 Trees and Woodland  
PSP7 Development in the Green Belt  
PSP8 Residential Amenity  
PSP11 Transport Impact Management  
PSP16 Parking Standards  
PSP17 Heritage Assets and the Historic Environment  
PSP18 Statutory Wildlife Protection  
PSP19 Wider Biodiversity  
PSP20 Flood Risk, Surface Water, and Watercourse Management  
PSP21 Environmental Pollution and Impacts  
PSP43 Private Amenity Space Standards

## 2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted) 2007  
South Gloucestershire SPD: Residential Parking Standards (Adopted) 2013  
Affordable Housing and Extra Care Housing SPD (Adopted) April 2021.  
Community Infrastructure Levy (CIL) & Section 106 Planning Obligations Guide  
SPD – (Adopted) March 2021  
SPD: Development in the Green Belt (Adopted) 2007  
South Gloucestershire Council Waste Collection: guidance for new developments SPD (Adopted) Jan 2015  
Householder Design Guide SPD (Adopted) March 2021  
Trees and Development Sites: Guidance for New Development SPD (Adopted) April 2021

2.4 In terms of local plan policy, South Gloucestershire Council can demonstrate that it currently has a 5.52 year housing land supply. As such the development plan policies are considered to be up to date and for the purposes of decision taking, sustainable development proposals that accord with an up-to-date development should be approved (see NPPF para 11).

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

- 3.1 N1264 - Residential development on approx. 0.8 acres and construction of vehicular access (Outline)  
Refused 12<sup>th</sup> June 1975
- 3.2 N3794/1 - Erection of two detached houses and alteration to existing . (Outline).  
Refused 12<sup>th</sup> Feb. 1976
- 3.3 N1264/2 - Use of land for the storage of touring caravan.  
Approved 21<sup>st</sup> April 1983
- 3.4 P87/2572/F - Construction of car park, and extension to 'beer' garden. Alterations to existing vehicular access. (In accordance with the amended plans received by the council on 3<sup>rd</sup> December 1987.)  
Approved 28<sup>th</sup> Jan. 1988
- 3.5 P88/2687 - Erection of two detached dwellings and garages. Alterations to vehicular and pedestrian access (outline).  
Refused 12<sup>th</sup> Nov 1988
- 3.6 P89/1654 - Construction of extension to existing car park (in accordance with the submitted plans and additional plan received by the council on the 2ND may 1989).  
Approved 27<sup>th</sup> June 1989
- 3.7 P99/4104 - Creation of car park granted May 2001 drawing UPC/CA/00/4 showing car park to west of pub.  
Approved 1<sup>st</sup> Jan 2000
- 3.8 P19/7800/F - Subdivision of existing public house to form 1 No. dwelling and public house with 1 No. flat above. Erection of 3 No. detached dwellings, 1 No. detached garage, creation of access and associated works. Creation of public house car park.  
Approved 26<sup>th</sup> June 2020

### **4. CONSULTATION RESPONSES**

- 4.1 Wick & Abson Parish  
Wick and Abson Parish Council would like to object to this application due to the amount of properties on plot and no provision for affordable housing. We are also concerned regarding plans for drainage and are currently liaising with Wessex water for clarity of the capacity of the sewer, integrity of sewer and status of sewer.
- 4.2 Other Consultees  
  
Highway Structures  
No comment

Lead Local Flood Authority

No objection subject to a condition to secure a SUDS Drainage Scheme.

Sustainable Transport - Transportation DC

No objection subject to conditions to secure off street parking, electrical vehicle charging points and visitor parking.

Housing Enabling

Affordable housing is not sought at this site, as the size (0.4913ha) and number of dwellings does not meet the threshold for affordable housing, and the site is not within an area of AONB as stated in the National Planning Policy Guidance and other requirements under Policy CS18 of the Council's adopted Core Strategy Development Plan Document.

The Landscape Officer Natural & Built Environment Team

No objection subject to a condition to secure a Detailed Planting Plan and details of boundary treatments and hard landscape surface treatments, including proposed levels and any soil retention/retaining walls that may be required.

The Archaeology Officer Natural & Built Environment Team

No further work needed.

Listed Buildings & Conservation Officer

No comment

Environmental Protection (Noise)

No objection

Planning Enforcement

No response

Ecology Officer

No objection subject to standard conditions.

**Other Representations**

4.3 Local Residents

10no. local residents have objected and 1no. has registered support for the scheme. The concerns raised by the objectors are summarised as follows:

- Overdevelopment, too higher density.
- Plot 6 is too close to the boundary.
- Plot 6 too large in relation to the outside garden area.
- Inadequate amenity space provision, not in keeping with rural properties.
- No affordable housing provision.
- The A420 is too busy for the access; also near a junction.
- The triangle of land behind Plot 6 is not in the applicant's ownership.
- Adverse impact on wildlife.
- Lack of trees on the site.
- House and garage walls are too close to the boundaries.

- Plot 6 footprint too large and roof line too high – potential for dormers in the future.
- Inadequate drainage capacity.
- Loss of view.
- ACV covers the whole site.
- Loss of privacy from overlooking.
- The path leading into the site from Court View should be sealed off to deter parking in Court View.
- Insufficient on-site parking provision.
- No site levels on plans, unclear what earthworks would be carried out.
- The boundary hedge to no. 18 Court View should be retained and protected during construction.

The supporter considered that the scheme would improve the appearance of the site, which has been used as a tip.

## 5. **ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

5.2 The South Gloucestershire Local Plan: Core Strategy was adopted by the Council on 11th December 2013. By virtue of Section 38(6) of the Planning and Compulsory Purchase Act, the starting point for determining any planning decision will now be the Core Strategy, as it forms part of the adopted Development Plan and is generally compliant with the National Planning Policy Framework 2012 (NPPF). The Policies, Sites & Places Plan was adopted in Nov. 2017 and also now forms part of the Development Plan.

5.3 It has recently been established via the 2020 Annual Monitoring Review (AMR) that, using the Standard Method, South Gloucestershire can now demonstrate a 5.52 years housing land supply. The revised NPPF (para. 11) reiterates that; at the heart of the Framework is the presumption in favour of sustainable development. At para. 11 c) the NPPF states that development proposals that accord with an up-to-date development plan should be approved without delay.

5.4 Furthermore, The South Gloucestershire Local Plan Core Strategy adopted (Dec 2013) Policy CS4 replicates the NPPF in enforcing the presumption in favour of sustainable development. In accordance with the NPPF para. 38, Core Strategy Policy CS4A states that; when considering proposals for sustainable development, the Council will take a positive approach and will work pro-actively with applicants to find solutions so that sustainable development can be approved wherever possible. Policy CS17 of the Core Strategy sets out the importance of delivering a wide range of residential accommodation and makes specific reference to the importance of planning for inclusive and mixed communities.

- 5.5 Para. 111 of the NPPF promotes sustainable transport and states that development should only be prevented on transport grounds where the residual cumulative impacts of development are 'severe'.
- 5.6 It is noted that the NPPF puts considerable emphasis on delivering sustainable development and not acting as an impediment to sustainable growth, whilst also seeking to ensure a high quality of design and good standard of amenity for all existing and future occupants of land and buildings. The NPPF encourages efficient use of land and requires (para.60) the need to boost significantly the supply of homes.
- 5.7 Policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) Dec 2013 seeks to secure good quality designs that are compatible with the character of the site and locality.

#### Green Belt Issues

- 5.8 The site is located within the Green Belt and strict controls exist to guard against inappropriate development, which is harmful to the Green Belt by definition. Inappropriate development should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and all other harm resulting from the proposal, is clearly outweighed by other considerations.
- 5.9 Paragraphs 149 and 150 of the NPPF set out the forms of development that are not considered to represent inappropriate development. Policies CS5 and PSP7 reflect the guidance within the NPPF in terms of development in the Green Belt. When considering development within the Green Belt, the first consideration is whether the proposed development would represent inappropriate development. Consideration must then be given to the impact of the development on the openness of the Green Belt. Paragraph 148 of the NPPF states that local planning authorities should give substantial weight to any harm within the Green Belt. Paragraph 138 of the NPPF sets out the five purposes of Green Belt. These are set out below;
- a) to check the unrestricted sprawl of large built-up areas;
  - b) to prevent neighbouring towns merging into one another;
  - c) to assist in safeguarding the countryside from encroachment
  - d) to preserve the setting and special character of historic towns; and
  - e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

#### Inappropriate development

- 5.10 The NPPF at para. 137 states that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
- 5.11 Para. 149 of the Framework sets out that the construction of new buildings in the Green Belt should be regarded as inappropriate development, unless the development is one or more of a list of exceptions. These exceptions include the following:



e) limited infilling in villages;

The Framework does not provide a definition of 'limited', 'infill' or 'villages'.

- 5.12 Policy CS34 of the South Gloucestershire Core Strategy 2006-2027 (CS) relating to development in rural areas indicates, amongst other things, that the designated Green Belt will be protected. CS Policy CS5 indicates that within the Green Belt, small-scale development may be permitted within the settlement boundaries of villages shown on the Policies Map.
- 5.13 Policy PSP7 of the South Gloucestershire Local Plan : Policies, Sites and Places Plan (2017) sets out that "inappropriate development is harmful to the Green Belt and will not be acceptable unless very special circumstances can be demonstrated that clearly outweigh the harm to the Green Belt, and any other harm". Both Policy CS5 of the Core Strategy and Policy PSP7 of the PSPP are therefore consistent with the Framework in their approach to development within the Green Belt.
- 5.14 The plot lies within the village development boundary and is surrounded by housing and the retained public house. Only 5 houses are proposed which are considered to represent 'limited infilling' within the village and as such the development is not inappropriate within the Green Belt. Therefore, there is no need for the applicant to demonstrate very special circumstances or for officers to consider the effect of the proposed development on the openness or purposes of the Green Belt. Nevertheless, in order to protect the openness of the Green Belt, the removal of permitted development rights for future extensions or outbuildings etc. is considered justified in this case (as it was for phase 1)
- 5.15 There are currently no buildings on the site. However, in accordance with the Judgement of *Lee Valley Regional Park Authority, R (on the application of) v Epping Forest District Council & Anor (Rev 1) [2016] EWCA Civ 404*, if development is found to be not inappropriate, it should not be regarded as harmful either to the openness of the Green Belt or to the purposes of including land within the Green Belt (see APP/P0119/W/18/3214856 para.12).

#### Asset of Community Value

- 5.16 Prior to the determination of P19/7800/F, The Carpenters Arm PH and its grounds were designated an Asset of Community Value (ACV). The whole of the site (which includes the land the subject of this current application P21/00712/F) was originally listed following a nomination from the Parish Council. ACV's prevent the sale of properties until such time as local communities have had the opportunity to buy.
- 5.17 The considerations which are taken into account when a decision whether or not to list premises as an ACV are very different to those which have to be considered when deciding whether or not to grant planning permission. However, the ACV listing does not prevent an application for planning permission being considered or planning permission being granted. The existence of the ACV listing is merely one of the matters which must be taken

into account by the decision-maker when considering whether or not to grant planning permission.

- 5.18 In this case the nomination sought (March 2018) to ensure that the property i.e. The Carpenters Arms, would continue to be used in a way which was capable of furthering the social well-being or interests of the community. Having obtained a copy of the nomination, officers note that the description of the property's community use was stated on the nomination form as follows:

*“Previous clubs which were regularly organised within the pub included Darts, Pool, Fishing Club and Clay Pigeon club. The public house also arranged various charity functions and regularly has Music/Live entertainment including folk groups. This is a public house which is used often by locals for socialising and making/retaining friendships.”*

These issues were addressed under P19/7800/F which granted planning permission for :

*“Subdivision of existing public house to form 1 No. dwelling and public house with 1 No. flat above. Erection of 3 No. detached dwellings, 1 No. detached garage, creation of access and associated works. Creation of public house car park.”*

It is understood that at that time, a community group expressed an interest to purchase the property when it went up for sale but no agreement was reached. The pub has however been retained under P19/7800/F albeit on a reduced scale.

- 5.19 The whole of the site was originally listed as an ACV but the Council confirmed on 9 December 2020 that it had removed part of the site from the ACV listing following the grant and implementation of the planning permission P19/7800/F. It was only following the implementation of the planning permission that the Council was able to remove part of the site from the ACV listing because only at that point, did the land cease to be capable of furthering the social well-being or interests of the local community.
- 5.20 The remaining pub building and the area of land to the rear (that being the application site for this current application P21/00712/F) are therefore still covered by the original ACV listing, which does not expire until 2023. Although the entire site was originally listed, the real reason for the listing was to ensure retention of a community use in the pub building itself. This has now been secured and officers understand that an operator interested in taking the pub on, has already been found. The retained part of the former pub is still covered by the ACV listing and that will remain in place until it expires in 2023 although the owners are now free to sell it.
- 5.21 It is quite evident to officers that the area of land to the rear of the pub, which is the subject of this current planning application; does not contribute to the community social well-being or interest identified in the original nomination. As such, the fact that the land is still covered by the ACV is considered to carry

very little weight in this case and is not grounds to refuse planning permission.

#### Design and Impact on Character and Appearance

- 5.22 The new dwellings would be single storey with reconstituted stone front elevations and grey render walls to side and rear. Although dark grey tiled roofs are proposed, this colour would be out of keeping with the character of the area, hence a condition is proposed that the roof tiles would be brown. The plot has until recently formed an overgrown area of wasteland to the rear of the pub and was prone to regular fly-tipping. With the development of phase 1, the plot is now almost entirely enclosed by high boundary treatments and housing, so much so that it is now barely visible from the public realm. What vegetation existed on the site has now been cleared by the developers of phase 1 (which they were entitled to do, there being no TPO'd trees on the site and the site not being within a Conservation Area).
- 5.23 The location is predominantly residential in character. Whilst it is acknowledged that the character of the plot will change, this may to some extent enhance the visual character of the area. There is scope within the development for new landscaping which would compensate for the loss of any vegetation, such as it is/was.
- 5.24 The proposed dwellings continue the design themes and rationale of phase 1 and there is no compelling reason to suggest that the character of the location would be so adversely affected as to justify refusal of the application. The proposal would be sufficiently in-keeping with the established architectural vernacular of the village. There would therefore be no significant adverse impacts on the character and appearance of the location.

#### Transportation Matters

- 5.25 PSP11 requires that new developments should not generate traffic that would have an unacceptable impact on highway safety, create or contribute to severe congestion, severely impact the local road network or have an unacceptable impact on environmentally sensitive areas.

#### Access

- 5.26 The access to the site has already been approved by the Council as part of the earlier development on phase 1 (see application no. P19/7800/F). The access is considered to be acceptable to serve both developments phase 1 & 2, hence there is no objection to this current application in respect to the site access.

#### Parking

- 5.27 The car park for the micro pub remains unaffected by the proposed phase 2 development and the provision would remain the same as before. Parking for the proposed development has been assessed against the Council's minimum parking standards outlined under Policy PSP16. Officers are satisfied that the scheme provides adequate off-street parking and manoeuvring provision, although it is recommended that 2 visitor spaces also be provided; this can be secured by condition.

### Sustainable Location

- 5.28 The site lies within the village boundary in a sustainable location close to services and the main road to Chippenham/Bath.

### Impact on Residential Amenity

- 5.29 Policy PSP8 of the PSP Plan states 'Development proposal(s) will be acceptable provided that they do not create unacceptable living conditions or have an unacceptable impact on the residential amenity of occupiers of the development or of nearby properties. Unacceptable impacts could result from (but are not restricted to):

- a. loss of privacy and overlooking;
- b. overbearing and dominant impact;
- c. loss of light (daylight/sunlight);
- d. noise or disturbance; and
- e. odours, fumes or vibration'.

- 5.30 The layout of the proposed development has been designed so as to minimise its impact on neighbouring properties. It is considered that the proposal would not result in an undue loss of light to the neighbouring properties or have a dominant or overbearing impact.

- 5.31 It is noted that although the dwellings are essentially single-storey, some have accommodation in the roof spaces and others have the potential for accommodation in the roof space at some time in the future. Plots 4 & 5 are shown on the plans as having obscurely glazed windows with restricted opening, in the roof spaces facing neighbouring property; this can be secured and maintained in the future, by an appropriate condition. Furthermore, a condition to restrict any future insertion of additional dormers or roof lights can also be imposed. Views would to some extent be buffered by the retained hedgerows, boundary treatments and new planting secured via the landscape scheme.

- 5.32 Adequate residential amenity space would be provided in accordance with Policy PSP43.

It is considered therefore that, despite the concerns of some neighbouring residents, the proposed scheme has been carefully designed to take account of the existing adjacent residential properties. Having regard to the height, layout and window positions, the proposed new dwellings would not have either a significantly overbearing affect or loss of privacy on adjacent existing residents. In addition, future residents of the scheme would have satisfactory levels of residential amenity.

### Landscape Matters

- 5.33 The site lies within the urban area of Wick, which is washed over by the Green Belt, and is bounded to the:
- N and W by the gardens of existing housing;
  - E, by a public footpath route that follows the access road serving a couple of properties, beyond which is a vegetated corridor of the River Boyd; and

- S, by the Phase 1 development under construction, beyond which lies the A420 Church Road/High Street.

There is no significant tree cover remaining within the site itself.

- 5.34 The new housing will be visible from the adjoining section of the public footpath, and in private views from overlooking properties, but will be seen in the context of surrounding residential development. The latest revised Site Plan shows the existing hedges adjacent to nos, 18 and 22 Court View retained.
- 5.35 Subject to a condition to secure a robust scheme of landscaping, to include new tree/hedgerow planting, there are no landscape objections.

#### Ecology

- 5.36 A Preliminary Ecological Appraisal (Arbtech, August 2021) has been submitted. The site is not covered by any designated sites.
- 5.37 The site has recently been cleared, therefore it is unclear what habitats were present prior and a comprehensive assessment could not be undertaken. Some enhancements have been recommended which is welcomed, however there are further opportunities to enhance the site and replace any habitat that may have provided important ecological functions.
- 5.38 Subject to conditions to secure the mitigation measures recommended within the Ecological Appraisal and a bat sensitive lighting scheme there are no objections on ecological grounds.

#### Environmental Issues

- 5.39 The site lies in Flood Zone 1 and is not prone to flooding and has not been undermined for coal. The site is not the subject of excessive vibration or dust. The Council's Drainage Engineer has raised no objection to the proposal subject to a condition to secure a SUDS drainage scheme.
- 5.40 The impact of potential noise from the pub on residential amenity has been considered. At officer request a Noise Impact Assessment has been submitted which concluded that:

"The predicted sound levels from use of external areas were below the assessment criteria and therefore unlikely to cause significant adverse impact to occupants of the proposed residential properties.

The predicted sound levels from inside the public house at a time when amplified music is being played is also predicted to be significantly below the assessment criterion of no greater than the background sound level at the nearest proposed residential property. This provides a positive indication that sound breaking out of the public house building is likely to be virtually inaudible inside the nearest proposed residential property."

The Council's Environmental Protection Officer (noise) raises no objection to the proposal on noise grounds.

- 5.41 There is information to suggest historic use(s) of the site or land within 250m of the site as former quarries may have caused contamination which could give rise to unacceptable risks to the proposed development. A standard condition is therefore recommended to ascertain the level of any contamination and if found, the proposed matters in mitigation.

#### Affordable Housing

- 5.42 This application is for 5 No. units at the site known as The Carpenters Arms. It is noted that this application is phase 2 of the redevelopment of the Carpenters Arms site in Wick.
- 5.43 The application P19/7800/F formed phase 1 on land directly adjacent to this application. P19/7800/F has permission for the subdivision of existing public house to form 1 No. dwelling and public house with 1 No. flat and 3 No. detached dwellings – 5 No. units in total. An informative was submitted by the Enabling Team to this application advising that should any of the land immediately adjacent come forward for residential development then the whole site, including that current scheme would be considered for affordable housing. Housing Enabling are of the view that the land is within the same ownership and this is a material planning consideration when determining if the site triggers affordable housing.
- 5.44 In light of the above the Council is of the view that the above applications amount to site subdivision which is covered by Policy CS18 of the adopted Core Strategy and the adopted Affordable Housing and ExtraCare SPD.

#### Policy CS18 Core Strategy

*Similarly, where it is proposed to phase development, sub divide sites or where recent subdivision has taken place, or where there is a reasonable prospect of adjoining land being developed for residential purposes in tandem, the Council will take the whole site for the purpose of determining whether the schemes falls above or below the site thresholds for the provision of affordable housing.*

- 5.45 Affordable housing is not however sought at this site, as the overall size (0.4913ha) and net combined number of new dwellings (9) does not meet the threshold for affordable housing, and the site is not within an area of AONB as stated in the National Planning Policy Guidance and other requirements under Policy CS18 of the Council's adopted Core Strategy Development Plan Document.

#### CIL Matters & S106 Obligations

- 5.46 The latest South Gloucestershire Community Infrastructure Levy (CIL) & Section 106 Planning Obligations Guide SPD was adopted March 2021. CIL charging commenced on 1<sup>st</sup> August 2015 and this development, if approved, would be liable to CIL charging.
- 5.47 Consideration of likely impact on Equalities

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

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

#### Other Matters

- 5.48 During the course of this application, having regard to neighbour concerns, the Site Plan has been revised so that it no longer includes a triangular shaped piece of land to the North that is in separate ownership. The slab levels of the respective houses is now shown along with the garden sizes. The boundary treatments and retained hedgerows are also now shown.

#### Planning Balance

- 5.48 The proposal would make a positive contribution to the overall 5-year housing land supply within the County, albeit a small one which nevertheless does weigh in its favour; this matter carries moderate weight.
- 5.49 The scheme would make efficient use of what is otherwise an area of waste land within the village. The location is a sustainable one, adequately served by services and public transport alternatives.
- 5.50 Furthermore the social and economic benefits of the scheme are positive considerations, but given the small scale of the scheme, these would only carry limited weight.
- 5.51 The scheme is considered to be limited infilling within a village and as such is not inappropriate development within the Green Belt. Case history has established that; if development is found to be not inappropriate, it should not be regarded as harmful either to the openness of the Green Belt or to the purposes of including land within the Green Belt.
- 5.52 The purposes of the ACV have already been secured through application P19/7800/F. The additional houses would help to support the viability and vitality of the pub.
- 5.53 Given the matters offered in mitigation and secured by condition, the impacts on landscape, character and appearance and ecology are neutral. There are no severe adverse impacts on highway safety or residential amenity.
- 5.54 On balance therefore, officers consider this scheme to be sustainable development that should be approved without delay.

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

## **7. RECOMMENDATION**

- 7.1 That planning permission be GRANTED subject to the conditions listed below.

### **CONDITIONS**

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

Reason

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

2. The dwellings hereby approved, shall not be occupied until the respective car parking arrangements have been provided in accordance with the submitted details and retained as such thereafter.

Reason:

In the interest of highway safety and to accord with policies PSP 11 and PSP16 of the South Gloucestershire Local Plan : Policies Sites and Places Plan (Adopted) November 2017.

3. The dwellings hereby approved shall not be occupied until Electric Vehicle Charging points with a specification of 7Kw 32 Amps have been provided for each dwelling in accordance with details to be submitted to and approved in writing by the Local Planning Authority. Thereafter the charging points shall be maintained in accordance with the approved details.

Reason:

To promote sustainable travel and to accord with Residential Parking Standard SPD (Adopted) December 2013 and policy CS8 of South Gloucestershire Local Plan Core Strategy (Adopted) December 2013.

4. Prior to the first occupation of the dwellings hereby approved, two visitor parking spaces shall be provided on the site in accordance with details to be submitted to and approved in writing by the Local Planning Authority (it is recommended that these spaces are made parallel to the access road) and thereafter maintained as such in accordance with the approved details.



Reason:

To prevent on-street parking In the interest of highway safety and to accord with policies PSP 11 and PSP16 of the South Gloucestershire Local Plan : Policies Sites and Places Plan (Adopted) November 2017.

5. Prior to the commencement of development a scheme of landscaping, which shall include details of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection during the course of the development; proposed planting (and times of planting); boundary treatments and areas of hardsurfacing including proposed levels and any soil retention/retaining walls that may be required, shall be submitted to the Local Planning Authority for approval. Development shall be carried out in accordance with the agreed details.

Reason

To protect the character and appearance of the area to accord with Policy PSP2 of The South Gloucestershire Local Plan : Policies, Sites and Places Plan (Adopted) Nov. 2017 and Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework. This is a pre-commencement condition to ensure that the site can be appropriately landscaped.

6. No development shall commence until surface water drainage details including SUDS (Sustainable Drainage Systems e.g. soakaways if ground conditions are satisfactory), for flood prevention; pollution control and environmental protection have been submitted and approved by the Local Planning Authority. Thereafter the development hereby approved shall be carried out in full accordance with the drainage details so approved.

A detailed development layout showing the location of surface water proposals is required along with results of percolation tests and infiltration calculations to demonstrate that the proposal is suitable for this site.

No public surface water sewer is available.

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

- Confirmation and acceptance of an agreed connection point and discharge rate for surface water disposal from Wessex Water.
- A clearly labelled drainage layout plan showing the pipe networks and any attenuation ponds.
- 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.
- 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.

- The drainage layout plan should also show exceedance / overland flood flow routes if flooding occurs and the likely depths of any flooding.
- The plan should also show any pipe node numbers referred to within the drainage calculations.
- A manhole / inspection chamber schedule to include cover and invert levels.
- Ownership and/or responsibility, along with details of the maintenance regime in relation to the Surface Water Network and any components such as Attenuation/Infiltration features and Flow Control Devices where applicable for the lifetime of the development.

If privately maintained, the document should also consider any future sale scenarios and how tentative purchasers will also be made aware of their jointly vested highway and drainage assets.

Special Note: No surface water discharge will be permitted to an existing foul sewer without the expressed approval of the sewage undertaker.

Reason: To comply with Policy PSP20 of South Gloucestershire Local Plan: Policies, Sites and Plans Plan (Adopted) November 2017; Policy CS1 and Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and National Planning Policy Framework July 2021.

7. The development shall proceed in strict accordance with the Mitigation Measures provided in the Preliminary Ecological Appraisal (Arbtech August 2021).

Reason

In the interests of protected species and the bio-diversity of the location, to accord with Policy PSP19 of The South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) Nov. 2017 and Policy CS9 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec. 2013.

8. Prior to the first occupation of the dwellings hereby approved, a "lighting design strategy for biodiversity" for the boundary features and any native planting shall be submitted to and approved in writing by the local planning authority. The strategy shall:
  - Identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
  - Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.
  - All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason

To ensure there isn't excessive light spill onto adjacent habitats; in the interests of protected species and the bio-diversity of the location, to accord with Policy PSP19 of The South Gloucestershire Local Plan : Policies, Sites and Places Plan (Adopted) Nov. 2017 and Policy CS9 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec. 2013.

9. Prior to the first occupation of the development hereby approved, an Ecological Enhancement and Mitigation Plan is to be submitted to and approved in writing by, the local planning authority. Thereafter the details so approved shall be implemented in accordance with the timeframes approved.

This is to expand on the recommendations within the Preliminary Ecological Appraisal (Arbtech, August 2021) and to include mitigation for species including hedgehogs, badgers, GCN and reptiles. The enhancements are to include additional planting to enhance the existing hedgerow and replace habitat that may have provided ecological functions. Any fencing is to be made permeable to allow continued use for species such as hedgehogs. The plan is to include detailing of the locations and specifications of any ecological enhancements and times of implementation.

Reason

In the interests of protected species and the bio-diversity of the location, to accord with Policy PSP19 of The South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) Nov. 2017 and Policy CS9 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec. 2013.

10. Prior to the first use or occupation of the dwellings on Plots 4 and 5 hereby permitted, and at all times thereafter, the proposed first floor windows and rooflights on the West elevation shall be glazed with obscure glass to level 3 standard or above with any opening part of the window being above 1.7m above the floor of the room in which it is installed.

Reason

To protect the privacy and amenity of neighbouring occupiers, and to accord with Policy PSP8 of the South Gloucestershire Local Plan : Policies, Sites and Places Plan (Adopted) November 2017; the National Planning Policy Framework and guidance contained within the Householder Design Guide SPD (Adopted) March 2021.

11. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no windows/dormer windows or rooflights [other than those expressly authorised by this permission] shall be constructed at first floor level or within the roofspaces on the western elevations of plots 4, 5 and 6 as indicated on the approved plans. .

Reason

To protect the privacy and amenity of neighbouring occupiers, and to accord with Policy PSP8 of the South Gloucestershire Local Plan : Policies, Sites and Places Plan (Adopted) November 2017; the National Planning Policy Framework and guidance contained within the Householder Design Guide SPD (Adopted) March 2021.

12. There is information to suggest historic use(s) of the site or land within 250m of the site as former quarries may have caused contamination which could give rise to unacceptable risks to the proposed development.

A) Desk Study - Previous historic uses(s) of the site and/or land within 250m of the site may have given rise to contamination. No development shall commence until an assessment of the risks posed by any contamination shall have been carried out and submitted to and approved in writing by the local planning authority. This assessment must be undertaken by a suitably qualified contaminated land practitioner, in accordance with British Standard BS 10175 Investigation of potentially contaminated sites and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), and shall assess any contamination on the site, whether or not it originates on the site.

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

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

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

C) Verification Strategy - Prior to first occupation, where works have been required to mitigate contaminants (under condition B) a report providing details of the verification demonstrating that all necessary remediation works have been completed satisfactorily shall be submitted to and agreed in writing by the Local Planning Authority.

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

Reason

There is information to suggest historic use(s) of the site or land within 250m of the site as former quarries may have caused contamination which could give rise to unacceptable risks to the proposed development. To ensure that adequate measures have been taken to mitigate against possible ground contamination and to accord with policy CS9 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013 and Policy PSP21 of The South Gloucestershire Local Plan Policies Sites and Places Plan (Adopted) 8th Nov. 2017 and The National Planning Policy Framework. This is required prior to commencement in the interest of the future occupiers of the site

13. The hours of working on site during the period of construction shall be restricted to 07:30 to 18.00 Monday to Friday and 08:00 to 13:00 on Saturdays with no working permitted on Sundays or Bank 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 Policies PSP8 and PSP21 of The South Gloucestershire Local Plan: Policies Sites and Places Plan (Adopted) 8th Nov. 2017.

14. The development shall be pursued in accordance with the following plans and reports:

Site Plan (Phase 2) Drawing No. 2025-31 Rev E received 20th July 2021  
Plots 4 & 5 Floor Plans and Elevations Drawing No. 2025-32 Rev A received 8th Feb. 2021

Plot 6 Plans Drawing No. 2025-34 Rev B received 1st March 2021

Plot 6 Elevations Drawing No. 2025-35 Rev A received 8th Feb. 2021

Plot 7 Plans and Elevations and Plot 8 handed Drawing No. 2025-36 Rev A received 8th Feb. 2021

Topographical Survey Drawing No. A580/10813/1 Rev A received 11th April 2021

Location Plan received 19th April 2021

Reason:

In the interests of clarity and to prevent the need for remedial action.

15. Notwithstanding the proposed roof tile colour of grey shown on the plans hereby approved and listed in Condition 14 above, the roof tiles of the dwellings hereby approved shall be brown.

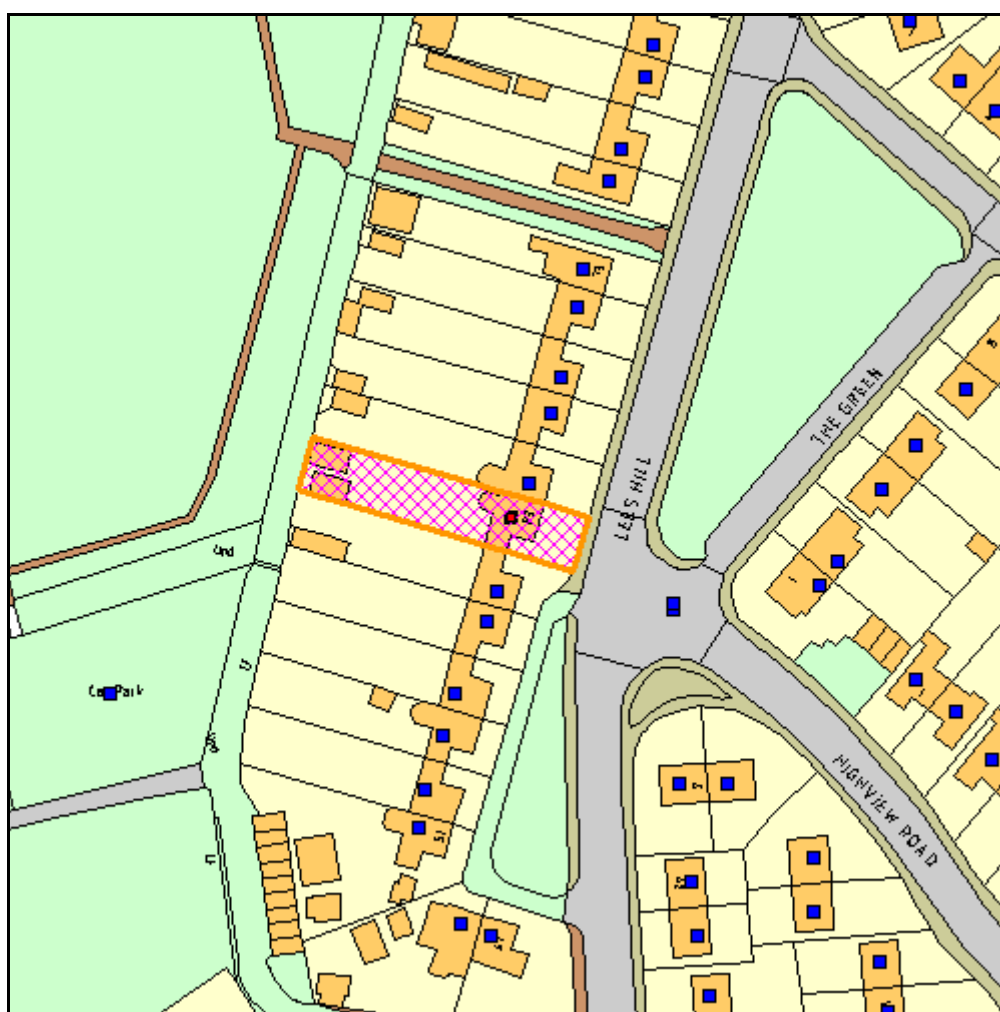
Reason

To protect the character and appearance of the area to accord with Policy PSP1 of The South Gloucestershire Local Plan : Policies, Sites and Places Plan (Adopted) Nov. 2017 and Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

**Case Officer: Roger Hemming**  
**Authorising Officer: Helen Ainsley**

**CIRCULATED SCHEDULE NO. 38/21 -24th September 2021**

<b>App No.:</b>	P21/01616/F	<b>Applicant:</b>	Mr McCarthy
<b>Site:</b>	63 Lees Hill Kingswood South Gloucestershire BS15 4TW	<b>Date Reg:</b>	22nd March 2021
<b>Proposal:</b>	Erection of two storey side extension and single storey rear and front extension to form additional living accommodation.	<b>Parish:</b>	None
<b>Map Ref:</b>	365408 174727	<b>Ward:</b>	New Cheltenham
<b>Application Category:</b>	Householder	<b>Target Date:</b>	10th May 2021



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P21/01616/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 Referral to Circulated Schedule**

This application appears on the Circulated Schedule as a result of objections received, contrary to Officer recommendation.

## **1. THE PROPOSAL**

- 1.1 The application is for the erection of a two storey and single storey rear extension and front porch to provide additional living accommodation.
- 1.2 The property is a semi-detached dwelling, located within the residential area of Kingswood.

## **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
  - CS8 Access/Transport

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

- PSP1 Parking Standards
  - PSP8 Residential Amenity
  - PSP16 Parking Standards
  - PSP38 Development within Existing Residential Curtilages

- 2.3 Supplementary Planning Guidance  
South Gloucestershire Design Checklist (Adopted) 2007.  
South Gloucestershire Parking Standards SPD  
Householder Design SPD (Adopted March 2021)

## **3. RELEVANT PLANNING HISTORY**

None relevant

## **4. CONSULTATION RESPONSES**

- 4.1 Parish Council  
No Parish

- Sustainable Transportation  
No objections



## Other Representations

### 4.2 Local Residents

Three individual letters of objection have been received, from the same address, although from different people. They raise similar points as follows:

*'1. The application site shares a party wall with No. 61. No provision for this is made in the application therefore we do not agree with this and is part of our objections*

*2. The application site appears to be partly on ground that is the property of No. 61. We are not agreeable to the application.*

*3. The application site is in an elevated position and therefore has an adverse effect to No. 61. We object strongly.*

*4. The application site is overbearing and will overlook the garden of No. 61. We object strongly.*

*5. The construction and further maintenance of the site will not be possible without access to the garden of No. 61. This is not agreeable to us. We are concerned about the impact that a large building will have on the settlement of the end of our house due to the coal mining in the area. We request that a full ground survey is undertaken.*

*The proposed building would be against the existing design and scale of the existing buildings and be overtly dominant and overbearing. The proposed building would also be very much out of character with the street scene in terms of appearance and scale.*

*Number 63 is roughly in the middle of properties numbered 47 -85 all built to the same design. Not only would the proposed building be dominant and overbearing, out of character and scale with the neighbouring properties and described run of properties but it would also have a negative visual intrusion and look an unsightly development.*

*We note that previous applications in the last few years on properties that form the above referred row of houses have had a condition attached that the materials to be used in the construction of the external surfaces of the extensions permitted match those used in the existing building.*

*As referred above, no. 63 also shares a party wall with no. 61 and sits on higher ground to number 61 by about 60 cm. This is important, as issues such as privacy and overlooking, dominance and overbearing, along with overshadowing and loss of light and visual intrusion are made considerably worse because of the difference in ground levels.*

*Please also bear in mind that the applicant at the time of building a new garage raised the ground height of the bottom part of his garden by about 1.5m and this has already resulted in a loss of privacy and being overlooked. We would also suffer a greater and unacceptable sense of enclosure along with an overwhelming feeling of being hemmed in, because of the close proximity and height of the extension.*

*Based on the plans the party wall divides room no.63 i.e. utility and kitchen cupboards, which is different to no.61, which is part of our kitchen and a separate WC.*

*The proposed side and rear extension would also have a dramatically adverse effect on our enjoyment of our property.*

*Our concerns are we believe are reasonable and realistic and we have borne in mind the previous decisions in respect of the recent planning applications in respect of the above-described run of near houses in considering what objections to make.*

*We have raised serious concerns over the application form as there are simply too much inaccurate and misleading information provided by the applicants representative.*

*The plans are also misleading and only shows the building being a semi-detached with number 65 and does not show a party wall with number 61. Unfortunately, the applicant did not contact us prior to submitting the application nor has even made us aware of any such proposal.*

*Though we only became aware of the application well into the process, we have written to the applicant to see if he was amenable to reach some common ground. The applicant has not replied.*

*Therefore, no agreement on any matter has been reached with the applicant.'*

## **5. ANALYSIS OF PROPOSAL**

### **5.1 Principle of Development**

Extensions to 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 issues for consideration in this respect therefore are whether the proposals have an adverse impact on the amenities of nearby occupiers and whether the design of the proposal is sufficiently in keeping with the site and surroundings.

### **5.2 Design**

The comments above are noted. The two storey side extension is subservient and set down at a lower level than that of the main ridge of the existing property. It is also hipped, reflecting the roof of the main dwelling. Whilst there do not appear to be examples of two storey extensions in the row of properties referred to above, at present, each application should be addressed on its own

individual merits. As stated above residential extensions to existing dwellings are acceptable in principle, subject to detailed development control consideration, including in terms of design. The South Gloucestershire Householder Design Guidance suggests of side extensions that they should be subservient in character and scale to the host dwelling, including in terms of width, ridgeline and set back. The proposals are no more than half the width of the principle elevation, is set back slightly from the main front building line, with the roof ridge lower, and subservient to the main dwelling. In this respect it is considered that the two storey proposals do suitably follow design guidance and do therefore satisfactorily comply with policy in design terms. It is considered that the relatively modest porch area and the single storey rear extension are also acceptable and integrate reasonably with the within the proposals and the host dwelling. Materials are proposed to match the existing dwelling and a condition reflecting this is also recommended.

### 5.3 Residential Amenity

The comments above are noted. Notwithstanding this it is considered that the plans and details can be viewed sufficiently clearly in context with the actual site and surroundings to enable full consideration of the application. The raised issues of shared boundaries, ownership and the party walls are civil/legal matters that will need to be addressed between the properties involved, in conjunction with the provisions of the Part Wall Act, where applicable. Planning permission does not grant rights to use, develop, carry out works on or access land not within the applicants' control. Notwithstanding this the application site does have a (single storey) linked attachment with the adjacent property. On the drawings submitted, the proposed ground floor plan shows the remaining party wall still in situ after the link has been detached. The proposed side extension is then clearly shown as a separate structure sited away from the shared boundary with the adjacent boundary on this elevation.

- 5.4 The application site is on a slightly elevated position as it is built on Lees Hill. As discussed in the design section above, the side extension is subservient and set down at a lower level than that of the main ridge of the existing property. The two storey element will extend close to the edge of but within the application site boundary, there will remain a minimum 3m gap between the first floor levels of the two houses. All primary windows at the adjacent property from habitable rooms are positioned to the front and rear with no side facing habitable rooms. In addition the proposed roof has been hipped on all sides to further reduce any impact and maintain light to neighbouring properties. In terms of depth of the proposed first floor rear extension it is proposed to extend out only 2m from the rear of the property. This is within the scale that it is suggested, within Householder Design Guidance, is likely to be acceptable for two storey extensions on or near shared boundaries, and given the detached nature of the adjacent dwellings is considered acceptable in this instance. In addition to this the gardens of each property are in excess of 28 metres long, and this would also serve materially reduce any considerations of impact upon amenity space or being hemmed in. The single storey front and rear elements are also, due to their scale and relative location, not considered to give rise to material overbearing impacts, in terms of local amenity.

- 5.5 In terms of potential overlooking impact the two proposed rooms at the rear of the property (a bathroom and en-suite) are considered non habitable rooms and will have obscured glazing. No side windows are proposed.
- 5.6 Given therefore the length, size, location and orientation of the proposals and the relationship with other properties in the area, the proposals are not considered to give rise to any additional significant or material overbearing or overlooking impacts on adjacent properties, sufficient to warrant objection and sustain refusal of the application on these grounds, in this instance.
- 5.7 The proposals in this instance have not been required to submit a coal mining report on the basis of their location. If the proposal is acceptable in planning terms, it will then continue to a Building Regulations application. The Building Control Team will determine if a further site investigation or ground survey is required.
- 5.9 Transportation.  
The proposals would create an extra bedroom making the property a four bedroom dwelling. Two off street parking spaces are required in order to comply with the Council's off-street parking requirements, which the submitted plans show are already in place. Although the proposed front extension would reduce the length of the existing parking area, 5.3m can still be achieved which is considered acceptable, and on this basis There are no transportation objections and the proposals are considered acceptable.
- 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 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 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 (Refs 80592 Rev A), received by the Council on the 14th and 19th March 2021.

Reason:

To define the terms and extent of the permission.

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

Reason

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

4. No windows other than those shown on the plans hereby approved shall be inserted at any time in the south elevation of the property.

Reason

To protect the privacy and amenity of neighbouring occupiers, and to accord with PSP38 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan and the National Planning Policy Framework.

5. Prior to the use or occupation of the extension hereby permitted, and at all times thereafter, the proposed first floor windows on the west elevation shall be glazed with obscure glass to level 3 standard or above and thereafter retained as such.

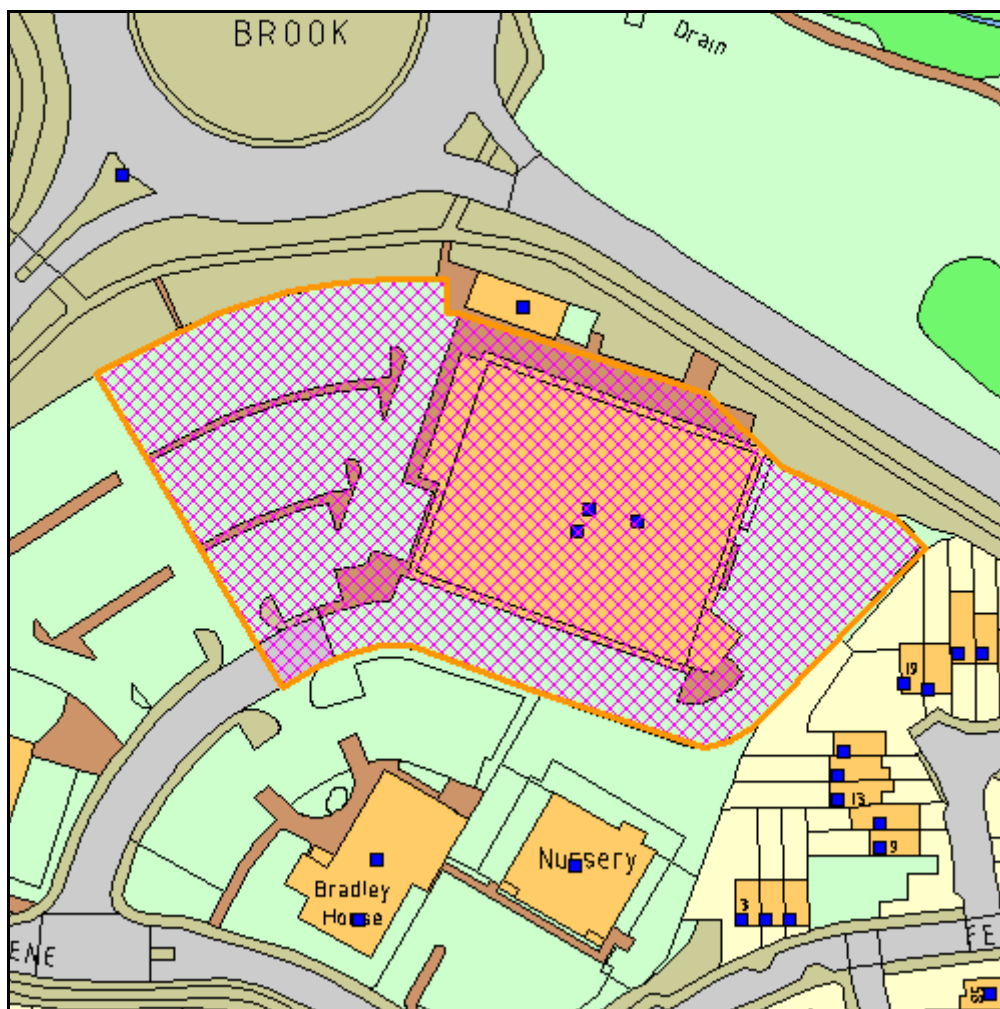
Reason

To protect the privacy and amenity of neighbouring occupiers, and to accord with PSP38 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan and the National Planning Policy Framework.

**Case Officer: Simon Ford**  
**Authorising Officer: David Stockdale**

**CIRCULATED SCHEDULE NO. 38/21 -24th September 2021**

<b>App No.:</b>	P21/02146/RVC	<b>Applicant:</b>	Aldi Stores Limited
<b>Site:</b>	Aldi Brook Way Bradley Stoke South Gloucestershire BS32 9DA	<b>Date Reg:</b>	29th March 2021
<b>Proposal:</b>	Variation of condition 1 attached to planning permission PT17/2750/RVC to alter the hours of working to 06:30 -21:00 Monday to Saturday (inclusive) and 07.00 - 19:00 Sundays and Public Holidays. (Variation of original permission P95/2750-Retention of retail foodstore and associated car park without complying with Condition 06 attached to Planning Permission P94/0020/415 restricting the hours of working at the premises).	<b>Parish:</b>	Bradley Stoke Town Council
<b>Map Ref:</b>	361188 182513	<b>Ward:</b>	Bradley Stoke North
<b>Application Category:</b>	Minor	<b>Target Date:</b>	19th May 2021



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P21/02146/RVC

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 has been referred to the Circulated Schedule due to the Town Council's comments.

### **1. THE PROPOSAL**

1.1 The application has been submitted under section 73 of the Town and Country Planning Act 1990 and seeks permission for the variation of condition 1 attached to planning permission PT17/2750/RVC to alter hours of working at premises for opening and delivery. During the course of the application, the applicant agreed to reduce the proposed opening and delivery hours in order to address the officers' concerns. The (amended) proposed hours are: 6.30am – 9pm Monday to Saturday (inclusive) and 7am – 7pm Sundays and Bank Holidays, i.e. the proposal is to extend 30 minutes in the morning Monday to Saturday. The agent also agreed that the proposed change of hours will only be a temporary of 12 months to allow the applicant and the local planning authority to review the situation. The description of the proposal has also been updated to reflect the changes. In addition, a 'Quiet Delivery Scheme' was submitted to support the application.

1.2 Condition 1 on application PT17/2750/RVC currently reads as follows:

*The hours of working at the premises shall be restricted to 7 am - 9 pm Monday to Saturday and 7 am - 7 pm Sundays and Public Holidays. The term working shall for the purpose of clarification of the condition, include: the use of any plant or machinery (mechanical or other) the carrying out of any maintenance work on any plant or machinery and the movement of vehicles within the curtilage of the site. Any use of the site outside these hours shall have the prior written consent of the Council.*

#### *Reason*

*To minimise disturbance to the occupiers of nearby dwellings, and to accord with the provisions of the National Planning Policy Framework 2012.*

1.3 The application relates to a retail unit situated (ALDI food store) within the small retail park located off Brook Way, Bradley Stoke. The site falls within the Urban Area in the North Bristol Fringe.

1.4 There have previously been variations to the working hours at the site as part of permissions ref. PT11/3524/RVC, PT12/2513/RVC, PT15/0811/RVC and PT17/2750/RVC. Section 3 of this report provides full details.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

National Planning Policy Framework July 2021  
National Planning Practice Guidance



## 2.2 Adopted Development Plans

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

CS1 High Quality Design  
CS5 Location of Development  
CS9 Managing Environment and Heritage  
CS25 Communities of the North Fringe

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

PSP1 Local Distinctiveness  
PSP8 Residential Amenity

## 2.4 Supplementary Planning Guidance

None relevant

## 3. RELEVANT PLANNING HISTORY

- 3.1 PT17/2750/RVC Variation of condition no. 1 attached to planning permission PT15/0811/RVC to alter hours of working at premises for opening and delivery to 7 am - 10 pm Monday to Saturday (inclusive) and 7 am - 7 pm Sundays and Public Holidays.

Approved 25<sup>th</sup> August 2017 for the following hours

- *The hours of working at the premises shall be restricted to 7 am - 9 pm Monday to Saturday and 7 am - 7 pm Sundays and Public Holidays. The term working shall for the purpose of clarification of the condition, include: the use of any plant or machinery (mechanical or other) the carrying out of any maintenance work on any plant or machinery and the movement of vehicles within the curtilage of the site. Any use of the site outside these hours shall have the prior written consent of the Council.*

- 3.2 PT15/0811/RVC Variation of condition 1 attached to planning permission PT12/2513/RVC to alter hours of working at premises to 7am - 10pm Monday to Saturday and 9am - 5pm Sundays and Public Holidays. Approved 7<sup>th</sup> April 2015 for the following hours

- *The hours of working at the premises shall be restricted to 7 am - 10 pm Monday to Saturday (inclusive) and 9 am - 5 pm Sundays and Public Holidays. The term working shall for the purpose of clarification of the condition, include: the use of any plant or machinery (mechanical or other) the carrying out of any maintenance work on any plant or machinery and the movement of vehicles within the curtilage of the site. Any use of the site outside these hours shall have the prior written consent of the Council.*

- 3.3 PT12/2513/RVC Variation of condition 1 attached to planning permission PT11/3524/RVC to alter the hours of working at the premises to 7.00 am - 09.00 pm Monday to Saturday and 10.00 am - 05:00 pm Sundays and public holidays. Approved 14<sup>th</sup> September 2012 for the following hours

- *The hours of working at the premises shall be restricted to 7 am - 9 pm Monday to Saturday and 10 am - 5 pm Sundays and Public Holidays. The*

*term working shall for the purpose of clarification of the condition, include: the use of any plant or machinery (mechanical or other) the carrying out of any maintenance work on any plant or machinery and the movement of vehicles within the curtilage of the site. Any use of the site outside these hours shall have the prior written consent of the Council.*

3.4 PT11/3524/RVC Removal of condition 2 (No deliveries whatsoever shall be made to the shop on Sundays of Public Holidays without the prior written consent of the Council) attached to planning permission P95/2750 and variation of condition 1 to alter the hours of working at the premises to 6am - 8pm Monday to Saturday and 8am - 6pm Sundays and public holidays. Part Approval 4<sup>th</sup> January 2012 for the following hours

- *The hours of working at the premises shall be restricted to 7 am - 8 pm Monday to Saturday and 10 am - 4 pm Sundays and Public Holidays. The term working shall for the purpose of clarification of the condition, include: the use of any plant or machinery (mechanical or other) the carrying out of any maintenance work on any plant or machinery and the movement of vehicles within the curtilage of the site. Any use of the site outside these hours shall have the prior written consent of the Council.*

3.5 P95/2750 Retention of retail food store and associated car park without complying with Condition 06 attached to Planning Permission P94/0020/415 restricting the hours of working at the premises. Approved. 3<sup>rd</sup> July 1996 for the following hours

- *The hours of working at the premises shall be restricted to 7 am - 8 pm Monday to Saturday and 10 am - 4 pm Sundays and Public Holidays. The term working shall for the purpose of clarification of the condition, include: the use of any plant or machinery (mechanical or other) the carrying out of any maintenance work on any plant or machinery and the movement of vehicles within the curtilage of the site. Any use of the site outside these hours shall have the prior written consent of the Council.*
- *No deliveries whatsoever shall be made to the shop on Sundays of Public Holidays without the prior written consent of the Council.*

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

4.1 Bradley Stoke Town Council – no objection on condition that HGC deliveries do not commence until 8am.

4.2 Sustainable Transport - no objection

4.3 Environmental Protection – raised concerns to the original proposed hours, but is satisfied with the amended hours on a temporary of 12 months trial period.

#### **Other Representations**

4.4 Local Residents  
No comments received

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

5.1 Principle of Development

The application has been submitted under section 73 of the Town and Country Planning Act 1990 which allows applications to be made for permission to develop without complying with a condition(s) previously imposed on a planning permission. The local planning authority can grant such permission unconditionally or subject to different conditions, or they can refuse the application if they decide that the original condition(s) should continue. As stated within paragraph 56 of the NPPF, which is further reiterated within the NPPG, planning conditions should only be imposed where they are: necessary, relevant to planning, and to the development permitted, enforceable, precise and reasonable in all other respects.

5.2 Since the determination of application ref. PT17/2750/RVC there have been some changes in local planning policy. The Policies, Sites and Places (PSP) Plan has been formally adopted. The most relevant adopted policy to this application is PSP8 (Residential Amenity). This sets out that development proposals will be acceptable providing they do not create unacceptable living conditions or have an unacceptable impact on the residential amenity of occupiers of the development or of nearby properties. Whilst this is a material consideration in decision making, it is not considered that the change in policy since the determination of the previous application materially alters the assessment of the current application.

5.3 The reason for restricting opening hours under condition 1 on application PT17/2750/RVC is to safeguard the amenity of the nearby occupiers. The pertinent issue to consider therefore is residential amenity. Other relevant matters include the impact of the development on highway safety and on the environment.

5.4 Residential Amenity

The purpose of condition 1 is to restrict the hours of working within which machinery (mechanical or other) can be used, maintenance work on any plant or machinery can be undertaken, and the movement of vehicles within the curtilage of the site can take place. The area within which these activities would predominantly take place would be the service yard area which is to east of the building. The service area is adjacent to residential properties on 'Ferndene'. The close proximity of these dwellings to the retail unit is the reason why the condition is imposed and remains a necessity in order to safeguard the amenity of the occupiers during the night time period.

5.5 The site has been subject to a number of planning history regarding the changes of opening and delivery, the following table is the summary of the changes since the grant of the consent for the existing building:

Planning Applications	Mon – Sat Approved hours	Sun & P/H Approved hours	Other restrictions / noted
P94/0020/415	7am – 7pm	None	
P95/2750	7am – 8pm	10am - 4pm	No deliveries on Sundays and Public Holiday

PT11/3524/RVC	7am – 8pm	10am – 4pm	Removed the condition 2 – delivery hours
PT12/2513/RVC	7am – 9pm	10am – 5pm	
PT15/0811/RVC	7am – 10pm	9am – 5pm	
PT17/2750/RVC	7am – 9pm	7am – 7pm	

5.6 This current application is to extend the approved hours to the following hours:

P21/02146/RVC	6.30am – 9pm	7am – 7pm
---------------	--------------	-----------

The Town Council's comments are noted. Officers also noted that the covering letter has indicated a number of positives with good store design of internal loading, however, due to the proximity to the nearby residents, there are some concerns that the potential noise break out and transmission from vehicle movements near and on site would adversely impact the amenity of the neighbouring properties. Although the Government has temporarily lifted delivery hours during the recent pandemic and the applicant has suggested that deliveries have been made to the store regularly in the early hours, there aren't sufficient information or evidence to support the original proposed hours. In particular, no detailed noise report was submitted with this application. To address this concern, the applicant is willing to reduce the hours, i.e. 6.30am (instead of 5.30am) on a 12 months trial period, to allow the applicant and the local planning authority to collect the data and review the situation after the trial period. Therefore, a planning condition is imposed to secure this.

5.7 Highway Safety

Given the location of this store, officers consider that it is unlikely that this change would create an impact which is either severe or unacceptable. Therefore, there is no highway objection.

5.8 Environmental Protection

The proposal is to slightly change to the opening and delivery hours, and no change is proposed to the existing use. Therefore, there would not be any material adverse impact in this regard.

5.9 Consideration of likely impact on Equalities

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

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

## **6. CONCLUSION**

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The recommendation to vary condition 1 has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 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 condition 1 is varied to read as follows:

For the period of 12 months from the date of this Notice of Decision, the hours of working at the premises shall be restricted to 6.30am - 9pm Monday to Saturday (inclusive) and 7am - 7pm Sundays and Public Holidays. The term working shall for the purpose of clarification of the condition, include: the use of any plant or machinery (mechanical or other) the carrying out of any maintenance work on any plant or machinery and the movement of vehicles within the curtilage of the site. Any use of the site outside these hours shall have the prior written consent of the Council.

## **CONDITIONS**

1. For the period of 12 months from the date of this Notice of Decision, the hours of working at the premises shall be restricted to 6.30am - 9pm Monday to Saturday (inclusive) and 7am - 7pm Sundays and Public Holidays. The term working shall for the purpose of clarification of the condition, include: the use of any plant or machinery (mechanical or other) the carrying out of any maintenance work on any plant or machinery and the movement of vehicles within the curtilage of the site. Any use of the site outside these hours shall have the prior written consent of the Council.

### **Reason**

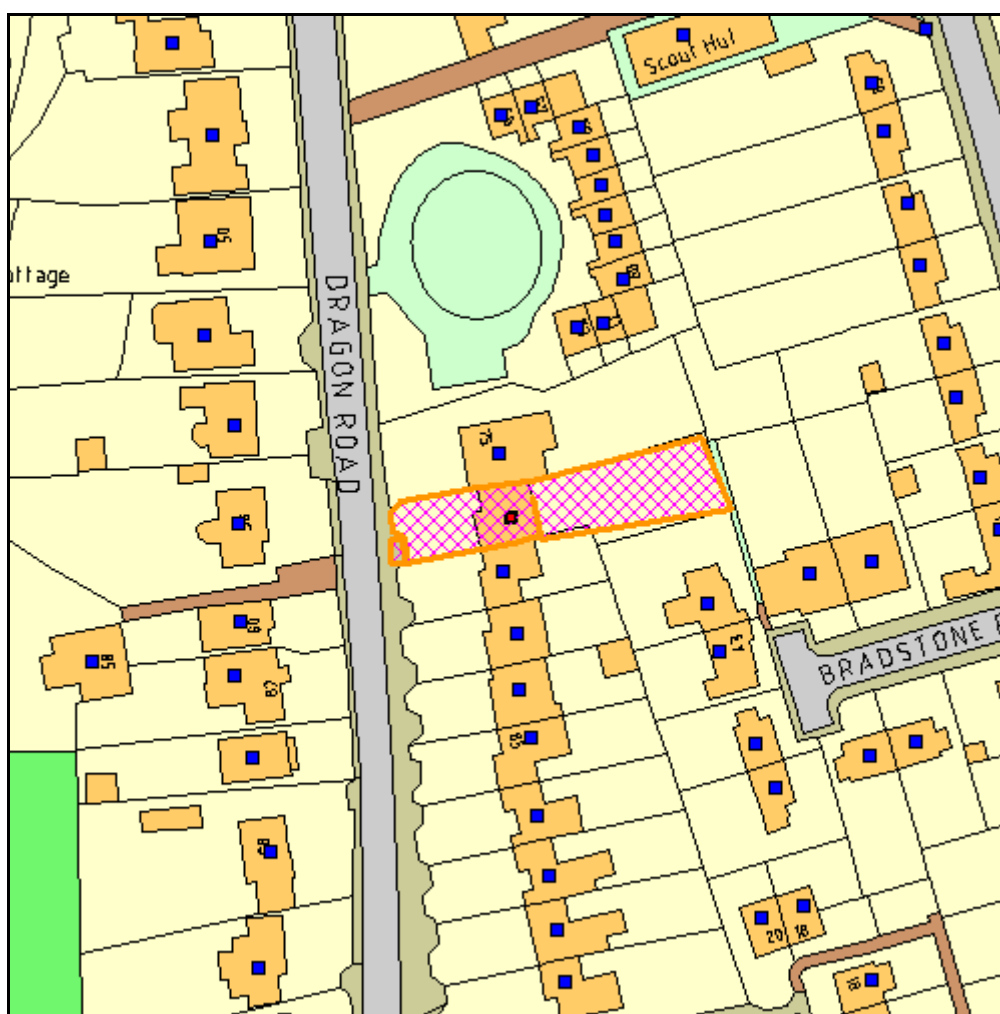
To minimise disturbance to the occupiers of nearby dwellings, and to accord with Policy PSP8 and PSP31 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted November 2017), and Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013), and the provisions of the National Planning Policy Framework 2012.

**Case Officer: Olivia Tresise**

**Authorising Officer: David Stockdale**

**CIRCULATED SCHEDULE NO. 38/21 -24th September 2021**

<b>App No.:</b>	P21/04656/F	<b>Applicant:</b>	Mr And Mrs D Dewey
<b>Site:</b>	77 Dragon Road Winterbourne South Gloucestershire BS36 1BH	<b>Date Reg:</b>	3rd July 2021
<b>Proposal:</b>	Erection of two storey and single storey rear extension and front porch to provide additional living accommodation.	<b>Parish:</b>	Winterbourne Parish Council
<b>Map Ref:</b>	364835 180232	<b>Ward:</b>	Winterbourne
<b>Application Category:</b>	Householder	<b>Target Date:</b>	19th August 2021



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P21/04656/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 Referral to Circulated Schedule**

This application appears on the Circulated Schedule due to the receipt of a letter of objection from the Parish Council.

## **1. THE PROPOSAL**

- 1.1 The application is for the erection of two storey and single storey rear extension and front porch to provide additional living accommodation.
- 1.2 The property is an end of linked detached dwelling, located within the residential area of Winterbourne. Perry Almshouses, a listed building exist to the north of the site, however there is a large residential property and associated residential curtilage between it and the application 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
CS8	Access/Transport

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

PSP1	Parking Standards
PSP8	Residential Amenity
PSP16	Parking Standards
PSP38	Development within Existing Residential Curtilages

- 2.3 Supplementary Planning Guidance  
South Gloucestershire Design Checklist (Adopted) 2007.  
South Gloucestershire Parking Standards SPD  
Householder Design SPD (Adopted March 2021)

## **3. RELEVANT PLANNING HISTORY**

N8115 - Erection of a two storey side extension and alterations to garage to form kitchen with bathroom W.C. and additional bedroom over (in accordance with the revised plans received by the Local Planning Authority on 25th June, 1982). Approved 29<sup>th</sup> July 1982

## 4. CONSULTATION RESPONSES

### 4.1 Winterbourne Parish Council

The comments of the Parish Council are Objection. The Parish Council have concerns regarding lack of adequate parking.

#### Sustainable Transportation

The plans submitted show that there is sufficient parking available within the site boundary to comply with South Gloucestershire Council's residential parking standards. On that basis, there is no transportation objection raised.

#### Conservation/Listed Buildings Officer

No comment

#### Archaeology Officer

No comment

### Other Representations

### 4.2 Local Residents

Two letters of objection have been received, as follows:

1. *'The statement of significance is incorrect on a number of points. No.77 is a 1960's property with a significant 1980s extension. No.79 does not have a large garden, it has a small rear garden none of which is within the curtilage of a listed building. No. 79 does not have a two storey extension or any extension at all.*

*Whilst it is true that No 75 has been extended in a similar fashion to the proposed extension to No 77 the circumstances are entirely different. No 75 is situated next to the Alms-houses which have extensive grounds and No 77 which itself has a large garden. No 79 has a small back garden which will be adversely affected by the proposal, so the extension to No 75 should in no way set a precedent for No 77.*

*The proposed extension to No. 77 is huge and overbearing and an overdevelopment of the plot. At a minimum, it will take the light out of the dining room and bedroom and possibly the kitchen of No. 79 and ruin the rear aspect. It will overshadow the garden of No, 79 and block out much of the sky. This 2 storey 3m rear extension to No 77 will run adjacent to almost the entire length of the rear garden of No 79. Additionally, the proposed extension is far too close to the boundary with No, 79. In short its impact on No 79 is disastrous.*

*The proposal is out of keeping and disproportionate to the other properties in this row. No.77 has already been extended to form a 4 bedroom property and any further extension would have a very negative impact on No 79 and affect its value.'*

#### 2.' 1) *Statement of Significance*

*There are several errors in this statement. I assume the author is the council's listed building officer. The author confuses no 79 with our house no 75. No 75*



*and no 77 have longer gardens than 79.*

*With the exception of my house NONE of the houses in the rank are detached. They are all link detached.*

*The houses (75-91) were built in the 1960s not 1980s. No 77 was extended in 1982. My house was extended in 2006. No 81 was also extended at some point from its original construction.*

*2) Applicants plans for 3 metre extension to rear of no 77*

*The plans details 3 metre rear 2 storey extension with the line of the proposed new extension continuing from the existing house wall. As such the development will require an existing rear boundary wall dividing both properties to be demolished. This is a party wall. The house wall of no 77 facing no 75 is also a party wall. Any work to the existing house wall or boundary wall (including demolition) requires our consent as we own half of it.*

*We do not object to the application on the understanding (discussed and agreed in principle with the applicants) that before works commence:-*

*a) Pursuant to the Party Wall Act - a party wall agreement with detailed method statement for all aspects of the build along the boundary is entered into between us as owners of no 75 and the applicants as owners of no 77.*

*b) A new rear wall of similar height to the existing wall to be constructed from the end of the proposed new extension to join with the existing rear fence. If for any reason the development is substantially delayed and the wall has been demolished then in order to ensure privacy a new temporary 7ft fence to be erected between the 2 properties in line with the current rear fence.*

*c) Title to the party wall of the existing house and new extension is transferred to the applicants and that the transfer documents are prepared in advance by Solicitors acting for the applicant for our approval. All building costs, professional fees and land registry fees to be borne by the applicants.'*

## **5. ANALYSIS OF PROPOSAL**

### **5.1 Principle of Development**

Extensions to 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 issues for consideration in this respect therefore are whether the proposals have an adverse impact on the amenities of nearby occupiers and whether the design of the proposal is sufficiently in keeping with the site and surroundings.

- 5.2 It is of note that the original submission incorporated changing the single gable side elevation to a twin gable and extending out to the rear at two storey level across the whole width of the dwelling. Revised plans have subsequently been submitted which now retain the side elevation, as existing with the single wider gable, whilst extending at two storey to the rear, within the same roofline as existing, with a small single storey extension on the south elevation, nearest to the boundary.

### 5.3 Design

The comments above are noted. Under the revised proposals the extension would mainly be a continuation of the existing building/roof line in gable form across part of the rear of the dwelling. This is considered acceptable on this rear elevation and satisfactorily integrates with the existing building. The single storey extension is relatively small and essentially infills a small corner between the side of the extension and the garage. It is of flat roof construction, which in this instance given its size and location integrates acceptably. Materials would be acceptable. The proposals are considered to be of an acceptable standard in design and would be an acceptable addition, taking into account the main dwelling house and surrounding area. No objection is raised to the design of the porch.

### 5.4 ResidentialAmenity

The comments above are noted. The references to issues within the text of the submission are also noted. The applicant has sought to clarify on this. Notwithstanding this it is considered that the plans and details can be viewed sufficiently clearly in context with the actual site and surroundings to enable full consideration of the application. Under the revised proposals the extension would mainly, i.e. in terms of the two storey element be a continuation of the existing building/roof line in gable form across part of the rear of the dwelling. The single storey extension is relatively small and essentially infills a small corner between the side of the extension and the garage.

5.5 The revisions essentially remove the previous two storey element from close to the shared boundary at the south of the site, which is replaced with a single storey extension, thus reducing any potential amenity impact in this respect. The two storey element is set sufficiently away from the boundary such as to sufficiently reduce any overbearing impact. It is not considered that the single storey element would give rise to a material impact. To the north the relationship between the two properties is such that the rear building lines would be similar.

5.6 Given therefore the length, size, location and orientation of the proposals and the relationship with other properties in the area, the proposals are not considered to give rise to any additional significant or material overbearing or overlooking impacts on adjacent properties, sufficient to warrant objection and sustain refusal of the application on these grounds, in this instance. The raised issues of shared boundaries, ownership and the party walls are civil/legal matters that will need to be addressed between the properties involved, in conjunction with the provisions of the Party Wall Act, where applicable. Planning permission does not grant rights to use, develop, carry out works on or access land not within the applicants' control.

### 5.7 Transportation.

The comments above regarding parking provision are noted. The existing garage will remain and there is a driveway and off road parking areas to the front of the dwelling. The plans submitted show that there is sufficient parking available within the site boundary to comply with South Gloucestershire Council's residential parking standards. On that basis, there is no transportation objection raised.

## 5.8 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 set out above, and to all the relevant material considerations set out in the report.

## 7. RECOMMENDATION

7.1 That planning permission is granted.

### CONDITIONS

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

Reason

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

2. Condition: The development/works hereby permitted shall only be implemented in accordance with the plans as set out in the plans list below:  
Location Plan and Existing and Plans and Elevations (2121/01), received by the Council on the 25th June 2021 and Revised Proposed Plans and Elevations (2121/02A), received by the Council on the 4th August 2021.

Reason:

To define the terms and extent of the permission.

3. The tiles to be used in the development hereby permitted shall match those of the existing building in colour, texture and profile.

Reason

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

4. No windows other than those shown on the plans hereby approved shall be inserted at any time in the south elevation of the property.

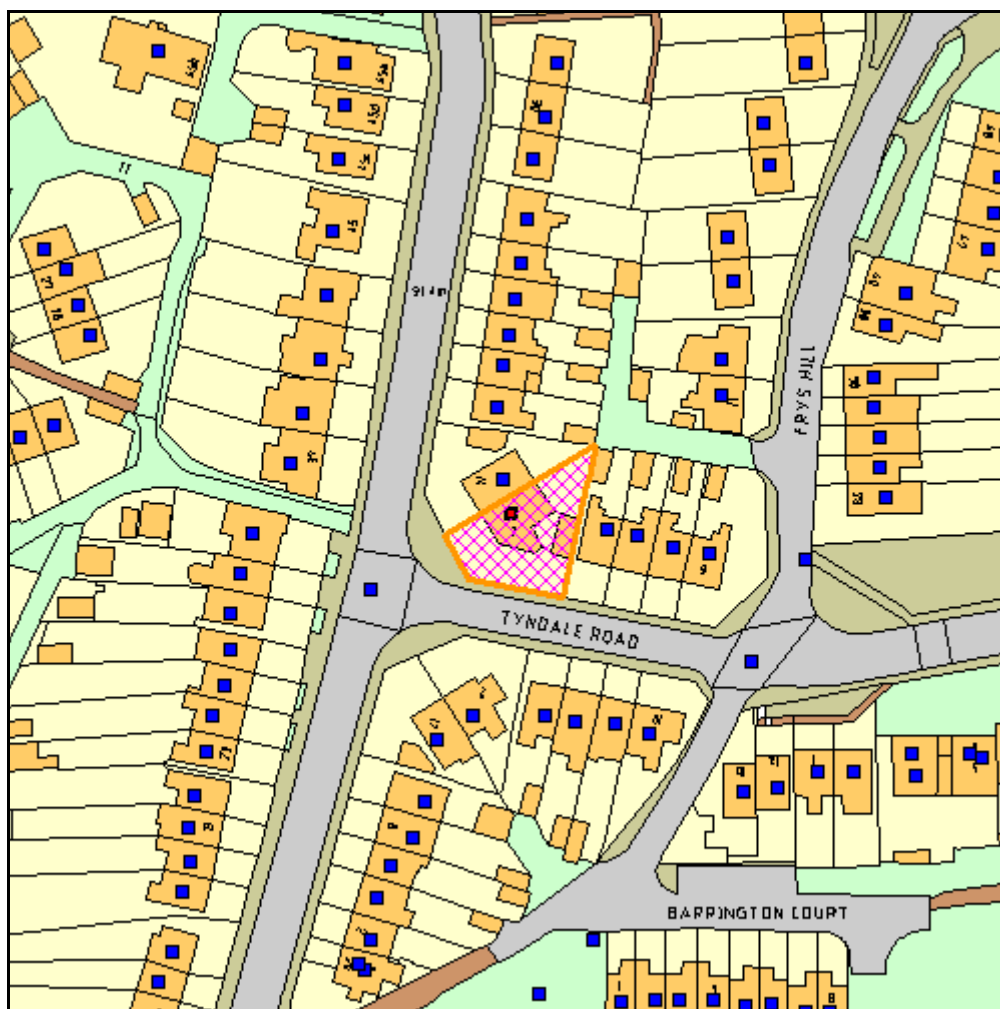
Reason

To protect the privacy and amenity of neighbouring occupiers, and to accord with PSP38 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan and the National Planning Policy Framework.

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

**CIRCULATED SCHEDULE NO. 38/21 -24th September 2021**

<b>App No.:</b>	P21/04885/F	<b>Applicant:</b>	Ms/Ms Edith/Ruth Simon/Gichuhi16, Plus Care Support Solutions Ltd
<b>Site:</b>	1 Tyndale Road Kingswood South Gloucestershire BS15 4QH	<b>Date Reg:</b>	16th August 2021
<b>Proposal:</b>	Change of use from dwellinghouse (Class C3) to supported living accommodation for children and young persons aged between 10 and 17 years (Class C2) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended) (Retrospective).	<b>Parish:</b>	
<b>Map Ref:</b>	365435 174546	<b>Ward:</b>	New Cheltenham
<b>Application Category:</b>	Minor	<b>Target Date:</b>	27th September 2021



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 100023410, 2008. N.T.S. P21/04885/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.

## **CIRCUALTED SCHEDULE**

This application appears on the Circulated Schedule following a number of objections from local residents.

### **1. THE PROPOSAL**

- 1.1 The applicant seeks retrospective planning permission for the Change of use from dwellinghouse (Class C3) to supported living accommodation for children and young persons aged between 10 and 17 years (Class C2) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended).
- 1.2 The application site relates to a two-storey semi-detached extended dwelling house, 1 Tyndale Avenue in the established settlement boundary of Kingswood.
- 1.3 It is noted that the attached semi, 14 Lees Hill, is also subject to a similar retrospective change of use application P21/04885/F. Each application will be assessed on its own merits against relevant current planning policies.

### **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
CS20	Extra Care Housing
CS29	Communities of the East Fringe of Bristol

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

PSP1	Local Distinctiveness
PSP8	Residential Amenity
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP39	Residential Conversions, Subdivision, and HMOs

- 2.3 Supplementary Planning Guidance  
South Gloucestershire Household Design (Adopted) 2021)  
South Gloucestershire SPD: Residential Parking Standards (Adopted) 2013  
Community Infrastructure Levy (CIL) & Section 106 Planning Obligations Guide  
SPD – (Adopted) March 2015  
South Gloucestershire Council Waste Collection: guidance for new  
developments SPD (Adopted) Jan 2015

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

- 3.1 No planning history

### 4. **CONSULTATION RESPONSES**

- 4.1 Parish/Town Council  
The area is unparished

#### **Internal Consultees**

- 4.2 Designing out crime officer:  
No objection

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

- 4.3 Sustainable Transport  
No objection

#### **Other Representations**

- 4.4 Local Residents  
14 letters of objection have been received from local residents. The points raised are summarised as:
- This is not the right area for troubled children
  - Concerned value of property will go down
  - Owner of property only interested in money, not the existing residents of street
  - Already have anti-social behaviour caused by the residents
  - Noise, possible drug dealing,
  - No supervision of the youths so police called
  - Such properties do not offer the facilities or space for this use
  - Stress and anxiety created for existing residents – some have already moved
  - Planning application for adjacent property at 14 Lees Hill for similar proposal should be taken into consideration
  - Objections (30) for previously withdrawn application P21/04454/CLP should be taken into account
  - Parking – more often than not cars park outside the property with all four wheels on pavement

- Dispute assertion that amenities area nearby – e.g. nearest gym is a mile away
- Accommodation does not comply with standards set by Dept of Education’s guide to the Children’s Homes Regulations as there is limited indoor and outdoor space
- Adverse impact on health and wellbeing of neighbourhood many of whom are elderly or very young children
- Existing children’s homes should be used instead of residential properties
- Garden very small
- Use of two properties next to each other is extra concerning
- Police have been called on numerous occasions due to disturbances
- Staff do not seem to be able to control or de-escalate situations
- Not a good idea to have two such properties next door to one another – should be spaced out to help integrate residents into community
- 16 Plus Care is a business not a charity – government is being called upon to stop councils placing under 18s in unregulated accommodation
- Paragraph 130 of NPPF among other things states places should be safe and should not undermine the quality of life or community cohesion. My family do not feel safe here.

## **5. ANALYSIS OF PROPOSAL**

5.1 The applicant seeks retrospective permission for the Change of use from dwellinghouse (Class C3) to supported living accommodation for children and young persons aged between 10 and 17 years.

### 5.2 Principle of Development

The application stands to be assessed against the above listed policies and all material considerations. There is no single policy that covers the conversion of a residential dwelling to a care home. Policy PSP39 Residential conversions, Sub-divisions and Houses in Multiple Occupation has useful policy areas that can be used as headings by which to assess this scheme. These are discussed below in more detail but the principle of development of this kind can be acceptable given its location within a settlement boundary.

### 5.3 Justification/Background information for Change of use:

Details included in the submission state the retrospective change of use of the property would provide supported care for up to 3 children. It is understood that this use has been operational since November 2019. It is stated that 16 Plus Care Support Solutions Ltd is a health and social care company which provides 24 hour care and support for children and young people in care, as well as leavers from that system. The company broadly operates throughout the Gloucester and Bristol areas.

5.4 It is confirmed by the applicant that the premises operate as a Children’s Care Home in accordance with the Regulatory Guidance and Inspection of Ofsted-England and stated that since the company’s launch in 2017 it has provided employment for more than 40 people and care and residency for over 30 people.



- 5.5 The aim of the company *is to provide a stable, safe and secure living environment for children and young people to provide them with a home and encourage them and help them to development fulfil their full potential.*
- 5.6 With regards to the operation of the premises the company must prove there is adequate and proper supervision. The applicant states that the premises has trained, experienced and competent staff in place 24 hours per day – sometimes there will be more than 2 staff in the premises. Curfews are in place requiring residents to be at the placement by 23:00 hours. Should a resident not be in place there may be a requirement to report the matter to the Police. All police attendances to the site are logged, the premises has CCTV and all visitors are vetted by staff and social workers.
- 5.7 Visual character of the area:  
This is a change of use application and there would be no physical alterations to the property. The area is acknowledged as being residential and the property is currently classed as a residential house. The change to a Class C2 for the purposes of caring for young people would still mean the property would be in residential use albeit slightly different to a family home.
- 5.8 Residential amenity for the residents and impact on neighbours:  
Comments have been received regarding the amount of outside space. The number of residents would be up to 3 people with generally 1 carer staying overnight. The property has 4 bedrooms. It is acknowledged that its corner position means the rear garden is relatively small at some 50 sqm, but the property could be occupied by a family of this size, or even larger, and the garden is no smaller than those in the immediate vicinity. It would therefore not be reasonable to refuse the change of use on the basis of the size of the existing garden to which no changes are being made.
- 5.9 Other comments state amenities are some distance from the site. It is however noted that there are a number of parks/playing fields in close proximity for example Lees Hill Playing Field is around 260 metres from the property which could be used for leisure activities by residents.
- 5.10 A number of comments have raised the matter of anti-social behaviour, noise and disturbance and the Police having to be called out on several occasions. This is acknowledged as are the comments on the resulting impact on local residents.
- 5.11 The Designing-Out Crime Officer is part of the Neighbouring Policing Support Team and was asked to comment on the proposal. He has assessed the application under the appropriate paragraphs of the NPPF and concludes the proposal complies with crime prevention through environmental design principles.
- 5.12 It is acknowledged that the proposal does not neatly fit into the remit of designing out crime in new development as this is an existing neighbourhood and the proposal is for the change of use from a family home to a care home. However, the same advice would apply for both in that any anti-social

- behaviour should be reported to the correct authority which in this case would be the Police.
- 5.13 Parking and highway matters:  
There is no proposal to extend the existing property - the scheme simply seeks to change the use in order to provide a child support unit. With regards to staffing provision, it is understood that the premises will have staff in place 24 hours per day and sometimes there will be more than 2 staff on the premises.
- 5.14 Current off-street parking for the existing house includes one parking space in front of the existing garage it is understood that there would be no change to the existing parking arrangements for the property.
- 5.15 Comments from local residents are noted but in traffic terms and with regard to the small scale of the development, it is not considered that the proposal will result in any significant change in traffic movements to and from the premises when compared to the extent residential use nor would it result in significantly more on street parking. Any inconsiderate parking should be referred to the Police Authority.
- 5.16 Given the above the proposed change of use would not adversely affect road safety and as such there is no transportation objection to this application.
- 5.17 Refuse store:  
The use of the house as a care home would not interfere with or add to the existing refuse collection arrangement for a residential property.
- 5.18 Conclusion  
The above assessment has shown that the retrospective proposal for the change of use of a 4 bed residential house in Kingswood to a care home for up to 3 young people plus carer(s) would not be contrary to policy and can therefore be supported.
- 5.19 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.
- 5.20 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.
- 5.21 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.

### 5.22 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.

### 5.23 *Value of property:*

This is not a planning matter and so does not fall under the remit of a planning assessment.

### 5.24 *Unregulated:*

This is outside the remit of a planning application, however it has been confirmed that the company operate as a Children's Care Home in accordance with the Regulatory Guidance and Inspection of Ofsted-England.

## 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.

### **CONDITIONS**

1. Development shall be in accordance with the submitted plans:

As received by the LPA on 12.7.21:

Location plan

Existing floor plan

As received by the LPA on 16.8.21:

Proposed floor plan

Reason:

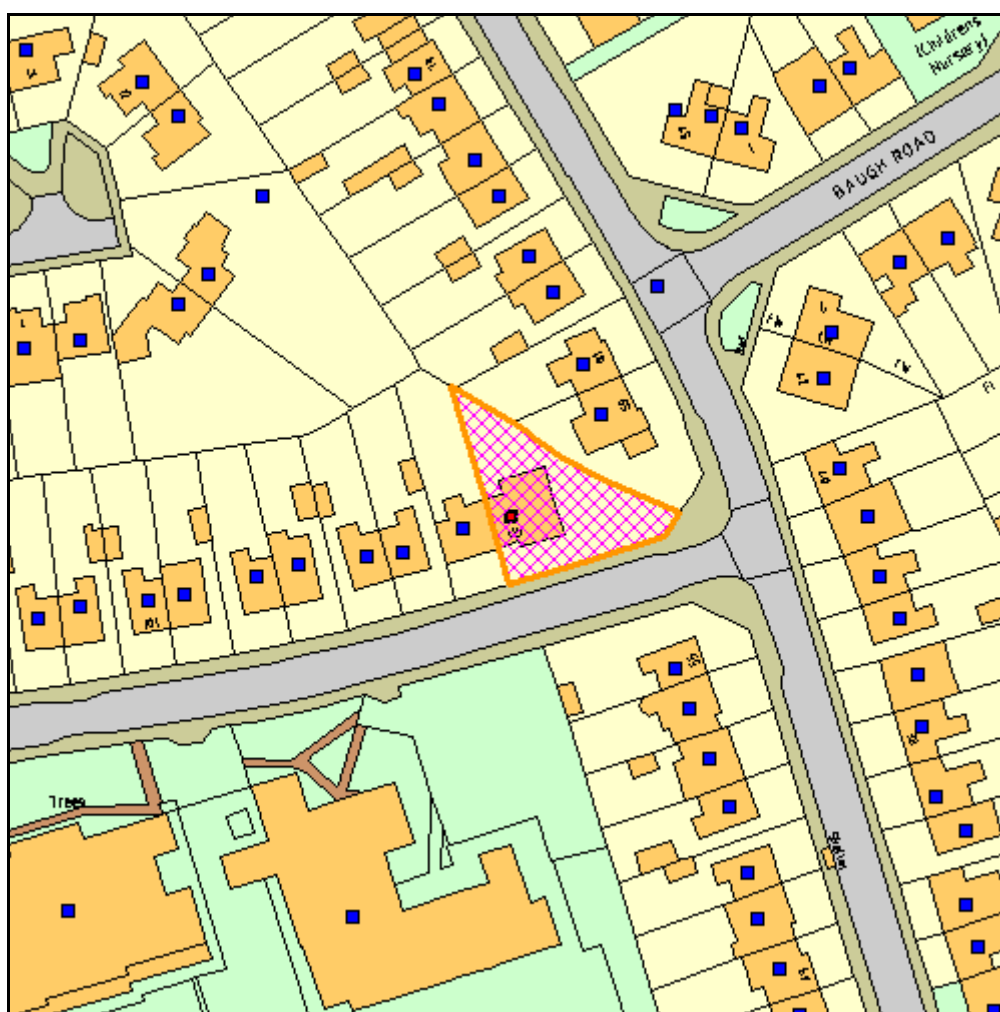
For the avoidance of doubt.

**Case Officer: Anne Joseph**

**Authorising Officer: Helen Ainsley**

**CIRCULATED SCHEDULE NO. 38/21 -24th September 2021**

<b>App No.:</b>	P21/05044/F	<b>Applicant:</b>	Mr Trevor Clark
<b>Site:</b>	115 Quakers Road Downend South Gloucestershire BS16 6NJ	<b>Date Reg:</b>	26th July 2021
<b>Proposal:</b>	Erection of a first floor side extension to form additional living accommodation. (Resubmission of P21/02960/F).	<b>Parish:</b>	Downend And Bromley Heath Parish Council
<b>Map Ref:</b>	365330 177985	<b>Ward:</b>	Frenchay And Downend
<b>Application Category:</b>	Householder	<b>Target Date:</b>	14th September 2021



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P21/05044/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 Downend and Bromley Heath Parish Council, which is contrary to the officer's recommendation.

## 1. THE PROPOSAL

- 1.1 The application seeks full planning permission for the erection of a first floor side extension to form additional living accommodation, as detailed on the application form and illustrated on the accompanying drawings.
- 1.2 The application site can be found at 115 Quakers Road, is set within a good sized plot, and is an existing two storey semi-detached property. It is located within the residential area of Downend.
- 1.3 This application is a resubmission of the previously refused application P21/02960/F.
- 1.4 The previous application P21/02960/F proposed the following changes to the host dwellinghouse of 115 Quakers Road, Downend;
  - *A hipped to gable end pitched roof was proposed to what is currently a pair of semi-detached hipped roof dwellings, located on a road and within a vicinity where hipped roof dwellings are a predominant feature of the dwellings;*
  - *The proposed side extension was not subservient; so not set down from the host dwellinghouse ridge nor set back from the principal façade and therefore considered to create an imbalance on the pair of semi-detached dwellings and considered to create an incongruous feature which would also be at odds with the general characteristics of the streetscene;*
  - *An additional front dormer was proposed to the existing front façade alongside the existing front dormer. It was considered to be too large, and extending it to the main ridge was also considered a further incongruous feature which would dominate the street scene;*
  - *A large imposing window was proposed to front façade beneath a small pitched roof element to the middle of the front facade which was considered not in keeping with the host dwellinghouse and its surroundings; and*
  - *A large window was proposed to the second floor side elevation, potentially giving rise to increased levels of overlooking and loss of privacy upon the neighbouring private curtilage.*
- 1.5 This revised application proposes to overcome the above concerns which were behind the refusal for 115 Quakers Road in the following way:
  - *Maintain the hipped roof style of the host dwellinghouse, ensuring that a balance is maintained across the pair of semi's and that it retains this particular characteristic of the streetscene;*

- *The side extension is now proposed subservient to the host dwellinghouse, as it is to be set down from the original ridge and set back from the principal façade;*
- *No additional front dormer is now proposed. As part of this application, it is proposed to centralise the ridge of the existing front dormer so as to create an improved aesthetic appearance to the streetscene;*
- *A more appropriately sized window is now proposed to the front façade, instead of the 'large imposing window' with the small pitched roof. This proposed window is now more in keeping with the existing fenestration of the front façade; and*
- *No large window is proposed to the second floor side elevation. Alternatively rooflights are now proposed which should reduce any potential overlooking concerns and loss of privacy to any adjacent neighbouring properties.*

1.4 As part of the assessment and determination of this application, and following negotiations of the originally submitted proposal, a revised scheme has now been submitted, which includes the removal of the erection of 1No detached garage and a 1.8 meter boundary wall, which were both to be located forward of the principal elevation of the host dwellinghouse. Furthermore, the extended front dormer has also been omitted, and the overall proposed first floor extension has been sited subservient and set back from the host dwellinghouse.

## **2. POLICY CONTEXT**

### 2.1 National Guidance

National Planning Policy Framework July 2021  
National Planning Practice Guidance

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

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

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

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

### 2.3 Supplementary Planning Guidance

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

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

3.1 P21/02960/F. Erection of a first floor side extension to form additional living accommodation. Refused. 24/06/21.

Refusal Reasons:

- *The proposals, by reason of their overall form, scale, proportions and roof would result in the property having an ungainly appearance and would, due to the visual incompatibility of the structures result in a discordant and incongruous addition to the host property. The proposal is therefore not considered to exhibit the highest standards of design and site planning and is therefore contrary to Policies CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and; PSP1 and PSP38 of the South Gloucestershire Local Plan: Policies Sites and Places Plan (Adopted) November 2017 and the provisions of the South Gloucestershire Household Design Guide SPD (Adopted 2021).*
- *The hipped to gable extension would add a gable end to what is currently a pair of semi-detached hipped roof dwellings, located on a road where this is a predominant feature of the dwellings. This would be considered to create an imbalance on the pair of semi-detached dwellings and be an incongruous feature, at odds with the general characteristics of the streetscene. The proposal is therefore not considered to exhibit the highest standards of design and site planning and is therefore contrary to Policies CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and; PSP1 and PSP38 of the South Gloucestershire Local Plan: Policies Sites and Places Plan (Adopted) November 2017 and the provisions of the South Gloucestershire Household Design Guide SPD (Adopted 2021).*
- *The proposed extension would have an unacceptable impact upon the privacy and amenity of the adjoining property's amenity space, contrary to Policies CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and; PSP1, PSP8 and PSP38 of the South Gloucestershire Local Plan: Policies Sites and Places Plan (Adopted) November 2017 and the provisions of the South Gloucestershire Household Design Guide SPD (Adopted 2021).*

3.2 K7245 – Single storey side extension and front extension. Approved 10/8/92

### **4. CONSULTATION RESPONSES**

4.1 Downend and Bromley Heath Parish Council

1No letter of Objection received –

- *Overdevelopment; and*
- *Out of keeping with other houses in the local area.*

4.2 Other Consultees

Sustainable Transport – Transportation DC

Comments made –

- *The only comment we have is that the front 1.8m high boundary wall attached to the proposed garage should be set back to the corner of the*

*garage to provide indivisibility between pedestrians and a vehicle leaving the adjacent parking space.*

## **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. The South Gloucestershire Council Householder Design Guide Supplementary Planning Document (SPD) seeks to further clarify and expand on the design guidance and policy requirements set out under policy. Whilst the proposal is within the residential curtilage of the property, the development will require to be subject to the relevant design considerations below.
- 5.3 The proposal is for planning permission for the erection of a first floor side extension to form additional living accommodation. Consequently the main issues to deliberate are the impact on the character of the area and the principle dwelling; the impact development may have on the amenities of neighbouring occupiers and the resultant dwelling; and the proposals impact on highway safety/parking provision.
- 5.4 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.
- 5.5 The first floor side extension will have a maximum width of 4.0 metres and will be to an overall depth of 7.8 metres, and will be set back from the original front facade. It will have a hipped end pitched roof with 5No rooflights, and will maintain the existing eaves height of the host dwellinghouse and now will be stepped down from the existing ridge. It features 3No windows to the first floor; 1No bay window to the front overlooking the public realm; 1No window to the rear, and 1No window to the side elevation, both overlooking the private



amenity space. The proposal also includes to the ground floor, internal alterations and the replacement of the 1No window to the ground floor side elevation with 1No bifold doors. The existing garage door would also be replaced by 1No window, overlooking the public realm.

5.6 The extension has been proposed through its design to complement the existing dwelling in the choice of materials, details and components, ensuring that the aesthetical appearance of the dwelling continues to compliment neighbouring properties, matching materials and components to the existing dwelling where possible, and therefore the scale and form of the proposed extensions will respect the proportions and character of the existing dwelling.

5.7 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.

5.8 The impact on residential amenity has been assessed in terms of the surrounding neighbouring properties. Although the proposed first floor side extension maintains the existing eaves height and it will not protrude any further than that of host dwellinghouse footprint, officers are satisfied that any impact will be minimal. Accordingly, officers are satisfied that the proposed development would not result in a significant overbearing impact to the occupants of the neighbouring property.

5.9 In terms of overlooking, the only additional openings will be into the existing private amenity space. Therefore the impact on residential amenity has been assessed in terms of the surrounding neighbouring properties. Given the scale, built form and location of the proposed extensions, they should not create any overbearing or dominant impacts to the adjacent properties.

5.10 Transport

Policy PSP16 of the Policies, Sites and Places Plan sets out the Councils parking standards. As the site plan indicates that there is space for 3No off street car parking spaces available, the proposal is therefore considered compliant with the South Gloucestershire Council parking standards.

5.11 Private Amenity Space

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

5.12 Consideration of likely impact on Equalities

The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society; it sets out the different ways in which it is

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

5.13 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 **GRANTED**.

### CONDITIONS

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

Reason

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

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

115/01 Existing Plans (Date received 20/07/21)

115/02 Existing Elevations (Date received 20/07/21)

4142 P1 Rev A Proposed Elevations (Date received 21/09/21)

4142 P2 Rev A Proposed Floor Plans (Date received 21/09/21)

4142 P3 Rev A Proposed Roof Plans (Date received 21/09/21)

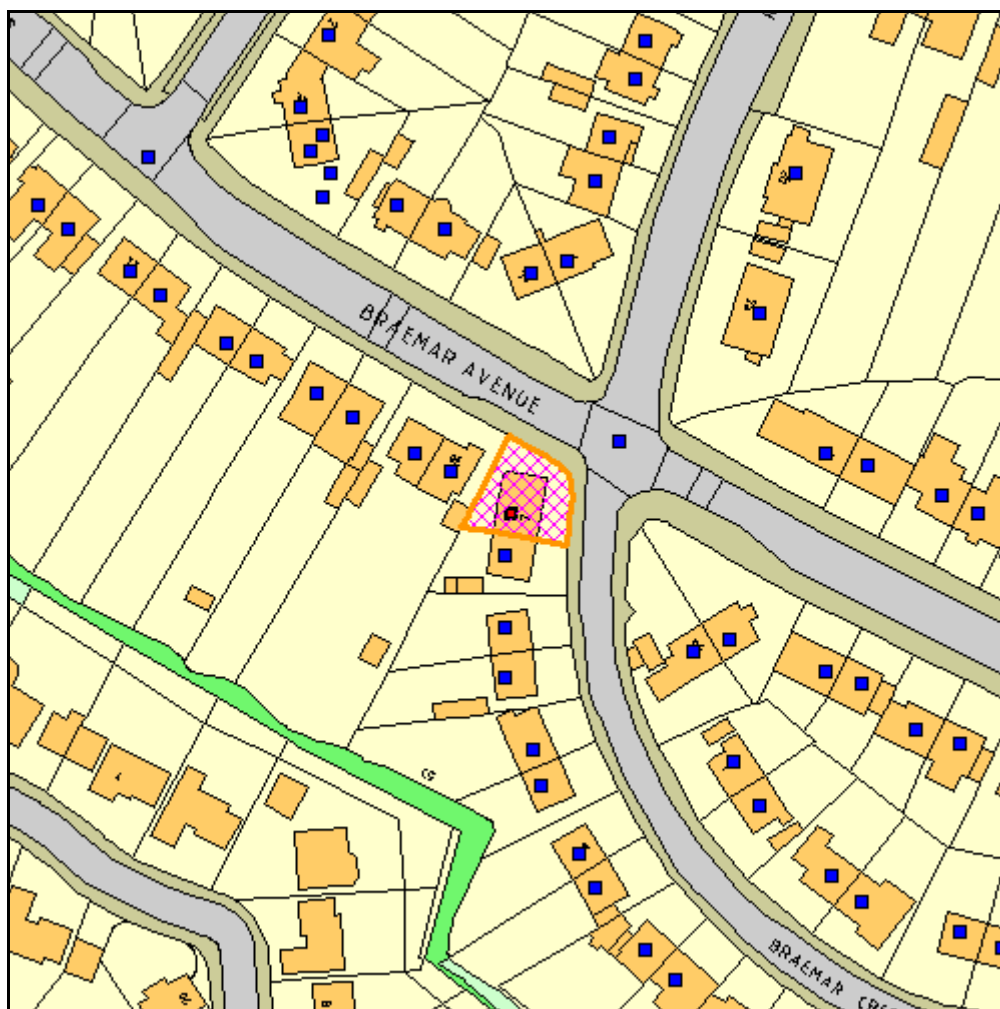
Reason

To define the terms and extent of the permission.

**Case Officer: Helen Turner**  
**Authorising Officer: David Stockdale**

**CIRCULATED SCHEDULE NO. 38/21 -24th September 2021**

<b>App No.:</b>	P21/05263/F	<b>Applicant:</b>	Mr Lorenzo Sforza
<b>Site:</b>	2 Braemar Crescent Filton South Gloucestershire BS7 0TD	<b>Date Reg:</b>	5th August 2021
<b>Proposal:</b>	Change of use from a small house in multiple occupation (Class C4) for 3-6 people, to a large house in multiple occupation for up to 7 people (sui generis) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended)(retrospective)	<b>Parish:</b>	Filton Town Council
<b>Map Ref:</b>	359674 178305	<b>Ward:</b>	Filton
<b>Application Category:</b>	Minor	<b>Target Date:</b>	29th September 2021



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100023410, 2008.

N.T.S.

P21/05263/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 APPLICATION BEING ON CIRCULATED SCHEDULE**

The application appears on the Council's Circulated Schedule procedure following the receipt of more than 3no. objection comments contrary to the officer recommendation below plus an objection comment from Cllr Alan Bird.

### **1. THE PROPOSAL**

- 1.1 The application seeks full planning permission for Change of use from a small house in multiple occupation (Class C4) for 3-6 people, to a large house in multiple occupation for up to 7 people (sui generis) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended)(retrospective).
- 1.2 The application relates to 2 Braemar Crescent, Filton, a 2. storey semi-detached dwelling located within an established urban area.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework 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
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

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

- 3.1 P97/2358                      Erection of first floor side extension. Installation of dormer window in rear elevation  
Approved                      10.11.97
- 3.2 P90/1488                      Erection of single storey side extension to provide additional bedroom and utility room.  
Approved                      25.4.90

### 4. **CONSULTATION RESPONSES**

- 4.1 Filton Town Council  
No response
- 4.2 Transportation DC  
No objection subject to condition.

#### **Other Representations**

- 4.3 Local Residents – 6no. objection comments have been received, summarised as:
- beds can already be seen in the downstairs rooms
  - very large house but with no parking – photos provided are unrealistic as there are lots of dropped curbs and poor visibility due to parked cars
  - limited parking – only one off-street parking space on side drive and a small one to the front
  - increase in noise
  - overdevelopment of the property
  - traffic survey needs to be at more realistic times to reflect car movements
  - insufficient outdoor space
  - over intensification of HMOs in the area with 2x10 beds in Broncksea Road, more on Gloucester Road and Braemar Avenue.

Cllr Bird objection:

- overdevelopment of the property
- will result in unacceptable parking issues for residents
- traffic survey needs to be done at more realistic times
- insufficient outdoor space for recreational use
- justification that there are few HMOs is incorrect – will cause over-intensification of HMOs in the area

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

#### **Principle of Development**

- 5.1 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. Furthermore, Policy PSP39 of the PSP Plan is supportive of Houses in Multiple Occupation provided they would not harm the character of the area; not prejudice the amenity of neighbours; provide adequate amenity space, refuse storage and parking.

The proposal accords with the principle of development subject to these detailed considerations as set out below.

#### Impact on the character of the area

- 5.2 The application proposed is the change of use of the dwelling from use by 3-6 people, to a large house in multiple occupation for up to 7 people.
- 5.3 The change of use would not entail any external alterations to the property save for moving the bin store. Internally the property currently has 4 bedrooms on the first floor and a fifth in the roof. This scheme would see two ground floor rooms converted into bedrooms to create the 7 person HMO.
- 5.4 Given the above, officers consider the proposal would not harm the visual amenity of the street scene and can be considered to be in compliance with the requirements of PSP38 and CS1.
- 5.9 Concerns have been raised in terms of the impact of an HMO on the area. Data on the proximity of nearby HMO's is in the Transport section below as this is relevant to parking issues. The surrounding area is made of mostly semi-detached and detached dwellings under C3 use. Policy CS17 seeks housing diversity and states that the sub-division of existing dwellings to form flats or HMOs can make a valuable contribution suitable for smaller households and single people. These are generally welcome where it is in compliance with policy PSP16 (discussed later in the report).

#### Residential amenity

- 5.10 Policy PSP43 sets out minimum standards for private amenity space, however there is no set standards for HMOs. Using this policy as a reference, a 1no. bed flat should have access to a minimum of 5m<sup>2</sup> amenity space. Using this standard, 7 x 1no. bed flats would require 35m<sup>2</sup> amenity space. Plans show the rear garden would approximately achieve this level of amenity space. It is however noted that the revised plans requested to address a query raised by the Transport Officer show the cycle parking within the rear garden. This does reduce the amount of amenity space but at the same time allows for the cycles to be safe and secure within the rear garden. It is noted that a park is around 400 metres from the property which could be used for leisure activities by future occupiers. On this basis therefore there is no objection to the scheme on the basis of amenity space, despite this issue being raised by consultees.
- 5.11 Concerns have been raised regarding potential noise from future occupants of the HMO. The proposal would continue to be under residential use and it would be unreasonable to assume that any future occupants, despite an increase in

number of occupants, whether they are students or otherwise, would create excessive noise over and above what is expected from a residential property. Should residents encounter any unreasonable noise issues they could report these to the Council's Environmental Protection Team or the Police Authority.

- 5.12 On balance the proposal is considered to accord with policy and to be in compliance with the requirements of PSP8 and PSP38.

#### Transportation

- 5.13 Concerns have been raised in regards to parking provision. The Council's Policy PSP16 parking standard for HMO's requires one space per two bedrooms rounded up to the nearest whole number. Spaces can be located on-site or alternatively on the surrounding highway if suitable spaces are available.
- 5.14 The existing HMO has 5 bedrooms and therefore a total of three spaces would be required. One space exists on-site with the other two being accommodated on the surrounding highway. The proposal to increase the number of bedrooms from 5 to 7 results in a net increase in the parking requirement of one space.
- 5.15 The surrounding area is characterised by older style semi-detached houses with off-street parking. There are a number of opportunities to park a single car on-street in between the house driveways.
- 5.16 There other HMO's in the area at 68 Braemar Avenue (6 beds with 2 parking spaces on-site), 23 Broncksea Road (10 beds with 5 parking spaces on-site), 25 Broncksea Road (6 beds with 2 or 3 spaces on-site), 1 Broncksea Road (10 beds with 8 on-site spaces). Apart from 23 and 25 Broncksea Road the HMO's in the area are fairly spaced out and mostly provide on-site parking in accordance with the Council's standard. The additional requirement of one space from this application could be safely accommodated on the surrounding roads.
- 5.17 Covered and secure cycle parking is proposed for 7 cycles which is in accordance with the Council's standard for HMO's and this will be secured by condition.
- 5.18 The proposal is not considered to cause significant harm to highway safety or the wider highway network, and given the above there are no transport objections.

#### Consideration of likely impact on Equalities

- 5.19 The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society; it sets out the different ways in which it is unlawful to treat someone. As a result of this Act the public sector equality duty came into force. Among other things those subject to the equality duty must have due regard to: eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity and foster good relations between



people who share a protected characteristic and those who do not. This planning application it is considered to have a neutral impact on equality.

## 6. **CONCLUSION**

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

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

## 7. **RECOMMENDATION**

7.1 It is recommended that planning permission is **APPROVED** subject to conditions.

### **CONDITIONS**

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

#### Reason

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

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

As received by the LPA on 30.7.21:

Existing floor plans  
Proposed floor plans  
Location plan

As received by the LPA on 15.9.21:

Block plans - Rev B

#### Reason

For avoidance of doubt and to encourage means of transportation other than the private car, to accord with Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013.

3. Prior to the first occupation secure cycle parking and storage, and bin storage as per the approved plans shall be provided and shall be retained for future use of occupiers of the property.

#### Reason

To encourage means of transportation other than the private car, to accord with Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013, and in the interests of visual and residential amenity and to accord with Policy

PSP39 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan  
(Adopted November 2017).

**Case Officer: Anne Joseph**  
**Authorising Officer: Helen Ainsley**