

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: 05/22

Date to Members: 04/02/2022

Member's Deadline: 10/02/2022 (5.00pm)

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

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

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

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

NOTES FOR COUNCILLORS

– formal arrangements for referral to committee

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

c. All applications for non-material amendments

d. All applications to discharge planning conditions

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

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

Additional guidance for Members

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

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

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

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

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

A template for referral is set out below:

Referral from Circulated Schedule to Development Management Committee

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

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

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

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

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

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

Date:

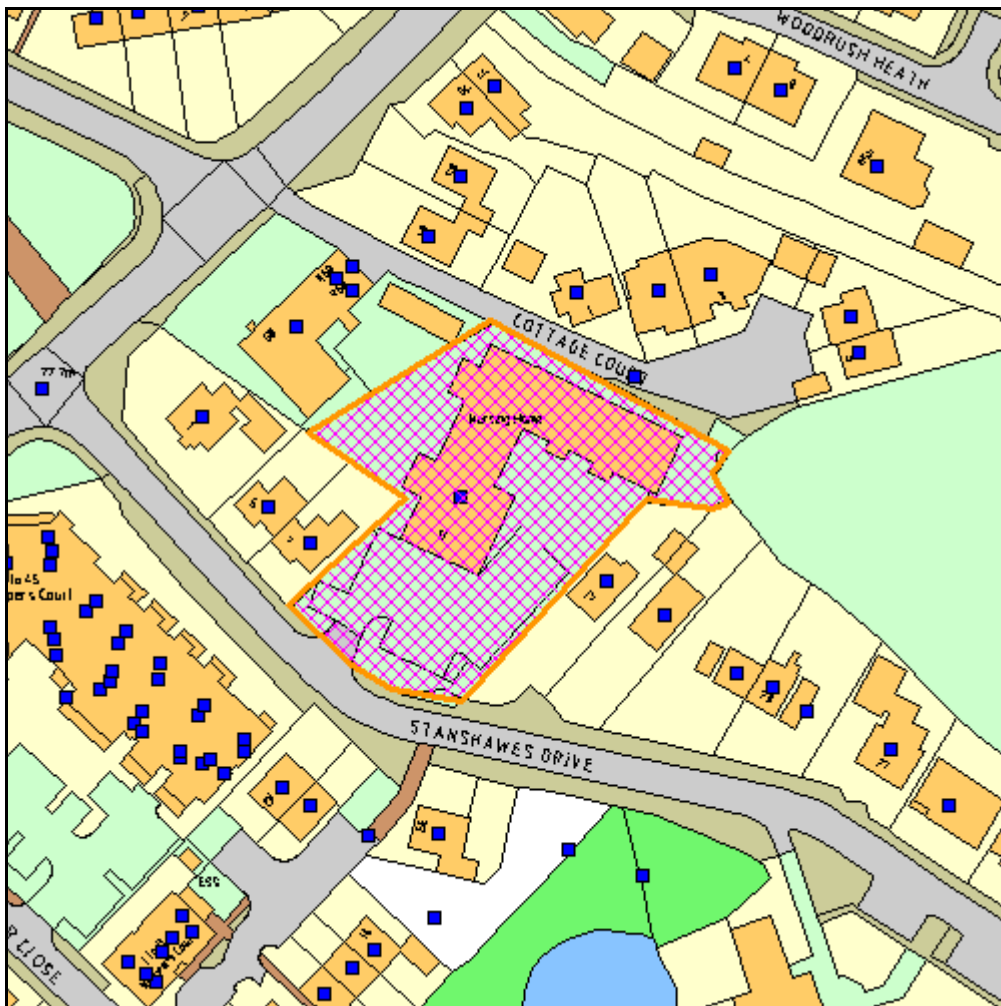
To be emailed to MemberReferral@southglos.gov.uk

CIRCULATED SCHEDULE - 04 February 2022

ITEM NO.	APPLICATION NO.	RECOMMENDATION	LOCATION	WARD	PARISH
1	P20/23937/F	Approve with Conditions	Stanshawes Nursing Home 11 Stanshawes Drive Yate South Gloucestershire BS37 4ET	Yate Central	Yate Town Council
2	P21/02681/F	Approve with Conditions	9 Cleeve Mews Downend South Gloucestershire BS16 6FP	Frenchay And Downend	Downend And Bromley Heath Parish Council
3	P21/05303/F	Approve with Conditions	Stables At Celestine Cottage Limekiln Road Yate South Gloucestershire BS37 7QB	Chipping Sodbury And Cotswold Edge	Wickwar Parish Council
4	P21/05923/FDI	No Objection	Plot 4, Land At Western Approach Severn Beach Avonmouth	Pilning And Severn Beach	Pilning And Severn Beach Parish Council
5	P21/06268/F	Approve with Conditions	Ahara And Totara Itchington Road Tytherington South Gloucestershire GL12 8QG	Frampton Cotterell	Tytherington Parish Council
6	P21/07108/F	Refusal	12 Fifth Avenue Filton South Gloucestershire BS7 0LP	Filton	Filton Town Council
7	P21/07158/RVC	Approved Subject to Section 106	Oaklands Oaklands Drive Almondsbury South Gloucestershire BS32 4AB	Severn Vale	Almondsbury Parish Council

CIRCULATED SCHEDULE NO. 05/22 - 4th February 2022

App No.:	P20/23937/F	Applicant:	Mr Philip Smith Hollyblue Healthcare Ltd
Site:	Stanshawes Nursing Home 11 Stanshawes Drive Yate South Gloucestershire BS37 4ET	Date Reg:	12th December 2020
Proposal:	Erection of single storey, two storey and first floor extensions to form office, 2 no. day rooms and 5 no. additional bedrooms (Class C2) with associated works.	Parish:	Yate Town Council
Map Ref:	370809 182064	Ward:	Yate Central
Application Category:	Minor	Target Date:	3rd February 2021



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

REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

This application is referred to the Circulated Schedule as Yate Town Council have objected to the first floor rear extension, which is contrary to Officer recommendation. The Town Council have objected as the additional bedrooms would look into the rear of 17 Stanshawes Drive causing a loss of privacy.

1. THE PROPOSAL

- 1.1 Stanshawes Nursing Home is a large, detached nursing home, sited amongst residential properties.
- 1.2 This is a full application for the erection of two storey and first floor extensions to provide office space, two day rooms and five additional bedrooms. There would be first floor extensions to the north eastern corner of the building, adjacent to the boundary with 17 Stanshawes Drive to provide additional bedrooms. A further first floor extension would be added to the front of the building above the existing dining room/lounge area and a two storey extension adjacent to the existing reception. The proposal would be constructed of brick to match with some render.

2. POLICY CONTEXT

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

CS1	High Quality Design
CS4a	Presumption in Favour of Sustainable Development
CS5	Location of Development
CS23	Community Infrastructure and Cultural Activity
CS31	Yate and Chipping Sodbury

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

PSP1	Local Distinctiveness
PSP8	Residential Development
PSP11	Transport
PSP16	Parking Standards
PSP43	Private Amenity Standards
- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted) 2007
Residential Parking Standards SPS (Adopted) 2013
Residential Amenity TAN (Endorsed) 2016

3. Relevant Planning History

- 3.1 P89/2901 - Erection of 40 bedroomed nursing home (class C2 of the town and country planning (use classes) order 1987) construction of access roads and car parking spaces alterations to vehicular access – Permitted 7th March 1990.
- 3.2 P94/1799 - Erection of 48 bedroom nursing home (class C2 of the town and country planning (use classes) order 1987). Construction of access and car parking area and associated landscaping.

4. CONSULTATION RESPONSES

4.1 Yate Town Council

Object to the application, raising the following points;

- No objection to the ground floor extension or the first floor front extension
- Object to the first floor extension at the rear
- Look directly into the rear windows and garden of 17 Stanshawes Drive
- Could be addressed by redesigning the bedroom so it only has south east facing bedrooms
- Cannot see proposals for additional parking and ask that whatever additional parking is needed that it meets the parking standards

4.2 Other Consultees

Sustainable Transport – No objection to the proposal and offer the following comments;

- No increase in staff numbers
- No material increase in traffic to and from the site.
- Currently 17 parking spaces and 1 ambulance space.
- The proposed development would not affect the existing parking and manoeuvring on site
- Generally accepted that many staff at care homes live locally and use other methods of transport than the private car to get to work.
- Satisfied the level of parking is acceptable

Highways Structures – No comment

Lead Local Flood Authority – No objection

Other Representations

4.3 Local Residents

None received

5. ANALYSIS OF PROPOSAL

5.1 Design and Visual Amenity

Policy CS1 of the Core Strategy and policy PSP1 and PSP38 of the Policies, Sites, and Places Plan seek to ensure that development proposals are of the highest possible standards of design. This means that developments should be informed by, respect, and enhance the character, distinctiveness and amenity of both the site and its context.

- 5.2 The existing nursing home is a substantial, L shaped building, which has a variety of single storey and two storey elements. There is a mix of roof styles throughout the building. The application proposes various two storey extensions, principally to the south east and south west elevations. The proposed extensions would be constructed of primarily matching materials, with some render introduced. A condition will be imposed requiring submission of the render details prior to its use. The proposed extensions would sit within comfortably in the context of the existing built form. It is therefore considered that the proposed development would not have an adverse impact on the character of the building or the street scene.
- 5.3 Residential Amenity
Policy PSP38 of the Policies, Sites and Places Plan explains that development will be permitted provided that it would not detrimentally impact the residential amenities of nearby occupiers and would not prejudice the retention of adequate private amenity space. Policy PSP8 outlines the types of issues that could result in an unacceptable impact.
- 5.4 Due to the orientation of the proposed extensions and the relationship with the adjacent properties, the only neighbouring property that would be impacted by the proposed development is the adjacent neighbour at 17 Stanshawes Avenue. There would be a window in the first floor elevation that faces towards the rear elevation of 17 Stanshawes Avenue, which would be approx. 13m distance from the rear elevation. The properties wouldn't be truly back to back, as they are set at an angle to one another. This means that the angle of overlooking would be more acute than if the two properties were truly back to back. In view of this, it is acknowledged that there may be some impact on 17 Stanshawes Avenue in terms of overlooking, it is not considered that this is significant enough to warrant a reason for refusal.
- 5.5 Transport
Policy PSP16 of the Policies, Sites and Places Plan sets out the Councils parking standards. The application states that there would not be an increase in staff as a result of this proposal. Furthermore, it is noted that many staff in care homes travel to work by means other than the private car. The site currently has 17 parking spaces and 1 ambulance space, which would remain the same for the proposed development. It is considered that the level of parking on site would be sufficient to the parking demand. It is therefore not considered that there would be any adverse impact as a result of this proposal.
- 5.6 Consideration of likely impact on Equalities
The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society; it sets out the different ways in which it is unlawful to treat someone. As a result of this Act the public sector equality duty came into force. Among other things those subject to the equality duty must have due regard to: eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity and foster good relations between people who share a protected characteristic and those who do not. This planning application it is considered to have a neutral impact on equality.

6. ANALYSIS OF PROPOSAL

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

7. RECOMMENDATION

- 7.1 Planning permission be **GRANTED** in accordance with the conditions set out below.

CONDITIONS

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

Reason

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

2. The facing brickwork and roof materials shall match the existing original brickwork in respect of colour, texture, bond and pointing.

Reason

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

3. Prior to the use of render, details and a sample shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the details so approved.

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. The development shall be carried out in accordance with the following drawings

Drawings numbered H.20.51 (9-) 1, (9-) 2, (9-) 3, (00) 1 Rev A, (00) 2 Rev A, (21) 1 Rev A and (21) 2 Rev A, received by the Council on 9th December 2020.

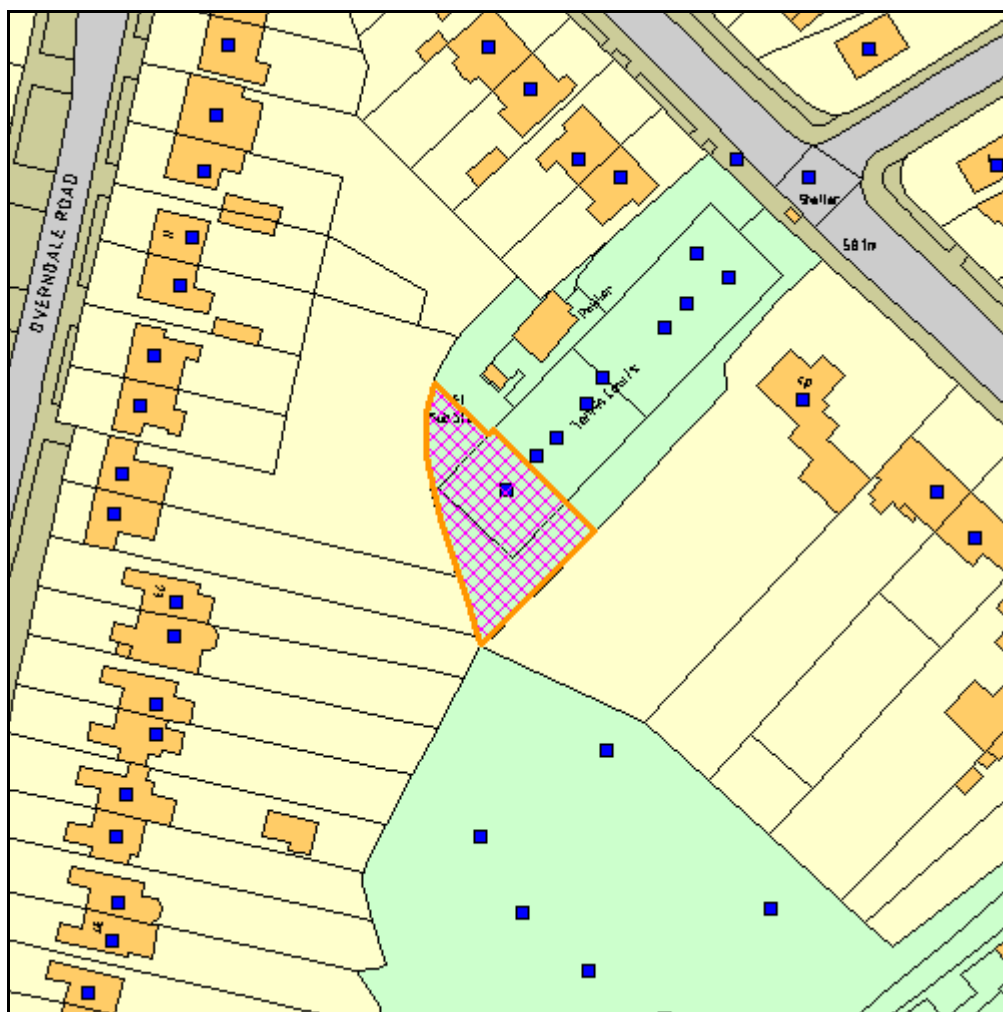
Reason

To define the terms and the extent of the permission.

Case Officer: Suzanne D'Arcy
Authorising Officer: David Stockdale

CIRCULATED SCHEDULE NO. 05/22 - 4th February 2022

App No.:	P21/02681/F	Applicant:	Ms Jemma Calver
Site:	9 Cleeve Mews Downend South Gloucestershire BS16 6FP	Date Reg:	24th May 2021
Proposal:	Erection of two storey side extension and front porch to form additional living accommodation.	Parish:	Downend And Bromley Heath Parish Council
Map Ref:	364753 177083	Ward:	Frenchay And Downend
Application Category:	Householder	Target Date:	16th July 2021



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 100023410, 2008. **N.T.S.** **P21/02681/F**

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

REASON FOR REFERRING TO CIRCULATED SCHEDULE

This application appears on the Council's Circulated Schedule procedure following an objection from the Parish Council and 2no. comments of objection from local residents, contrary to the findings of this report and the officer recommendation.

1. THE PROPOSAL

- 1.1 This application seeks full planning permission for the erection of a two storey side extension and single storey front porch to form additional living accommodation, as detailed on the application form and illustrated on the accompanying drawings.
- 1.2 The application site is situated within the wider settlement boundary of Downend, located at the end of Cleeve Mews cul-de-sac accessed via Cleeve Hill and comprises a moderately sized triangular shaped plot. The dominant feature within the site is a two-storey semi-detached dwellinghouse with dormer bedroom located in the loft. The property benefits from off-street parking, along with a front and rear garden.
- 1.3 2no. TPO's sit along the western boundary of the application site.
- 1.4 Here, it must be noted that since the application was initially submitted and consultations were received, revised drawings for the application have been accepted by the local authority. The amended plans have reduced the depth of the side extension, reducing the extent that the extension breaches the front building line by (approx.) 1 metre.

2. POLICY CONTEXT

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

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy (Adopted December 2013)

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

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

- | | |
|------|-----------------------|
| PSP1 | Local Distinctiveness |
| PSP3 | Trees and Woodland |
| PSP8 | Residential Amenities |

- PSP11 Transport Impact Management
- PSP16 Parking Standards
- PSP38 Development within Existing Residential Curtilages
- PSP43 Private Amenity Space Standards

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

3. RELEVANT PLANNING HISTORY

- 2.1 **P20/08340/TRE.** Works to crown reduce the south-east elevation of 1 no. Fraxinus Excelsior tree by 3m and remove the lowest limb over-hanging garden of 1 no. Fraxinus Excelsior tree. Both trees covered by SGTPO 22/11 and dated 16/05/2012. **Approve with Conditions.** 07/07/2020.
- 2.2 **PK17/5056/F.** Erection of 7no dwellings and 2no self-contained flats with access, parking and landscaping. **Approve with Conditions.** 12/06/2018.

4. CONSULTATION RESPONSES

- 4.1 Downend and Bromley Heath Parish Council
 Objection. Over development of the site.
- 4.2 Sustainable Transport – Transportation DC
 The proposed development will increase the vehicular parking requirements for the dwelling. When assessed against South Gloucestershire Council's residential parking standards a minimum of three parking spaces are required. No proposed site plan has been submitted so I am unable to assess whether the required parking has been provided.
- 4.3 The Tree Team
 (25/05/2021) The tree officers have no objection to the proposal subject to full compliance with the submitted arb report.
- (14/06/2021) The 2 x Ash trees that are recommended for Monolith as wildlife habitats will no longer provide amenity for the site. Whilst their value as habitat is beneficial 2 x replacement trees will be required to mitigate for their loss in terms of canopy cover.
- 4.4 Local Residents
 2no. comments of objection have been received from local residents, raising the following concerns:
1. Closeness to boundary
 2. Potential damage to trees
 3. Scale of extension and light
 4. We object to complete removal of the trees T1 & T2, unless there is written safeguard that semi-mature trees will be planted [and cared for] in their place.

5. We object to root invasion/removal within the RPA if the trees remain for habitat.

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

The application site is situated within the east fringe of Bristol's urban area and is currently utilised as a C3 dwellinghouse. The proposed development would extend the area of living accommodation within the property, including 1no. bedroom with en-suite and wardrobe facility at the expense of section of front curtilage and side/rear garden.

Policy PSP38 of the South Gloucestershire Policies, Sites and Places Plan (adopted) November 2017 is relevant to this application. The policy indicates that residential extensions are acceptable in principle subject to considerations of visual amenity, residential amenity and highway safety. The proposal therefore accords with the principle of development subject to the following considerations.

5.2 Design and Visual Amenity

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

5.3 ***Front porch***

The proposed single-storey front porch will project (approx.) 0.9 metres from the properties front building line and have a width of 3 metres, sitting in line with the dwellings side (south-west) elevation. The porch will feature a mono-pitched roof, which will rise from an eaves height of 2.5 metres to a maximum ridge height of 3.5 metres.

5.4 ***Two-storey side extension***

A two-storey side addition forms part of the proposed scheme. The extension will project from the side elevation (south-west) of the existing property by (approx.) 4.2 metres and have a maximum depth of 10.6 metres. At ground floor, the extension will protrude forward of the host dwellings front building line to match the depth of the proposed front porch. Whilst at first floor the extension will sit in line with the principle façade. The porches mono-pitch roof will extend across to cover the side additions single-storey element.

- 5.5 The proposal will have a hipped roof that is set down from the host dwellings eaves and ridge line by (approx.) 1 metre. The roof will feature a small flat roof dormer that is centrally located and sits flush with the extensions side elevation. Additionally, installed within the roof structure will be 5no. skylights.

- 5.6 Furthermore, incorporated within the design will be numerous openings, including 2no. set of sliding folding doors located to the extensions rear and side elevations, permitting access to the garden. Along with 1no. glazed personnel door positioned to the front façade, providing external entry to the

- new utility. Moreover, situated to the extensions south-western corner will be the installation of a chimney.
- 5.7 Combined, the proposed development would facilitate with the properties internal remodelling and refurbishment, creating a larger property with an open plan layout that is better suited to a growing modern family. External finish to the extensions will be a mixture of facing brick and render with accents of timber cladding and concrete interlocking tiled roof to match and compliment the host dwelling. All new doors and windows will be double glazed set in uPVC or aluminium frames in colour grey.
- 5.8 Although the extension is wider than half the width of the original dwellinghouse and breaches the established building line. It is considered that the proposed scheme marginally appears subservient to the property. This is achieved through setting down the proposed development from the host dwelling. As such, maintaining the properties architectural integrity, balance of the pair and character of the area. Furthermore, the proposals have been designed to respect the existing property through its proportions and choice of materials, ensuring that the aesthetical appearance of the dwelling is harmonious and continues to complement neighbouring properties.
- 5.9 Additionally, the property sits at the end of a cul-de-sac, whereby only the front elevation is visible from the public realm, and whilst visible would not be classified as being prominent. Following the above assessment, it is considered that the proposed development has an acceptable standard of design and complies with PSP38.
- 5.10 Residential Amenity
Policy PSP8 of the Policies, Sites and Places Plan relates specifically to residential amenity in which it states development proposals are acceptable, provided that they do not create unacceptable living conditions or result in unacceptable impacts on the residential amenities of occupiers of the development or of neighbouring properties. These are outlined as follows (but not restricted to): loss of privacy and overlooking; overbearing and dominant impact; loss of light; noise or disturbance; and, odours, fumes or vibrations.
- 5.11 Due to the vast bulk of the additional mass sitting to the south-west of the site, facing away from adjoining property No.8 Cleeve Mews. In addition, given the separation distances involved and intervening vegetation situated between the application site and nearby dwellings located to the west. It is judged that the proposed development would not result in any unreasonable harm to neighbouring amenity. It is also considered that the proposal would not affect the amenity of the application site.
- 5.12 Supplementary to this, policy PSP43 sets out that residential units, are expected to have access to private external amenity space that is: functional and safe; of a sufficient size in relation to number of occupants; and be easily accessible. Although the proposed development builds on existing rear garden. The remaining private external amenity space would continue to be in excess of the Council's design standards, complying with policy PSP43.

5.13 Transport (Access and Parking)

Policy PSP16 sets out the Council's criteria for parking specifications. It states that parking space provision per dwellinghouse is proportionate to bedroom number, with a property of the proposed size expected to provide a minimum of 2no. off-street parking spaces. Although the scheme represents an increase in the total number of bedrooms, the parking requirements remain effectively unchanged. The submitted plans indicate that two off-street car parking spaces are provided to the front of the property, as such, the proposal would be considered to satisfy the requirements of PSP16.

5.14 Trees

An Arboricultural Report was submitted by the agent and reviewed by the Council's Tree Team. The Tree Officer is satisfied that the development proposals are acceptable and comply with PSP3. However, further comment that:

"The 2no. Ash trees that are recommended for Monolith as wildlife habitats will no longer provide amenity for the site. Whilst their value as habitat is beneficial 2no. replacement trees will be required to mitigate for their loss in terms of canopy cover."

As such, appropriate conditions have been attached.

5.15 Consideration of likely impact on Equalities

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

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

6. CONCLUSION

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

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

7. **RECOMMENDATION**

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

CONDITIONS

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

Reason

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

2. The development/works hereby permitted shall only be implemented in accordance with the plans as set out in the plans list below (received 14th April 2021 - 31 January 2022):

Design & Access Statement
Arboricultural Report
Existing First Floor Plan
Existing Front Elevation
Existing Ground Floor Plan
Existing Rear Elevation
Existing Roof Plan
Existing Second Floor Plan
Existing Side Elevations
Existing Site Plan
The Location & Block Plan
Proposed Block Plan
Proposed First Floor Plan
Proposed Front Elevation
Proposed Ground Floor Plan
Proposed Rear Elevation
Proposed Roof Plan
Proposed Second Floor Plan
Proposed Side Elevation
Proposed Side Elevation of Terrace
Proposed Site Plan
Proposed Tree Plan

Reason

To define the terms and extent of the permission.

3. The proposed development hereby approved shall be carried out in accordance with the submitted Wotton Tree Consultancy Arboricultural Report (Impact assessment and method statement) dated 20th May 2021.

Reason

Required to safeguard and enhance the character and amenity of the site and locality and to avoid any irreversible damage to retained trees pursuant to section 197 of the Town and Country Planning Act 1990 and in accordance with policy PSP3 the South

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

4. The replacement tree proposals for the site shall be completed in accordance with details shown on the approved proposed tree plan (4no. beech trees, 1no. fir tree and 1no. apple tree). The replacement trees shall be planted in the next planting season.

Reason

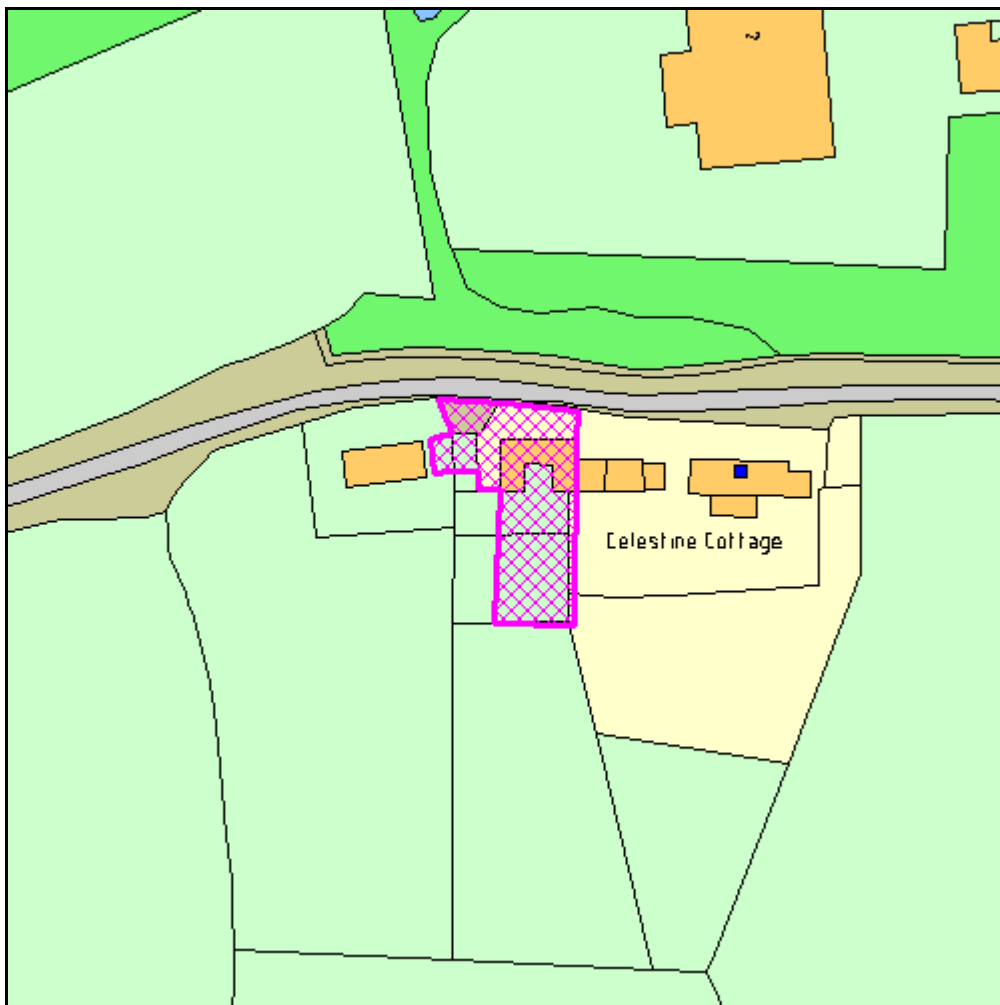
To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990 to safeguard and enhance the amenity of the area, to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality in accordance with accordance with policies PSP1, PSP2, PSP3 and PSP7 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan Adopted November 2017 and the National Planning Policy Framework.

Case Officer: Chloe Summerill

Authorising Officer: Helen Ainsley

CIRCULATED SCHEDULE NO. 05/22 - 4th February 2022

App No.:	P21/05303/F	Applicant:	Mrs Jeanette Mullen
Site:	Stables At Celestine Cottage Limekiln Road Yate South Gloucestershire BS37 7QB	Date Reg:	6th August 2021
Proposal:	Erection of single storey extension to facilitate the conversion of existing stables to form 1 no. dwelling with associated works.	Parish:	Wickwar Parish Council
Map Ref:	370847 185774	Ward:	Chipping Sodbury And Cotswold Edge
Application Category:	Minor	Target Date:	27th September 2021



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

REASON FOR REFERRING TO CIRCULATED SCHEDULE

This application is referred to the circulated schedule due to an objection received from the Parish Council which is contrary to the Officers recommendation.

1. THE PROPOSAL

- 1.1 The application seeks full planning permission for the erection of a single storey extension to facilitate the conversion of an existing stable to form 1 no dwelling with associated works.
- 1.2 The application site relates to an existing U shaped stable block located to the west of Celestine Cottage. The site is located outside of any defined settlement boundary, within the open countryside. To the northwest of the site is Grade II listed Yate Court farmhouse and adjacent barn.

2. POLICY CONTEXT

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

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy (Adopted) December 2013

CS1 High Quality Design
CS4a Presumption in Favour of Sustainable Development
CS5 Location of Development
CS8 Improving Accessibility
CS9 Managing the Environment and Heritage
CS15 Distribution of Housing
CS16 Housing Density
CS17 Housing Diversity
CS34 Rural Areas

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

PSP1 Local Distinctiveness
PSP2 Landscape
PSP3 Trees and Woodland
PSP8 Residential Amenity
PSP11 Transport Impact Management
PSP16 Parking Standards
PSP17 Heritage Assets and the Historic Environment
PSP19 Wider Biodiversity
PSP20 Flood Risk, Surface Water and Watercourse Management.
PSP21 Environmental Pollution and Impacts

PSP40 Residential Development in the Countryside
PSP43 Private Amenity Standards

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

3. **RELEVANT PLANNING HISTORY**

3.1 **P92/2593**

Erection of stables and construction of new access (in accordance with revised plans received by the council on 16th February 1993).

Approved: 22/02/1993

4. **CONSULTATION RESPONSES**

4.1 Wickwar Parish Council

Objection- will create a separate dwelling in the countryside, outside of the village boundary.

4.2 Conservation Officer

Some design changes and confirmation of materials are suggested.

If these issues can be addressed and any matters of detail subject to condition and pd rights are also removed, then the wider setting of the listed building group should be preserved.

4.3 Sustainable Transport

No objection subject to conditions.

4.4 Ecology

No objection subject to conditions.

4.5 Environmental Protection

No objection in principle, informative suggested.

4.6 Lead Local Flood Authority

No objection in principle

Other Representations

4.7 Local Residents

No comments received.

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

Policy CS5 of the South Gloucestershire Core Strategy outlines the locations at which development is considered to be appropriate; new development is directed towards the existing urban areas and defined rural settlements.

The application site is located within the open countryside, outside of any defined settlement boundary. Policy PSP40 of the Policies, Sites and Places plan is therefore engaged, this allows only for specific forms of residential development in the open countryside. Most relevant to this proposal is the following:

- 5.2 The conversion and re-use of existing buildings for residential purposes where:
- (i) The building is of permanent and substantial construction; and
 - (ii) It would not adversely affect the operation of a rural business(es) or working farm(s); and
 - (iii) Any extension as part of the conversion or subsequently is not disproportionate to the original building; and
 - (iv) If the building is redundant or disused; the proposal would also need to lead to an enhancement of its immediate setting.
- 5.3 The application is proposing to convert a former stable building which is constructed of blockwork walls, concrete floor and a tiled roof. Giving consideration to the submitted Structural Survey, it is accepted that the building is of permanent and substantial construction.
- 5.4 The stables were constructed for private use by the family's ponies and is no longer required. As such, the proposed conversion is no considered to adversely impact the operation of a rural business or working farm.
- 5.5 The proposal would include a flat roofed, single storey extension which would effectively infill the gap created by the U shape of the existing building. The proposed extension is considered to be modest in size, appropriately subservient to the existing building and could be visually read as a later addition. Therefore, the extension is not thought by officers to be disproportionate to the original building.
- 5.6 The current building is an unattractive concrete block construction and the proposal offers an opportunity to enhance the setting.
- 5.7 Given all of the above, the proposal is considered to constitute one of the specific forms of development allowed by PSP40 in the open countryside. As such the proposed conversion is acceptable in principle, subject to further considerations discussed below.
- 5.8 Design, Visual Amenity and Heritage
The site is located over 400 metres from the Grade II listed Yate Court Farmhouse and therefore the relationship between the subject building and the heritage assets are not considered to be significant. There is also an industrial building located immediately opposite the site. However, any development that is harmful to the character of the area could also be considered to erode the wider setting of the listed building group.
- 5.9 The proposed extension would infill the gap created by the U shape of the building and would not project beyond the existing rear gables. This would be visible in views from the south but overall it is considered to integrate well with

the existing form of the building. To aid the residential conversion a number of windows and doors would be inserted on the north, south and west elevations which are considered to be acceptable.

- 5.10 At the request of officers amendments were made to the proposed materials to include rough cast rendered exterior walls and aluminium windows. The existing double roman roof tiles would be retained. Although the building is still considered to lack any noteworthy detail, the rough cast render is considered more in keeping with the rural character of the area. As is the change from UPVC to aluminium framed windows; however it is noted that on the revised plan, the annotations suggest there would be a mixture of UPVC and Aluminium which is contradicted by the supporting correspondence received from the agent. Therefore, for clarity and in order to ensure a high quality, consistent finish, a condition will be included for all windows and glazed doors to be aluminium framed. Overall, the appearance of the building would be significantly improved from its existing concrete blockwork finish.
- 5.11 In terms of layout, the proposal would be afforded a sizeable rear garden and off-street parking adjacent to the proposed entrance on the west elevation. This is considered a suitable arrangement and would not appear cramped within the plot. Photographs within the supporting information show a dilapidated natural stone wall to the front boundary and an access which is currently laid to grass. The proposed block plan appears to show a front boundary, however no indication of what it would consist of. There is also no indication the proposed floor finish of the parking area/access. As such, a condition will be included for details of the proposed boundary treatments and hard surfaces to be agreed in writing. For reference, we would wish to see the stone wall reinstated consistent with that of the adjacent property and a permeable bound finish for the hard surfaces.
- 5.12 Overall, subject to conditions, the proposal is not considered to be harmful to the character and appearance of the locality, and given the visual relationship the building would have with the more historically significant Yate Court, it is considered that it would not result in a change in setting that would cause harm to the overall architectural and historic interest of the heritage assets. Although the conservation officer has requested Permitted Development rights to be removed, given the siting of the building and significant separation distance from Yate Court, in this instance it is thought unreasonable to restrict the future occupiers from carrying out permitted work within the residential curtilage as it is considered highly unlikely to result in significant harm.
- 5.13 Residential Amenity
Given the siting of the building and proposed window placement, it is not considered to result in any undue harm to the residential amenity of neighbouring occupiers. Furthermore, the proposed outdoor amenity space for the future occupiers would far exceed the requirements of policy PSP43.
- 5.14 Drainage
The proposal is located within Flood Zone 1 where flooding is least likely to occur. A new sewage package treatment plant is proposed, for which the

location would be in the far south-westerly corner of the site, at least 10 metres from any watercourse or structure. As such, no objections are raised in this regard. An informative will be included on the decision to notify the applicants of the need to obtain an 'Environmental Permit' from the Environment Agency'.

5.15 Transport

The proposed dwelling would be a two bedroom property which would require one off-street parking spaces to comply with Policy PSP16 of the PSP plan. The submitted plan show that the proposal would provide an area to the side of the property to enable the required amount of parking along with a sufficient turning area to allow vehicles to exit the site in forward gear. An existing access onto Limekiln Road would be utilised. In order to promote further sustainable forms of develop bike storage would be provided, as would an Electric Vehicle charging point. As such, the proposal is deemed acceptable in terms of transport.

5.16 Ecology

A Preliminary Ecological Appraisal (Smart Ecology, July 2021) and Bat Survey Report (Smart Ecology, July 2021) have been submitted in support of the application. Surveys confirmed the presence of brown long-eared and common pipistrelle bats. Appropriate mitigation measures have been suggested.

5.17 There are 4 waterbodies within 250m of the site, only one pond at the time could be surveyed and was found to provide excellent suitability for Great Crested Newts (GCN). The habitats on site are limited however do provide some potential for dispersing and foraging GCN. Reasonable Avoidance Measures (RAMs) have been recommended and these are acceptable.

5.18 Subject to a condition for the development of proceed in accordance with the suggested mitigation measures, no objections are raised in terms of ecology. It has been confirmed by the agent that no outside lighting is proposed and it is therefore not considered necessary to include a condition for a 'lighting design strategy'.

5.19 Equalities

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

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

6. CONCLUSION

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

7. RECOMMENDATION

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

CONDITIONS

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

Reason

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

2. Notwithstanding the materials as shown on the Combined Plan hereby approved, all proposed windows and glazed doors (excluding the proposed front door on the west elevation) shall be aluminium framed.

Reason

To ensure a satisfactory standard of external appearance to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and to ensure the works serve to preserve the architectural and historic interest of the nearby listed building and its setting, in accordance with policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy PSP17 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; and national guidance set out at the NPPF.

3. Prior to the first occupation of the building hereby approved, the stone wall to the front boundary (as shown on Proposed Block Plan, drawing no. 1884/21/011 REV K) shall be re-constructed entirely, consistent in appearance with the adjoining stone boundary wall.

Reason

To ensure a satisfactory standard of external appearance to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and to ensure the works serve to preserve the architectural and historic interest of the nearby listed building and its setting, in accordance with policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy PSP17 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; and national guidance set out at the NPPF.

4. Prior to the first occupation of the building hereby approved, an updated plan showing details of all proposed hard landscape surface treatments shall be submitted to and approved in writing by the Local Planning Authority.

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

Reason

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

5. Prior to the first occupation of the dwelling hereby approved, the proposed secure bicycle storage and electric vehicle charging point (7Kw 32 Amp), as shown on the Proposed Block Plan (drawing no. 1884/21/011 REV K), shall be implemented.

Reason

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

6. The development shall proceed in strict accordance with the Mitigation Measures provided in the Preliminary Ecological Appraisal (Smart Ecology, July 2021) and a Bat Survey Report (Smart Ecology, July 2021).

Reason

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

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

Received by the Council on 28th September 2021;
Combined Plan (drawing no. 1884/21/01 REV K)

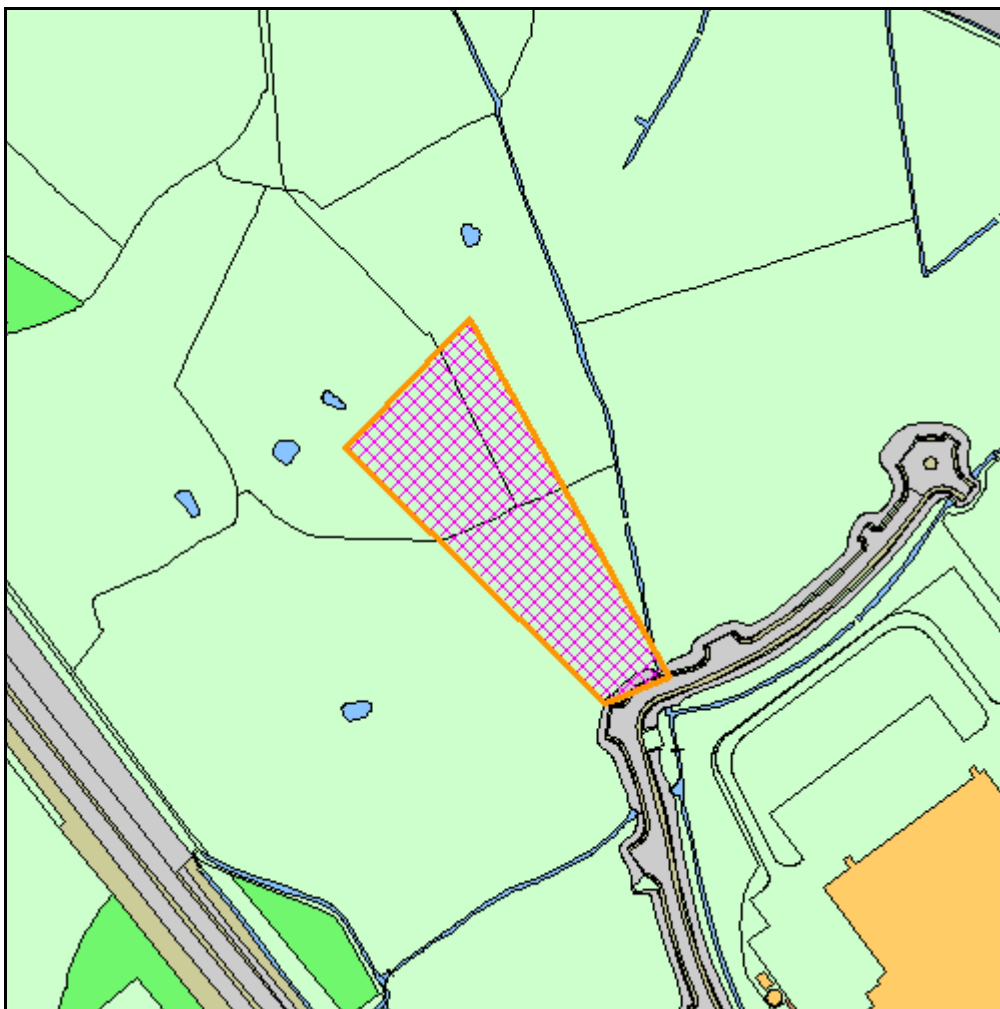
Reason

To define the terms and extent of the permission.

Case Officer: James Reynolds
Authorising Officer: Suzanne D'Arcy

CIRCULATED SCHEDULE NO. 05/22 - 4th February 2022

App No.:	P21/05923/FDI	Applicant:	Mode Transport Planning
Site:	Plot 4 Land At Western Approach Severn Beach Avonmouth	Date Reg:	3rd September 2021
Proposal:	Diversion of public footpath ORN 47/20.	Parish:	Pilning And Severn Beach Parish Council
Map Ref:	355389 184478	Ward:	Pilning And Severn Beach
Application Category:	Footpath Diversion	Target Date:	27th October 2021



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

REASON FOR REFERRING TO CIRCULATED SCHEDULE

The application appears on Circulated Schedule due to a representation that has been received from the Parish Council, which could be construed as being contrary to the findings of this report and officer recommendation.

1. THE PROPOSAL

- 1.1 This application is made under Section 257 of the Town and Country Planning Act 1990 (as amended) (“the act”) for the permanent diversion of footpath ORN/47/20.
- 1.2 The application site is in the Severnside area and relates to ‘Plot 4’, a parcel of land proposed to be developed under P21/05372/RM, which is a reserved matters application made in connection with an historic outline consent from 1957 (SG4244). The diversion is required to facilitate this development, should the reserved matters be granted. Specifically, the current route of the PROW runs through an area of land that would form the attenuation pond associated with the development of Plot 4. In spatial terms, the site is located to the Northwest of the Tesco Avonmouth Distribution Centre on the opposite side of Lanson Roberts Road. The M49 motorway can be found to the Southwest, beyond plot 3.
- 1.3 The footpath ORN/47/20 runs from Lanson Roberts Road near the NW corner of the Tesco Distribution Centre site boundary in a North-westerly direction across fields where it then splits and continues in a NW direction but also takes a South-westerly direction towards the M49. This is shown roughly as points B, C and D on the submitted diversion plan (Figure 2). The proposed diversion would alter the alignment of the NW section of the PROW so that it runs parallel to the Southern side of the attenuation pond, then up the NW side of the pond before re-joining the existing route. This is shown as points B, F, G and D on the proposed diversion plan (Figure 2). A more accurate plan has been submitted to plot the exact legal route of the PROW during the application’s consideration further to comments from the PROW officer. However, the proposed diversion remains broadly consistent with the initial plans, albeit the revised plans show the more accurate location of the existing PROW overlaid over the proposed development.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework July 2021
Town and Country Planning Act 1990 (as amended) Section 257
Circular 01/2009 Rights of Way

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1	High Quality Design
CS9	Managing the Environment and Heritage
CS35	Sevenside

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

PSP10	Active Travel Routes
PSP11	Transport Impact Management

3. RELEVANT PLANNING HISTORY

- 3.1 P21/05372/RM (pending consideration):
Reserved Matters Application pursuant to condition 1 of planning permission ref. SG4244 (dated 27th November 1957) comprising the layout, design and external appearance of 1 no. commercial building (Use Class B8) including servicing arrangements, vehicle parking, landscaping, attenuation features and associated works.
- 3.2 P21/05097/CLP (pending consideration):
Confirmation that the enabling works within Plot 4 are permitted under SG.4244, do not require planning permission and require only approval of the layout, design and external appearance of buildings.
- 3.3 P22/002/SCR (pending consideration):
Screening opinion for P21/05372/RM - Reserved Matters Application pursuant to condition 1 of planning permission ref. SG4244 (dated 27th November 1957) comprising the layout, design and external appearance of 1 no. commercial building (Use Class B8) including servicing arrangements, vehicle parking, landscaping, attenuation features and associated works.

Other history is available but is not considered relevant to this application.

4. CONSULTATION RESPONSES

- 4.1 Pilning and Severn Beach Parish Council
No objection, however, would like to be taken into consideration that it would make more sense to divert the route along the other side of the attenuation pond because then it would be shorter, easier to maintain and the strip adjacent to the boundary would be left as a wildlife habitat, un-disturbed.

Whilst it is noted that 'no objection' is stated, for the purposes of delegation, this representation is taken as a response contrary to the officer recommendation, in the interests of avoiding doubt.

- 4.2 PROW Officer
Agree with the Parish Council that the path would be better on the north side of the balancing pond - the line would be straighter and fit in with the continuation to the north-west. We also need to see the proposed levels as there is a

significant drop from the road to the fields and this is also another reason for possibly running the path to the north of the pond as there will be more room to provide ramping which must not be steeper than 1:12.

Clarification has been provided by the applicant's agent as to why the diversion has been proposed as it has. Having considered the justification, the PROW officer has advised that they are content in proceeding based on the diversion route as proposed originally.

4.3 Open Spaces Society

No comments have been received.

4.4 SG Ramblers Association

No comments have been received.

4.5 Byways and Bridleways Trust

No comments have been received.

4.6 Local Residents

1no. letter of objection has been received, summarised as follows:

- Regularly attempt to walk the foot paths in the area and they are often blocked deliberately, and work conducted with no public safety warnings
- Continually having to back track due to blockages

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The diversion of a Public Right of Way is not development as defined in the Town and Country Planning Act. As such, a diversion order can only be considered within planning legislation when the diversion of the footpath is required in order to allow the implementation of a planning permission. Section 257 of the act submits that a competent authority may order the stopping up or diversion of any footpath, bridleway or restricted byway if they are satisfied that it is necessary to do so in order to enable development to be carried out in accordance with planning permission granted under Part 3 of the act, or section 293A of the act, or by a government department. Subsection (1A) of 257 allows a competent authority to authorise stopping up or diversion if they are satisfied that a planning application in respect of development has been made under Part 3 of the act and, if the application were granted, it would be necessary to authorise the stopping up or diversion in order to enable the development to be carried out. The nature of the assessment should consider the proposed route and its suitability in terms of the amenity of the public right of way and whether or not the diversion is reasonable in respect of the planning permission it relates to.

5.2 In this case, it is noted that the reserved matters application has not been granted (though the site is subject to outline consent by virtue of the 1957 outline consent). Nevertheless, subsection (1A) permits diversion if an application *has been made* and if granted, the diversion would be necessary to enable the development.

- 5.3 It is noted that initially, the PROW officer suggested that the diversion should take another route, to the North of the attenuation pond. However, upon submission of further justification, the PROW officer has accepted that the current proposed diversion route as set out in 1.3 is acceptable. The proposed diversion route will also serve as a shared access with farm tracks which whilst it is stated is used infrequently, can be used more often in the summer months when deliveries of water are required to sheep in the adjacent field. The proposed diverted PROW and shared farm access would be 3 metres wide.
- 5.4 The proposed diversion to the South of the attenuation pond is considered to be necessary to enable the development to take place as otherwise the PROW in its current alignment would prevent the installation of the attenuation feature required as part of the drainage scheme for the development. The permeant diversion of ORN/47/20 is considered to be acceptable in terms of amenity of the PROW, is reasonable and the diversion is considered necessary to enable the implementation of planning permission (should it be granted). The proposed diversion enjoys the support of the PROW officer, following the submission of further justification. On this basis, the proposed diversion can be considered to be acceptable. It is noted that a concern is raised that footpaths are deliberately blocked in the area. This however would be an enforcement matter and would not prevent the consideration and determination of this particular application.
- 5.5 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 The recommendation to raise **no objection** 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.
- 6.2 It is accepted that it is necessary to stop up and divert the public right of ways to facilitate development which is under consideration, should permission be granted, and acceptable alternative provision for the routes will be provided.

7. RECOMMENDATION

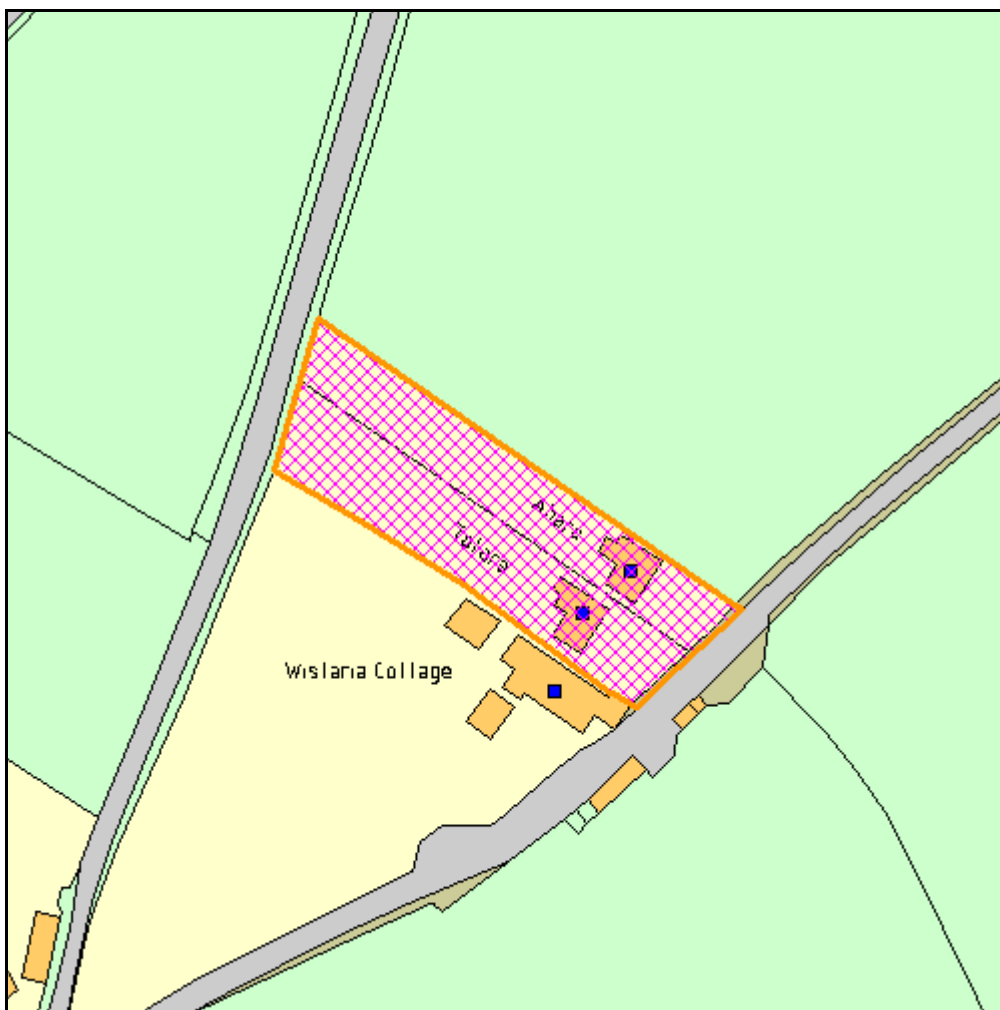
- 7.1 That **no objection** is raised to the proposed diversion of footpath ORN/47/20 and that the Head of Legal and Democratic Services is instructed and authorised to make an order under Section 257 of the Town and Country Planning Act 1990 for the diversion of footpath ORN/47/20 as shown on plan 20341 F0046 B (PRoW Link, as received by the local planning authority 27th January 2022).

Case Officer: Alex Hemming

Authorising Officer: Suzanne D'Arcy

CIRCULATED SCHEDULE NO. 05/22 - 4th February 2022

App No.:	P21/06268/F	Applicant:	Mr Pearce
Site:	Ahara And Totara Itchington Road Tytherington South Gloucestershire GL12 8QG	Date Reg:	27th September 2021
Proposal:	Creation of vehicular access onto classified road (Class C) and creation of off street parking areas.	Parish:	Tytherington Parish Council
Map Ref:	366222 187413	Ward:	Frampton Cotterell
Application Category:	Minor	Target Date:	19th November 2021



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

REASON FOR REFERRING TO THE CIRCULATED SCHEDULE

This application appears on the Circulated Schedule because a representation has been received from the Parish Council which could be construed as an objection, which would be contrary to the findings of this report and officer recommendation.

1. THE PROPOSAL

- 1.1 Full planning permission is sought for the creation of a vehicular access on to a classified road and the formation of off-street parking areas.
- 1.2 The application site relates to 2no. detached dwellings (Ahara and Totara), situated on the Northern side of Itchington Road. The site(s) is located in the open countryside and Bristol/Bath greenbelt.
- 1.3 During the application's consideration, revised plans have been received which have been subject to a period of public re-consultation. Further amended plans have been received, in response to comments from the drainage team, which have not been subject to any public re-consultation as it is not considered that anyone would have been prejudiced, by reason of the scale and nature of the amendments.

2. POLICY CONTEXT

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

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1	High Quality Design
CS4A	Presumption in Favour of Sustainable Development
CS5	Location of Development
CS8	Improving Accessibility
CS9	Managing the Environment and Heritage
CS34	Rural Areas

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

PSP1	Local Distinctiveness
PSP2	Landscape
PSP7	Development in the Green Belt
PSP8	Residential Amenity
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP20	Flood Risk, Surface Water, and Watercourse Management

PSP38 Development within Existing Residential Curtilages
PSP43 Private Amenity Space Standards

- 2.3 Supplementary Planning Guidance
Development in the Green Belt SPD (Adopted) June 2007
Design Checklist SPD (Adopted) August 2007
Householder Design Guide SPD (Adopted) March 2021
Residential Parking Standard SPD (Adopted) December 2013

3. RELEVANT PLANNING HISTORY

- 3.1 (Ahara) PT00/0331/F (approved 24/03/2000):
Erection of two storey rear extension and detached double garage (renewal of planning permission reference No. P95/2166)
- 3.2 (Totara) PT00/0329/F (approved 24/03/2000):
Erection of two storey rear extension and double garage. (Planning Permission Reference No. P95/2167)
- 3.3 (Totara) P95/2167 (approved 31/10/1995):
Erection of two storey rear extension to provide kitchen and WC with bedroom above. Erection of double detached garage.
- 3.4 P95/2166 (approved 31/10/1995):
Erection of two storey rear extension to provide kitchen and w c with bedroom above. Erection of double detached garage.

4. CONSULTATION RESPONSES

- 4.1 Tytherington Parish Council
Concerns raised that the porous material will not be laid in accordance with the manufacturer's instructions or will be the final solution. Concern regarding highway flooding and flooding of neighbouring property.
- 4.2 Sustainable Transport
No objection subject to conditions.
- 4.3 Drainage (LLFA)
Clarity sought regarding drainage method and impact on neighbouring property.

Upon receipt of further information and amendments, the LLFA raise no objection subject to the works being carried out in accordance with the submitted plans.

- 4.4 Local Residents
1no. letter of objection has been received during the initial consultation, summarised as follows:
- Application does not have full drawings
 - No levels shown

- Will the porous material be the final solution, and will it be laid in accordance with manufacturers specifications?
- Neighbouring property may suffer flooding
- Windows face Totara – pollution concern from exhaust fumes
- Potential for groundwater contamination

1no. further letter of objection has been received during the re-consultation, from the same party. Summarised as follows:

- Still insufficient details (no cross section)
- Has a percolation test been carried out?
- Hope that works to the highways are approved and recorded
- Pollution concern remains and no mitigation is proposed

5. **ANALYSIS OF PROPOSAL**

5.1 The proposal seeks to form an access to a class C highway and create parking areas for two properties in residential use, Ahara and Totara.

5.2 Principle Of Development

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

5.3 Greenbelt

The green belt is an area within the district where development is strictly controlled. The government places great importance on the greenbelts, with the fundamental aim of greenbelt policy being to prevent urban sprawl by keeping land permanently open, as set out in paragraph 137 of the NPPF.

5.4 As set out in paragraph 149 of the NPPF, local planning authorities should regard the construction of new buildings as inappropriate in the greenbelt. The same paragraph sets out limited forms of development that are considered appropriate in the greenbelt. One exception is the extension or alteration of existing buildings, provided they are proportionate. This exception usually applies to household development. However, in this case the proposal is not to extend or alter a building. The works proposed would be better described as 'engineering operations'.

5.5 Paragraph 150 of the NPPF outlines specific other forms of development that are not considered to be inappropriate, subject to the caveats that they do not

conflict with the purposes of including the land in the greenbelt and that they preserve its openness. Engineering operations fall under the remit of para. 150 (150, b). The proposal would result in a change to the front gardens of the properties by adding permeable surface material, but there would be no significant alteration to the form or profile of the land, save for the creation of the two accesses onto the highway. The access would not have any material impact on the openness of the greenbelt. The proposed development would be confined to two existing residential curtilages and would not have any conflict with the purposes of including the land within the greenbelt. Accordingly, the proposed development is considered to be appropriate in the greenbelt.

5.6 Design and Visual Amenity

Ahara and Totara are both early/mid-20th century detached dwellings situated in good sized linear plots on the Northern side of Itchington Road. Both properties are of a broadly similar design with hipped roofs, rough rendered elevations and 2no. brick stacks each. Each property has a good size front garden, which fronts Itchington Road immediately to the South of the properties. Both properties are set at a higher level to the road.

5.7 It is proposed to create a parking area in the front garden of each property, which would lead up from the road on each side of the central boundary and would then open out into a parking area to the East in the case of Ahara and West in the case of Totara. The parking area would also form a path leading up to the front of each property. To create the access, a c.3 metre gap in each hedge would be required and the existing gates would be removed and infilled with native hedging. The surface material for the access and parking areas would be resin bound surfacing, suggested to be a product produced by Clearstone.

5.8 The works are of a reasonable scale and represent additions to the front of the properties that will appear in keeping with their domestic setting. Itchington Lane is a bucolic rural lane, and so in that regard it is welcomed that the hedge removal is not excessive, and the hardstand within the boundary will not cover the whole of the garden areas for each property. The proposed works are not considered to present any material design and visual amenity issues, and the proposal can be considered to sufficiently accord with PSP1, PSP38 and CS1.

5.9 Residential Amenity

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

5.10 The scale and nature of the development is such that there would not be any material overlooking, overbearing, or overshadowing issues with the proposed development.

5.11 Concern is noted with regards to impacts on the neighbouring property in terms of pollution from vehicles. Pollution *can* be considered as an amenity impact. In this instance, the parking area for Totara would be adjacent to Wisteria Cottage

to the West of the site at close proximity to East facing windows serving Wisteria Cottage. It is acknowledged that there may be some increase in exhaust fumes close to the East facing openings of Wisteria Cottage. However, consideration is needed as to the scale of the development. In this case, the parking area would provide 2no. parking spaces for 1no. dwelling, which would untimely not create a substantial level of vehicle movements throughout the day.

5.12 Moreover, emission of fumes from vehicles would be highly temporary in nature, as occupants start their engines and drive off, and return and switch off their engine shortly after arrival. There may be times during colder weather where occupants idle their engines to de-frost the car(s) on the parking area, however it would be probable that windows on the neighbouring dwelling would not be open at the same time. In any event, given the level of pollution from one (or two) vehicles in a residential setting, a refusal on amenity grounds would not be proportionate and would be unlikely to be upheld in an appeal situation.

5.13 Parking and Transportation

PSP16 requires developments to provide levels of parking based upon the number of bedrooms at a dwelling. Where an increase is proposed, proposals should demonstrate that adequate off-street parking can be provided to accommodate increases in demand. PSP11 permits development including new accesses where they do not exacerbate traffic congestion or have an unacceptable impact on highway and road safety.

5.14 The proposal would result in the formation of 2no. residential accesses on to Itchington Road, a lightly trafficked rural road, much of which is single file save for a number of passing places. The road is not in a residential area and is not subject to a 30mph speed limit (it's understood that the road is subject to the national speed limit). Visibility information is provided which confirms that visibility to the East is more than satisfactory. The visibility to the West is restricted due to the placement of Wisteria Cottage which prevents full visibility in this direction. However, the road is a lightly trafficked narrow country lane where, notwithstanding the speed limit, vehicles will not be able to travel particularly fast. The layout is such that vehicles can turn and exit in a forward gear, which would negate the need to reverse on to the highway. Moreover, the proposed development would result in vehicles no longer needing to park in the layby opposite, which would have an added safety benefit in this location. On the above basis and on balance, it is noted that the highways officers do not raise any issues with the proposed access from a safety point of view and the case officer has no cause to conclude otherwise.

5.15 Each parking area would be suitable for 2no. vehicles. Whilst it is unclear exactly how many bedrooms are in each dwelling, the proposal would provide each with 2no. spaces where the properties currently benefit from no parking. Additionally, the creation of the accesses would not result in any loss of on-street parking facilities in this location. On the basis of the above, the proposed development can be considered acceptable in parking terms. A suitably worded condition should be applied, should permission be granted, to ensure that the surface material is bound, to prevent loose material being tracked on to the highway by vehicle tyres, which would pose a highway safety issue.

5.16 Private Amenity Space Standards

PSP43 sets out requirements for private amenity space provision based on the number of bedrooms. A 4-bedroom dwelling should provide at least 70 Sq metres of private amenity space.

5.17 The proposed development would not have any impact on the provision of private amenity space, as it only concerns the front gardens of both properties.

5.18 Drainage

PSP20 requires all development to ensure that proposals do not increase off site flood risk and that SuDS are incorporated into the design. On a development of this scale, drainage is usually something that would be dealt with by Building Control (and indeed would still be in this case). However, due to levels differences, the inclusion of hard surfaces and concerns raised by neighbouring resident, the Council's technical drainage officers have been consulted.

5.19 The principal concern would be surface run-off onto the highway and potentially into Wisteria Cottage to the West, which is set at a lower level. Initially, the drainage officer queried how surface water would be dispersed and the relationship between the development and Wisteria Cottage. Further information has been submitted indicating that the accesses would be served by an Aco channel drain between the site and the highway, and an Aco channel drain and perimiter curb where Totara Abuts the boundary with Wisteria Cottage. The Parking area for Totara has also been moved away from the boundary with Wisteria Cottage by c.1 metre to facilitate the creation of a small bunded rise and the addition of the channel drain and perimeter curb. The surface of the parking area would also be surfaced in a permeable resin bound material, as opposed to an impermeable surface (e.g. tarmac). Having reviewed the proposals in a drainage context, the Council's technical drainage officers have no objection, subject to the works proceeding in accordance with the submitted plans. It is standard practice to condition the approved plans, though a further condition requiring surface water drainage to be implemented in accordance with the agreed details would be considered prudent in this case, to ensure compliance with the agreed details and prevent the need for future remedial works.

Impact on Equalities

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

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

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 Concern is noted as to whether the proposed surface water drainage would be properly implemented and whether the proposed driveway surface would be installed by a competent contractor. It has to be assumed that the proposal will be implemented in accordance with the agreed details and the approved plans (which have been accepted by the Council's technical drainage engineers), and a refusal on the basis of concern that corners would be cut would be perverse and unreasonable. Any deviation from the approved plans may be subject to enforcement action, should it be deemed expedient.

6. CONCLUSION

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

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

7. RECOMMENDATION

7.1 It is recommended that permission is **GRANTED** subject to the following conditions:

CONDITIONS

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

Reason

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

2. The parking area to be served by the vehicular access shall at all times be surfaced in a bound material with no loose covering.

Reason

To prevent loose material being tracked onto the highway by vehicle tyres in the interest of highway safety and to accord with PSP11 of the South Gloucestershire Local Plan: Policies Sites and Places Plan (Adopted) November 2017.

3. The surface water drainage measures, to include (but not limited to) perimeter channel drains, bunded rise between Totara and Wisteria Cottage and permeable surface material shall be implemented prior to substantial completion of the development in accordance with drawing 50078/10/101 rev. A (street scene and site sections (combined plans), as received 24th January 2022). The proposed surface water drainage measures shall be retained thereafter.

Reason

In the interest of ensuring adequate surface water drainage, that surface water is not dispersed onto the highway, to prevent off-site flooding and to accord with PSP20 of the South Gloucestershire Local Plan: Policies Sites and Places Plan (Adopted) November 2017.

4. The development shall be implemented in accordance with the following plans:
50078/10/101 rev.A - Street scene and site sections
50078/10/001 rev.D - Existing site location and block plan
50078/10/110 rev.C - Proposed vision splay - Ahara
50078/10/105 rev.C - Proposed vision splay - Totara
As received 24th January 2022

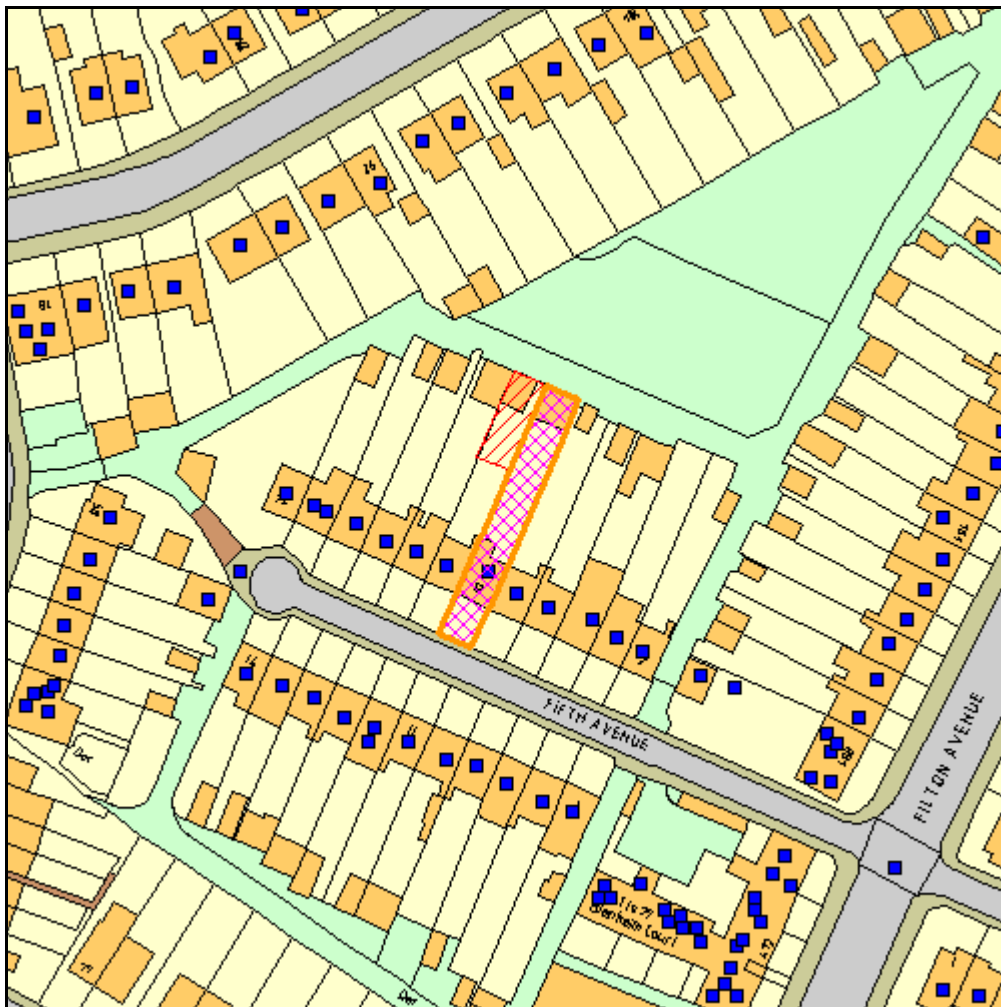
Reason

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

Case Officer: Alex Hemming
Authorising Officer: Suzanne D'Arcy

CIRCULATED SCHEDULE NO. 05/22 - 4th February 2022

App No.:	P21/07108/F	Applicant:	Dr Jody Muelaner
Site:	12 Fifth Avenue Filton South Gloucestershire BS7 0LP	Date Reg:	25th November 2021
Proposal:	Demolition of existing outbuilding. Erection of detached two story building with other associated works to facilitate a change of use from a class C4 (up to 6 person) house of multiple occupation to a 9 person house of multiple occupation (class sui generis) as defined by the Town and Country Planning (Use Classes) Order 1987 (as amended).	Parish:	Filton Town Council
Map Ref:	360395 178117	Ward:	Filton
Application Category:	Minor	Target Date:	19th January 2022



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 100023410, 2008. **N.T.S.** **P21/07108/F**

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

Reason for Referring to Circulated Schedule

This application has been referred to the Circulated Schedule following the receipt of 3 or more (i.e. 8) responses from Local Residents supporting the proposal; these being contrary to the officer recommendation.

1. THE PROPOSAL

- 1.1 The application relates to no.12 Fifth Avenue, which is an existing 5-bedroom, terraced house located on the north side of Fifth Avenue, a narrow cul-de-sac to the west of Filton Avenue. The site lies within the Bristol North Fringe Urban Area. The applicant is currently a live-in landlord (at no.12) who takes in lodgers; the property is currently not licensed as an HMO.
- 1.2 The property includes a large rear dormer (see PT12/0584/CLP) which facilitated a loft conversion to provide accommodation over 3 floors. At the bottom of the rear garden is a detached structure consisting of:
 - A flat roofed, concrete block building containing a workshop, gym and store. It was converted from a garage.
 - A timber frame extension with a considerably higher pitched roof and fully glazed front elevation which is the orangery and pool house.

This structure recently received a certificate of lawfulness P19/12597/CLE which regularised its existence.
- 1.3 It is proposed to expand the existing business so that there can be a total of 9 people living in the property, including both the applicant's family and lodgers. This would mean a change of use from a Class C4 (up to 6 person) house of multiple occupation HMO to a 9 person large house in multiple occupation HMO (sui generis). Six bedrooms would be provided in the existing three-story house, and an additional three bedrooms would be created in a new detached building to replace the existing outbuilding at the bottom of the garden.
- 1.4 The applicant intends to continue living at the property as a live-in landlord. This would be achieved by utilizing the existing five bedrooms, together with the dining room, to give six rooms within the main house. A detached building would also be constructed on the site of the existing outbuilding. This would include a single bedroom, a shower room and an open plan living space on the ground floor. An additional two bedrooms would be provided on a mezzanine, for a total of three bedrooms in the detached building. This building would include a kitchenette and dining area in the open plan living space, although the kitchen in the main house would also be used for larger meals, for the washing machine and so forth. It is the applicant's intention to occupy the bedrooms in the detached building with his family members, while renting out the six rooms in the main house.

- 1.5 Officers consider that such an HMO incorporating the main house and outbuilding would be one planning unit.

The proposal was the subject of pre-application advice (see PRE20/0342) albeit prior to the adoption of the new South Gloucestershire Council SPD : Houses in Multiple Occupation (Adopted) 4th Oct. 2021. The current application is supported by the following documents:

- Tree Survey
- Arboricultural Report
- Covering Letter

- 1.6 It should also be noted that the applicant took occupancy of a large section of the adjoining rear garden of No.14 Fifth Avenue in May 2018. This garden was apparently unused and overgrown. There was a derelict garage on the site, which the applicant states was unused and beyond repair. Initially the applicant occupied the section of garden, using it as part of his own garden, under a lease agreement with an option to buy in May 2021. The applicant has now completed the purchase of this land and intends to use it to form part of the combined curtilage for the proposed large HMO. It would be used to provide additional parking space as well as amenity garden space.

2. **POLICY CONTEXT**

2.1 National Guidance

National Planning Policy Framework July 2021
National Planning Policy Guidance

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1	High Quality Design
CS4A	Presumption in Favour of Sustainable Development
CS5	Location of Development
CS8	Improving Accessibility
CS9	Managing the Environment and Heritage
CS15	Distribution of Housing
CS16	Housing Density
CS17	Housing Diversity
CS18	Affordable Housing
CS25	Communities of the North Fringe of Bristol Urban Area

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

PSP1	Local Distinctiveness
PSP8	Residential Amenity
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP20	Flood Risk, Surface Water, and Watercourse Management
PSP21	Environmental Pollution and Impacts

- PSP38 Development within Existing Residential Curtilages, including Extensions and New Dwellings
- PSP39 Residential Conversions, Subdivision, and HMOs
- PSP43 Private Amenity Space Standards

2.3 Supplementary Planning Guidance

Trees on Development Sites SPG (Adopted) Nov. 2005.
 South Gloucestershire Design Checklist (Adopted) 2007)
 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
 Householder Design Guide SPD Adopted March 2021
 South Gloucestershire Council SPD : Houses in Multiple Occupation (Adopted) 4th Oct. 2021

- 2.4 In terms of local plan policy, It has recently been established via the 2020 Annual Monitoring Revue (AMR) (March 2021 Addendum) that, using the Standard Method, South Gloucestershire Council can demonstrate that it currently has a 6.14 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 plan should be approved without delay (see NPPF para 11c).

3. RELEVANT PLANNING HISTORY

- 3.1 ET10/0857 - PD Rights intact
- 3.2 PT12/0584/CLP - Application for a Certificate of Lawfulness for the proposed installation of a rear dormer to facilitate loft conversion.
Granted 11th April 2012
- 3.3 P19/12597/CLE - Application for a Certificate of Lawfulness for the Erection of a single-storey orangery/pool house.
Approved 12th Feb. 2020

4. CONSULTATION RESPONSES

4.1 Filton Town Council

Objection – on the following grounds:

- Overdevelopment of site.
- Too high density.
- To high density of HMO inhabitants.
- Main access via service lane not acceptable.
- The proposal for an HMO (house in multiple occupation) of 7 beds has been found to be contrary to the recently adopted supplementary planning document, which states that in localities where known HMO properties already represent more than 10% of households the introduction of additional HMOs will be unacceptable. This area of Filton has an 11.2%

concentration of HMOs and as such the change of use into a large HMO fails to meet adopted Policy CS17 of the South Gloucestershire Local Plan: Cores Strategy (Adopted) 2013 and PSP39 of the Policy Sites and Places Plan (Adopted) 2017 and the adopted SPD Houses in Multiple Occupation (Adopted) 2021.

4.2 Other Consultees

Transportation D.M.

The proposed development would result in an increased demand for on-street car parking on Fifth Avenue, which is unsuitable due to the existing high demand for parking and the narrow width of the carriageway and footways, resulting in congestion and an uncomfortable environment for pedestrians and vulnerable road users. This is contrary to SGC policies PSP11 and 16.

Highway Structures

No response

Lead Local Flood Authority

No objection

Environmental Protection

The EP team notes the proposed building work and has no objection in principle; and the standard informative to control construction noise applies.

The Tree Team

No objection subject to a condition to secure the recommendations of the submitted Arboricultural Report.

Other Representations

4.3 Local Residents

8no. responses were received supporting the proposal. The comments made can be summarised as follows:

- Will help alleviate the housing shortage in the area.
- Neighbours have been kept informed of the proposals.
- There is an affordable housing need.
- Responsible landlord.
- Manages rubbish and re-cycling well.
- The garden of no.14 will not be overlooked or overshadowed.
- Parking will be added.

2no. responses were received objecting to the proposal. The concerns raised can be summarised as follows:

- The additional parking would be behind a locked gate.
- Increased on-street parking.
- Overlooking of neighbouring gardens.
- Loss of sunlight to neighbouring gardens.

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 The revised NPPF (para.11) reiterates that; at the heart of the Framework is the presumption in favour of sustainable development. At para. 11c 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.

5.5 Chapter 9 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.

5.7 Policy PSP39 within the adopted Policies, Sites and Places Plan (2017) states that, where planning permission for an HMO is required, this will be acceptable, provided that it would not prejudice the amenity of neighbours. The supporting text states that the term "neighbours" should be taken to mean properties adjacent to, and surrounding, the application site, which have a reasonable potential to be directly affected by harmful impacts arising from the proposal(s).

5.8 In addition, Policy PSP8 maintains that development proposals will only be acceptable provided that they do not 'have unacceptable impacts on residential amenity of occupiers of the development or of nearby properties'. Unacceptable impacts could result from noise or disturbance, amongst other factors, which could arise from HMOs functioning less like traditional single households on a day-to-day basis.

- 5.9 Prejudicing the amenity of neighbours can arise at a localised level when developments of such HMO uses are inappropriately located, or become over concentrated, particularly on an individual street level.
- 5.10 Whilst it is not typical for HMO's to include detached accommodation, a property less than 100m away, on the junction between Sixth Avenue and Filton Avenue, recently had planning approval for two bedrooms within a converted detached garage, to form part of a ten bedroom large HMO (see P20/07642/F). During this application, it was noted that such detached accommodation should be self-contained so that occupants do not need to go through the garden to access essential facilities. Therefore the building should include a bathroom and kitchenette, which this application does.
- 5.11 At this point officers wish to stress that currently a residential property in Use Class C3 can be converted to a small HMO (Use Class C4) without the need for planning permission. HMO's however require planning permission once they exceed 6 people. Large HMO's, formed from seven unrelated residents or more, become sui generis i.e. "*class of its own*". (see para. 4.1 of the recently adopted HMO SPD).
- 5.12 It should also be noted that the definition of an HMO for a mandatory licence is different to that for a planning application. A **large HMO** in the context of the HMO Licensing Regulations relates to properties that are rented to **5 or more people** who form more than 1 household, and where some or all tenants share toilet, bathroom, or kitchen facilities and at least 1 tenant pays rent (or their employer pays it for them). You must have a licence if you're renting out a **large HMO** in England but HMOs rented to 4 or less people who form more than one household are exempt.
- 5.13 It should also be noted that Licensing of HMOs is separate from planning permission. It does not automatically follow that a licence would be issued for an HMO that has planning consent; the criteria for granting these are different.
- 5.14 The Council has recently adopted a Supplementary Planning Document (SPD) for Houses in Multiple Occupation. The SPD requires HMOs to provide a good standard of accommodation, consider issues of noise disturbance (between adjoining communal rooms and bedrooms), and to support mixed and balanced communities.
- 5.15 The SPD includes two additional explanatory guidance notes. The first of these relates to sandwiching (defined as proposals for HMOs that sandwich a C3 residential dwelling between two HMOs, or the creation of 3 or more adjacent HMOs), and the harmful impact this may have on the amenity of neighbours. The second states that harm may result when an HMO change of use would result in more than 10% of dwellings within the Census Output Area, or more than 20% of dwellings within a 100 metre radius, being HMO properties.

Additional Explanatory Guidance Note 1

- 5.16 Additional Explanatory Guidance 1 in the Houses in Multiple Occupation SPD pg.13, sets out that the following factors should be taken into account when determining if the proposal would prejudice the amenity of adjacent neighbours:

- Whether any dwelling house would be 'sandwiched' between two licensed HMOS, or,
 - Result in three or more adjacent licensed HMO properties.
- 5.17 In the case of the current application site, whilst there are licensed HMO's at nos. 20, 10 and 6 Fifth Avenue, the proposed HMO at no.12 would not result in a dwelling being sandwiched between two licensed HMOs, or result in three or more adjacent licensed HMO properties.
- 5.18 As set out in Policy CS17, providing a wide variety of housing type and sizes to accommodate a range of different households, will be essential to supporting mixed communities in all localities. Sub-division of existing dwellings and non-residential properties to form flats or HMOs can make a valuable contribution suitable for smaller households and single people, as part of these mixed communities.
- 5.19 Policy CS17 does not define what is meant by 'mixed communities' in all localities. Instead, it acknowledges that implementation of this policy, and PSP39, will be made on a case by case basis through the development management process. Therefore, the HMO SPD aims to acknowledge that some intensification, if carried out sensitively, and where it would not adversely affect the character of an area, can contribute to the local mix and affordability of housing, viability of local services, vitality of local areas and contribute to the Council's housing delivery targets.
- 5.20 As there are localities which are already experiencing high concentrations of HMOs, the SPD requires consideration of existing localities that are already experiencing levels of HMOs, which harm the ability to support mixed communities and preventing impact on character and amenities, and applications which would result in a level of HMOs that could contribute towards harmful impacts.
- Additional Explanatory Guidance Note 2**
- 5.21 Additional Explanatory Guidance 2 – HMO SPD pg.14 sets out that the following factors should be taken into account when determining if the proposal would contribute to harmful impacts in respect of a mixed community and the character and amenity of an area:
- An additional HMO in localities where licensed HMO properties already represent more than 10% of households, or,
 - More than 20% of households within a 100m radius of the application property.
- 5.22 For the purposes of this assessment, a 'locality' is defined by a statistical boundary known as a Census Output Area. In the case of no.12 Fifth Avenue, HMO properties currently represent 11.1% of households within the locality. This would rise to 11.57% (22 licensed HMO's of 190 properties) if the application were approved.
- 5.23 The proposed change of use to a large HMO is therefore considered to be contrary to policies PSP39, PSP8 and CS17 and the SPD. The principle of the change of use is not acceptable and is, by reason of an over concentration of

HMO's within the locality, considered to 'adversely impact upon residential amenity and the character of the area and the ability to deliver a mixed community in this location'.

- 5.24 (Within a 100m radius there are 105 properties, 10 of which are HMOs, or 9.52%. This would rise to 10.47% if the application were approved.)

Scale & Design

- 5.25 Any works to the main house would be internal only, such that the outward appearance of the main house would not alter. The existing outbuilding is a somewhat 'Heath Robinson' affair that exhibits no architectural merit whatsoever. It is to be demolished and replaced with a building of modern design, which would be of similar scale and built on the same footprint as the existing outbuilding.
- 5.26 The outbuilding, being located to the northern end of the rear garden, would not be visible from the street scene or public realm. It would be located in line with other garages and outbuildings, which overlook a substantial area of enclosed waste land to the north. In visual terms the proposed building would be an enhancement on that existing.

Residential amenity

- 5.27 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 for 5 sq.m. amenity space. Using this standard, 9 x 1 bed. flats would require 45 sq.m. amenity space. The proposal includes 100 sq.m. of amenity space (patio and garden). The three bedroom house at No.14 has retained 64 sq.m. of rear garden amenity space. The amenity space standards for both properties are therefore met.
- 5.28 The proposal is situated within a dense urban area. It is accepted that some additional overlooking from the outbuildings' first floor windows may occur, however this is only to be expected within a residential area and is not at a level that would cause significant harm to residential amenity. Officers noted during their site visit that the rear garden of no.14 is well enclosed by trees and other vegetation. There is wasteland to the north (rear) and a large garage to the east side (no windows proposed for the east elevation). Views to the west would be across the applicant's land and the proposed parking spaces. The window to the south (front) looks straight down the garden of no.12. The remnant garden of no.14 is very well enclosed by trees and there are other trees within the garden of no.12 to the west and beyond. I struggled to even see the adjoining houses and gardens to the west.
- 5.29 The proposed outbuilding would be of a scale similar to that existing and would not cause any significant overbearing impact or loss of light over and above that which already exists. The existing boundary treatments provide a high level of privacy at ground floor level.
- 5.30 There is adequate space within the front garden for refuse storage, there being designated space to store two 240 litre wheeled bins, 6 recycling boxes, and

two food bins. The existing bike shed and trees would shield the bins from view, so there would be no impact on visual amenity in this regard.

- 5.31 Whilst a common concern with regards to HMO conversions is an increase in noise and disturbance, any additional noise that may result from the proposed increased accommodation would be relatively small, and issues of noise and anti-social behaviour, should they arise, would in any event be dealt with through environmental protection legislation. Given that the landlord and his family would continue to live on the site, there is less likelihood of uncontrolled noise or anti-social behaviour.

Transportation and highways

- 5.32 The Council Policy PSP16 parking standard for HMO's is 0.5 parking space per bedroom rounded up to the nearest whole number of spaces. Therefore a 9-bed HMO requires 5 spaces. The Policy states that these can be provided on-site or alternatively on-street where there is a suitable width of carriageway.
- 5.33 Fifth Avenue is however a narrow cul-de-sac with narrow footways and very limited on-street parking; indeed it is proposed to shortly introduce double yellow lines down one (southern) side of the road.
- 5.34 It is a material consideration that the property already operates as a 5-bed dwelling with only 1no. parking space to the front of the dwelling. To operate as a 9 person large HMO the proposal would generate the need for 2no additional car parking spaces (the net increase in parking demand being 2 spaces).
- 5.35 The proposed development includes the existing car parking space to the front of the property plus 2 new spaces to the rear. The 2 rear spaces would be provided on the land previously occupied by a dilapidated garage, which potentially provided an off-street parking space for the house next door No. 14. There are currently no parking spaces being provided for no. 14, which has raised concerns from the Council's Transportation Officer. This land, the site of the former garage for no.14, is however now in the ownership of no.12 i.e. the applicant and is an existing situation that would not alter even if this current application were refused.
- 5.36 Despite there being no obligation to do so, the applicant has offered to mitigate this loss of parking by providing (at his own expense) a parking space to the front of no.14, within what is currently a front garden enclosed by a low wall. The neighbour has apparently stated to the applicant that he would be happy with this arrangement.
- 5.37 Given that the applicant has no control over the land to the front of no.14, the only way that the additional parking space could be secured would be by way of a S106 Agreement, to be signed by all parties prior to the grant of any planning permission.
- 5.38 Officers are mindful however of the criteria for the requirement of S106 Agreements. The Community Infrastructure Levy Regulations 2019 set out the limitations of the use of Planning Obligations (CIL). Essentially the regulations (regulation 122) provide 3 statutory tests to be applied to Planning Obligations

and sets out that a planning obligation may only constitute a reason for granting planning permission for a development if the obligation is;

- a) necessary to make the development acceptable in planning terms;
- b) directly related to the development; and
- c) fairly and reasonably related in scale and kind to the development.

- 5.39 In this instance, the Transportation Officer has confirmed that the scheme numerically provides the requisite number of new parking spaces to cover the net increase in parking demand. The additional parking space to the front of no.14 is not therefore necessary to make the development acceptable in planning terms. Furthermore, it is not directly related to the development. Therefore, both criteria a) and b) above are not met and as such there is no justification for the imposition of a S106 Agreement in this case.
- 5.40 In terms of access, the parking space to the front of no.12 is existing. Access to the two proposed parking spaces to the rear, would be via a private track, which also runs to the rear of the houses along the north of the cul-de-sac; Filton Town Council own the track as well as the area of waste land to the rear of these properties. The track is currently gated at its entrance from/to Fifth Avenue. A number of local residents each have keys to the gate and have access rights over the track to the rear of their properties, some of which include garages. A further wooden fence and gates enclose the area for the proposed 2 parking spaces for the 9 person HMO at no.12.
- 5.41 Despite the proposed parking provision being numerically acceptable, the Council's Transportation Officer has raised concerns as to whether or not the spaces to the rear would be used, given that they are accessed via a gated backway, which could in turn lead to an increase in on-street parking on an already congested street.
- 5.42 Having walked the track, officers noted that a number of cars were parked to the rear of the cul-de-sac and within existing garages. Given the high demand for the on-street parking, officers concluded that there would be no alternative to using the spaces provided, despite the slight inconvenience of having to open/close the gate. Furthermore, it is noted that the 2 spaces to the rear would be provided with electric vehicle charging points, making them even more likely to be used.
- 5.43 In terms of cycle storage, parking for a total of 12 bikes, in bike sheds at the front and rear of the property, would be provided. The shed at the front would provide convenient open-fronted storage for regularly used bikes, with Sheffield stands providing secure locking points. The shed at the rear would provide fully enclosed high-security cycle storage.
- 5.44 The applicant submits that : *"Filton Avenue is one of the main transport routes into Bristol, and there are bus stops for inbound and outbound services 90 meters and 200 meters from the site, respectively. Services operate in both directions every 5-10 minutes throughout the day, to Bristol, Cribbs Causeway and UWE/Frenchay. There is a signposted Active Travel Route 230 metres to the north (at the junction with Northville Road), with signed cycle routes to*

Southmead Hospital and on to Concorde Way, a mostly traffic-free route between Filton and Bristol City Centre, which also connects to routes to the MOD complex at Abbey Wood, Bristol Parkway Station and UWE.

- 5.45 *This cycle network also connects with the Abbeywood Retail Park containing major supermarkets, restaurants and gyms, a distance of 1,000m from the site. The nearest local centre lies 120 metres to the northeast, on Filton Avenue (Nos. 508-550 & 551- 557), and includes two convenience stores and a chemist. The Filton Avenue local centre lies 550 metres to the south, in neighbouring Bristol, which provides further retail facilities, and a library.”*
- 5.46 Officers are satisfied that the site lies within a highly sustainable location where alternative forms of transport to the car are readily available.
- 5.47 Some concerns have also been raised about the accessibility of the proposed outbuilding to the fire service, especially given that it is accessed via a gated back-way. Having walked the track, officers are satisfied that a fire tender could use it. A key to the gate is kept in a box, in the front garden of no.12, with a coded lock. The code could easily be provided to the Fire Service. Failing that, a hose could be run through the house from Fifth Avenue to the outbuilding. The need for water sprinklers within the outbuilding would be a matter for Building Regulations or HMO Licensing.
- 5.48 Having considered the above and notwithstanding the concerns raised by the Council’s Transportation Officer, officers are satisfied that on balance the impact on highway safety would not be unacceptable and the residual cumulative impacts on the road network would not be severe.

Sustainability Issues

- 5.49 Two of the proposed parking spaces would be provided with 7Kw 32 Amp electric vehicle charging points. The proposed outbuilding would be constructed as a super-insulated timber-framed building – minimizing both embodied energy and heating requirement. It would achieve Passivhaus levels of airtightness and be equipped with mechanical ventilation and heat recovery (MVHR). It has also been designed with large south facing glazing and roof overhang to maximise solar gain during the winter while fully shading the windows during the height of summer. The small residual space heating requirement will be fully electrified, all contributing to minimising the carbon footprint of the building.

Landscape Issues

- 5.50 There are a number of trees in the vicinity of the proposed replacement outbuilding and proposed car parking spaces. As such, an Arboricultural Report and Tree Survey has been submitted to the satisfaction of the Council’s Tree Officer. Subject to a condition to secure the recommendations of the submitted Arboricultural Report, the Tree Officer raises no objection.

Other matters

- 5.51 Article 4 Directions are a means to restrict permitted development rights. There are currently no Article 4 Directions relating to HMOs in place within South Gloucestershire.

Consideration of likely impact on Equalities

- 5.52 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.

Planning Balance

- 5.53 It is acknowledged that the proposal would make a positive contribution to the housing shortage, providing additional housing suitable for smaller households and single people in an area where there is a high demand for such accommodation. Whilst this weighs in favour of the proposal, the amount of additional accommodation provided would be relatively small and therefore carries only modest weight in the overall planning balance.
- 5.54 The site is a sustainable location and adequate car and cycle parking provision would be provided to address the additional traffic generated by the proposal. Notwithstanding the Transport Officer concerns, officers consider that, on balance, there would be no unacceptable impacts on highway safety. The residual cumulative impacts on the road network would not be 'severe'; this however would be expected of any submission and therefore carries neutral weight in the overall planning balance assessment. There would be no significant adverse impact on visual amenity but this is a requirement of any proposal and also carries neutral weight.
- 5.55 Whilst the applicant's offer to provide a parking space for no.14 is commendable and could be seen as a 'planning gain', there is no obligation for him to do so and there is no justification in this case to secure such a parking space via a S106 Agreement. That is not to say that the applicant couldn't provide such a space if he wanted to. This however carries no weight in the overall planning balance.
- 5.56 Whilst the proposal would not result in 'sandwiching' of an existing residential dwelling (C3) with licensed HMO's, it would exceed the 10% density threshold quoted in the HMO SPD and as such would have an 'adverse impact on residential amenity and the character of the area', especially in terms of the ability to support mixed communities.
- 5.57 The HMO SPD is a very recently adopted Supplementary Planning Document. Whilst it is for guidance purposes only, it does support the existing Development Plan Policies, most notably policies PSP8, PSP39 and CS17. As such, officers attach significant weight to the document and to the thresholds set therein, that relate to the density of HMO's.
- 5.58 Whilst this is, in this individual case, a balanced judgement, officers consider that the harm to the locality from an over concentration of HMO's outweighs the modest gains in terms of housing provision.

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 refuse 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 REFUSED for the reasons listed below:

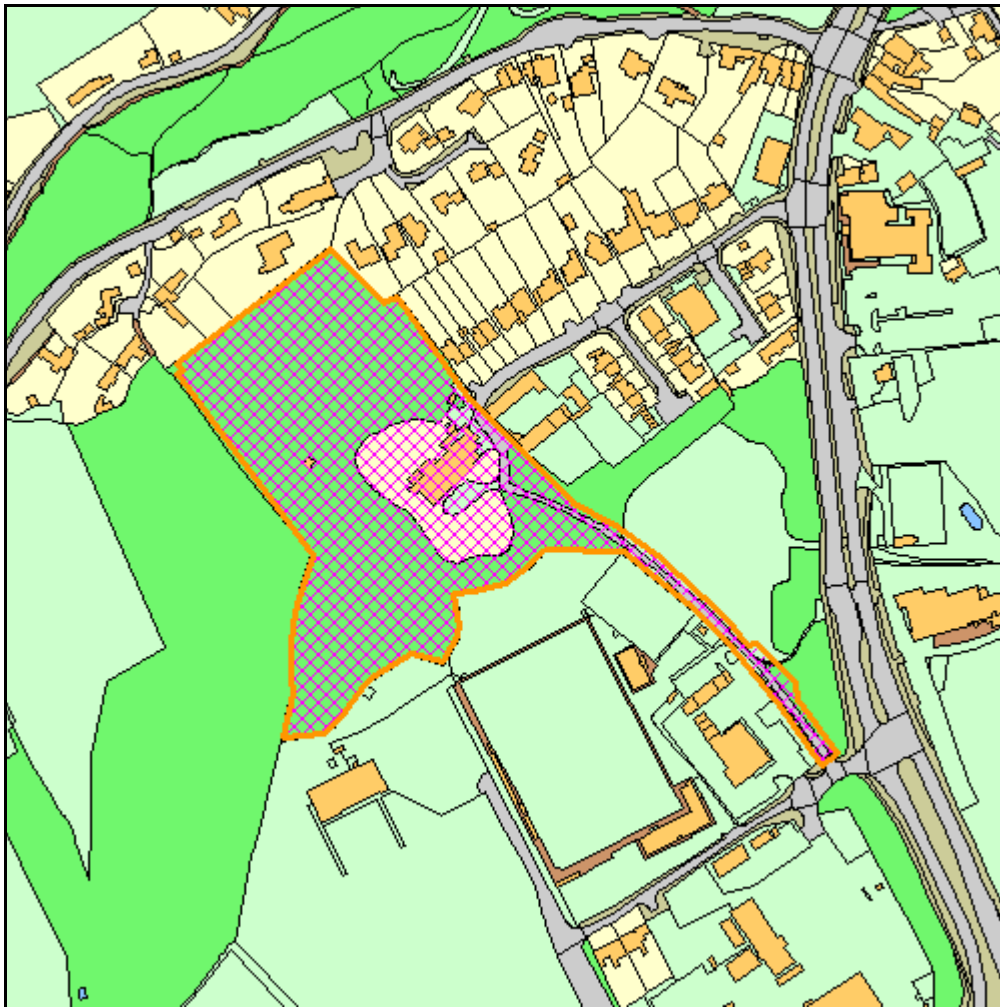
REASONS FOR REFUSAL

1. The proposal for a 9 person Large HMO (house in multiple occupation) has been found to be contrary to the recently adopted Supplementary Planning Document which states that in localities where known HMO properties already represent more than 10% of households the introduction of additional HMOs will be unacceptable. This area of Filton already has an 11.1% concentration of HMOs which would rise to 11.57% if this application were approved. The proposal would result in an 'adverse impact on residential amenity and the character of the area', especially in terms of its ability to support mixed communities; as such the change of use into a large HMO fails to meet adopted Policy CS17 of the South Gloucestershire Local Plan: Core Strategy (Adopted) 2013 and policies PSP8 and PSP39 of the Policy Sites and Places Plan (Adopted) 2017 and the adopted SPD Houses in Multiple Occupation (Adopted) 2021.

Case Officer: Roger Hemming
Authorising Officer: Helen Ainsley

CIRCULATED SCHEDULE NO. 05/22 - 4th February 2022

App No.:	P21/07158/RVC	Applicant:	Ash Desai
Site:	Oaklands Oaklands Drive Almondsbury South Gloucestershire BS32 4AB	Date Reg:	11th November 2021
Proposal:	Removal of condition 5 to allow access from Oaklands Drive (Post Construction) and variation of conditions 2 and 3 to amend the approved block and site plans attached to permission P21/00954/RVC (formerly P19/11955/RVC and PT18/4625/F). Demolition of existing building. Erection of care home with 26 no. nursing bedrooms and 15 no. assisted apartments (Class C2), parking, landscaping and associated works.	Parish:	Almondsbury Parish Council
Map Ref:	360505 183761	Ward:	Severn Vale
Application Category:	Major	Target Date:	7th February 2022



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 100023410, 2008. **N.T.S.** **P21/07158/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.

REASON FOR APPEARING ON CIRCULATED SCHEDULE

This application appears on the Circulated Schedule due to the receipt of objections from Almondsbury Parish Council, Councillor Keith Burchell, and local residents, contrary to the officer recommendation below.

1. THE PROPOSAL

- 1.1 This application seeks to remove condition 5 to allow access from Oaklands Drive (post construction), and variation of conditions 2 (plans list) and 3 (landscaping plan) to amend the approved block and site plans attached to permission P21/00954/RVC (formerly P19/11955/RVC and PT18/4625/F).
- 1.2 The application site relates to Oaklands, Oaklands Drive, Almondsbury which was a locally listed building and its grounds which are on the Council's register of Historic Parks and Gardens. A grade II listed summer house/folly is within the grounds. The site is located outside the established settlement boundary and is within the Bristol/Bath Green Belt.

Background:

- 1.3 Planning application PT18/4625/F granted permission for the demolition of what remained standing of the existing Oaklands Nursing Home building, and the construction of a new Residential Care Home (Use Class C2) on the site, together with a proportionate hard-and-soft landscaping scheme for 15 assisted care apartments at ground floor level, 26 nursing bedrooms at first floor level, and a plant room, kitchen, lounge, gym and treatment rooms at basement level, plus associated hard and soft landscaping.
- 1.4 Planning application P19/11955/RVC revised the scheme to include 62 suites over 3 floors. 13 bedrooms on the lower ground, 24 bedrooms on the ground & 25 bedrooms on the first floor with the basement under the south wing instead of the north wing.
- 1.5 Under the recently approved application P21/00954/RVC all bedroom suites are to remain as P19/11955/RVC. However additional communal and service rooms are required to support the accommodation with the additional space to be located on the lower ground floor (previously referred to as basement). Hard landscaping around the lower ground & ground floor has been revised to incorporate the existing site levels. The site rises around 3000mm from South to North over the length of the building.

Changes proposed under this application:

- 1.6 This application proposed to remove condition 5 of application P21/00954/RVC which states:

There shall be no vehicle access to the site from Oaklands Drive other than for emergency vehicles.

Reason:

To reduce the impact of the proposed development on the residents of Oaklands Drive and also for highway safety in that it will also remove additional turning movements at the junction of Oaklands Drive and the A38 in accordance with Policy CS8 of the South Gloucestershire Local Plan: Cores Strategy (Adopted) 2013 and the NPPF.

- 1.7 The application proposes to allow vehicular access via Oaklands Drive post construction. Under the previous applications, access was proposed to be via the unnamed road to the south of the site. Since the previous application, it has become apparent to the applicant that access rights cannot be obtained for this road, therefore an alternative is now being sought.
- 1.8 Under the previous applications, notice was served on the owner of the access road and Certificate B completed. The applicant therefore fulfilled their obligations in terms of the planning approval, and the onus is then upon the applicant to secure appropriate access rights.
- 1.9 The proposed site plan and landscape masterplan have been revised in order to incorporate the new access and propose additional planting.
- 1.10 Revised plans have also been submitted for small amendments to the floor plans and elevations. These include the replacement of balconies with box windows, the removal of a lift and a re-configuration of the internal layout. The building footprint and quantum of accommodation remains the same as application P21/00954/RVC.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework

National Planning Guidance

Planning (Listed Buildings and Conservation Areas) Act 1990

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design

CS2 Green Infrastructure

CS4A Presumption in Favour of Sustainable Development

CS5 Location of Development

CS6 Infrastructure and Developer Contributions

CS8 Improving Accessibility

CS9 Managing the Environment and Heritage

CS15 Distribution of Housing

CS16 Housing Density

CS17 Housing Diversity

CS18 Affordable Housing

CS20 Extra Care Housing

CS23	Community Infrastructure and Cultural Activity
CS34	Rural Areas

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

PSP1	Local Distinctiveness
PSP2	Landscape
PSP3	Trees and Woodland
PSP5	Undesignated Open Spaces
PSP7	Development in the Green Belt
PSP8	Residential Amenity
PSP9	Health Impact Assessments
PSP10	Active Travel Routes
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
PSP38	Development within Existing Residential Curtilages
PSP39	Residential Conversions, Subdivision, and HMOs
PSP40	Residential Development in the Countryside
PSP43	Private Amenity Space Standards

2.3 Supplementary Planning Guidance

Trees on Development Sites SPG (Adopted) Nov. 2005.

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

SPD: Development in the Green Belt (Adopted) 2007

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

3. RELEVANT PLANNING HISTORY

- 3.1 P21/00954/RVC Variation of condition 2 attached to PT18/4625/F (superseded by P19/11955/RVC) to substitute plan numbers PL05A, PL06A, PL08C, PL09C, PL10 and PL14 with plan numbers 300A, 301_, 302C, 303C, 304C, 310B and 311B + Landscaping Master Plan (01J-3-6-21) & Arboricultural Report (May 2021). Demolition of existing building. Erection of care home with 26 no. nursing bedrooms and 15 no. assisted apartments (Class C2), parking, landscaping and associated works.
Approved 15.10.21
- 3.2 P19/11955/RVC Variation of condition 2 attached to PT18/4625/F to substitute plan numbers 3144 PL05B, PL06B, PL08D, PL09D, PL010A and PL14A for plan numbers PL05A, PL06A, PL08C, PL09C, PL010 and PL14. Demolition of existing building. Erection of care home with 26 no. nursing bedrooms and 15 no. assisted apartments (Class C2), parking, landscaping and associated works.
Approved 23.3.20

- 3.3 PT18/4625/F Demolition of existing building. Erection of care home with 26 no. nursing bedrooms and 15 no. assisted apartments (Class C2), parking, landscaping and associated works.
Approved 23.7.19
- 3.4 PT18/5026/LB Internal and external repair works to access door, 2 no. windows, roof and wooden panelling. Replacement of 1no. window.
Approved 23.7.19
- 3.5 PT18/026/SCR Screening opinion request for PT18/4625/F. Demolition of existing building. Erection of care home with 26 no. nursing bedrooms and 15 no. assisted apartments, parking, landscaping and associated works.
Not required 6.11.18
- 3.6 PT15/3267/F Change of Use of Nursing Home (Class C2) to residential dwelling (Class C3) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended).
Approved 22.9.15
- 3.7 PT12/3329/F Change of use to Residential Care Home with parking and associated works (Class C2) as defined in Town and Country Planning (Use Classes) Order 1987 (as amended). External alterations to Main House, Stable Block and Cottage Block.
Approved 28.2.13
- 3.8 PT02/1731/R3F Erection of spread spectrum radio aerial.
Deemed consent 8.7.02
- 3.9 P89/2742 Change of use of premises from elderly persons home to accommodation for the elderly and mentally infirm, emergency duty team office and resource/activity centre; construction of vehicular parking area.
No objection 15.11.89

ADJACENT SITE

- 3.10 P21/00852/O Erection of 9no. dwellings (Outline) with access to be determined, all other matters reserved.
Refused 13.5.21
- 3.11 P21/00851/O Erection of 9 no. self-build dwellings (Outline) with access to be determined, all other matters reserved.
Refused 13.5.21
- 3.12 P19/2266/F Erection of 2 no. detached dwellings with associated works.
Refused 17.9.19
Appeal dismissed
- 3.13 PT18/2466/RM Erection of 10no. dwellings with associated works (Approval of Reserved Matters - appearance, landscaping, layout and scale; to be read in conjunction with Outline Planning Permission PT17/2444/O)
Approved 2.11.18

- 3.14 PT16/4857/O Erection of 28no dwellings with associated parking areas and landscaping (Outline) with access to be determined. All other matters reserved
Refused 4.1.17

4. **CONSULTATION RESPONSES**

4.1 Almondsbury Parish Council

“The Council objected to this application previously, and reiterates the reasons it gave for objection then.

It has additional concerns about the actual number of bedrooms on this application; and the failure to address previous concerns raised.

The Council does not agree with the removal of condition 5. South Glos Council has expressed concern about access to the site from Orchard Drive, and these concerns are echoed by Almondsbury Parish Council.

APC also notes the number of objections from members of the public.

APC does not agree that there is no impact on the M5; as traffic from this development would enter and exit via the A38, which in turn feeds onto the Almondsbury Interchange and hence the M5 - which is not very far away from it.

Finally, APC asks that the Open Spaces officer reviews this application again.”

4.2 Conservation officer

No objection as would not impact on listed folly.

4.3 Avon Gardens Trust

No objection as would not impact on gardens

4.4 Historic England

No objection

4.5 Sustainable Transport

No severe highway safety issue. Suggestion to reduce speed limit on Oaklands Drive to 30mph.

4.6 National Highways

No objection

4.7 Climate Change Officer

No comments

4.8 Public Open Space

No comment

4.9 Ecology

Queries relating to the tree adjacent to access road and boundary wall.

4.10 Landscape

No objection subject to mitigation measures and planting

- 4.11 Archaeology
No comment.
- 4.12 Arts and Development
No comment
- 4.13 PROW
No objection

Other Representations

- 4.14 Local Residents
Objection comments have been received from 14no. residents, summarised as:
- Heavy goods vehicles have been using the previous access
 - Access rights must exist
 - Ownership is a civil matter not a planning issue
 - Public access from previous access appears to have been accepted
 - Building plots used previous access
 - Oaklands Drive is a residential area used by children
 - Additional traffic or parking will cause a safety risk
 - Ambulance Station requires constant access
 - Oaklands Drive has poor access onto the A38
 - Carehome should use previous access
 - Data shows 1500+ vehicle movements a month
 - Traffic would destroy character and close community
 - Previous care home was predominantly accessed from southern access, not Oaklands Drive
 - Lack of central road marking on Oaklands Drive
 - Cul-de-sacs should not be used as passing places
 - Noise created by additional traffic
 - Residents should not suffer from developers lack of foresight
 - Previous applications rejected for using the Oaklands Drive access
 - If HGVs use Oaklands Drive it may cause damage
 - Pollution from vehicles
 - Overspill parking would impact existing residential properties
 - Application should not have been allowed to be submitted
 - Concerns raised previously by Ambulance Station
 - Application lacks credibility due to errors
- 4.15 Councillor Keith Burchell
"This application relates to PT18/4625/F and PT19/11955/RVC the development of Oaklands House off Oaklands Drive. The application started as a Care home with 26 Nursing Beds and 15 assisted living bedrooms. A total of 41 bedrooms It is now 63 bedrooms which shows an increase of about 54% of the original plans. The residents of Oaklands drive welcomed the development as Care homes are badly needed and no one objected subject to the discussions with the developer and the agreement that no vehicles would use Oaklands drive as an exit/entrance and the footpath through the site would be able to be used by residents and walkers ; this was with the exception of Emergency vehicles as there is an Ambulance station in Oaklands Drive some 50 metres from the main entrance to the site. The footpath has been closed by

the developer(albeit this is not a planning matter) And access is now sought from Oaklands Drive yet again. Also the application seems to contradict a Travel Plan in

If Oaklands Drive was opened up as an entrance this would encourage staff to use their own vehicles and increase the traffic using Oaklands drive, with all the environmental issues that would cause.

Also mentioned in the document is mentioned PT16/4730/F which was an Application for 16 houses but was refused and this is where the figure of 16 houses comes from which is frequently mentioned in the document which is the wrong figure, as there are now 10 dwellings built on the site. 6 of which(3 blocks of semi detached) have access via Oaklands Drive and 4 via Woodside Drive via the South(the unnamed road mentioned in the document)

Below is the comment from Avon Ambulance in relation to the access from Oaklands Drive as per a previous application to use Oaklands Drive. South Western Ambulance Trust

Objection to original proposal:

Egress from Oaklands Drive to effect a right turn on to the A38 to access other main road networks is problematic to say the least, in particular due to the topography of the land and the curve in the road giving very little advance warning to make the safe transition into the Bristol bound carriageway safely.

Large and slow construction/supply vehicles would find this additionally difficult and would I feel present an unnecessary increase in risk to themselves and other road users, as I know well how difficult this manoeuvre can be even for an emergency ambulance displaying audible and visual warnings.

I also have concerns regarding an increase in traffic into Oaklands Drive, particularly vehicles of a larger type, impacting on our ability to promptly and safely egress when needing to respond to emergency calls from our base here.

This in turn impacting negatively on our response times, and very genuinely therefore having a concomitant potential impact on effective patient care and clinical outcomes for the public we serve.

Woodside Drive or(unnamed road) has been mentioned in all of the Previous applications as access to the site and is currently being used by construction vehicles to enter and egress the site.

Therefore if this use is then prevented by the owner of the land, then this is surely a civil matter between the two owners of the different plots of land and should be dealt with via the Civil system rather than the planning regime.

The site provides 33 parking spaces 3 disabled spaces and 1 Ambulance it is envisaged that there will be 27 staff in the day and 12 at night.

So if each member of staff travelled to work in their vehicle there would be 6 ordinary spaces left for visitors, this would encourage people visiting the site to park in Oaklands drive thus causing congestion and parking problems in what is a rural cul-de-sac.

Which is home to numerous young families whose children quite happily play in the road due to the quiet nature of it currently.

To remove the condition 4 preventing access from Oaklands drive would also mean that construction vehicles would be allowed to use the road as well as all the construction workers vehicles(who by the nature of their job need to go to work in a vehicle with their equipment.)

During the initial construction phase of this development there would be a Ground clearing/levelling element which would mean probably 800-1000 HGV's bringing in material and removing groundworks from the site as estimated by the current project team there. This would continue for the length of the development which would be measured in years rather than months.

These vehicles are currently using the road to the South which is not an unnamed road but Woodside Drive.

The entrance to the site from Oaklands Drive is currently boarded up with no vehicular access and has been so for at least a year.

With regard to the Transport note provided with this application I would make the following comments:-

Para 2.3 The site has been historically been accessed from Oaklands Drive up to and including this period of its use as a care home. A secondary access to the site is provided form the South via an unnamed road however it is not clear when this secondary access route was created.

The secondary route was the access to the house and indeed the applicant produced a plan showing its on an OS map in 1974/75 on which the route is shown clearly.

This entrance has recently been vastly improved to provide access and now has a road name. Also generally vehicles making deliveries to the home mainly used the road to the South as it gave better access as the original gate to give access to the site was narrow and would not accommodate the delivery vehicles width.

In the mid 1970's the home was changed to a day centre for children with Severe learning difficulties and dementia adults.

These users always arrived and left the premise by transport provided by the local authority which amounted to about 5 or 6 vehicle movements per day. Some of which used the access road and some from Oaklands Drive depending on which direction from which they were approaching the site and the size of the vehicle.

*Para 3.1 "40 residential properties and a commercial cleaning business"
The business consists of a small vehicle and is by no means a commercial enterprise which this seems to suggest.*

Para 3.5 "The carriageway of Oaklands Drive was widened at its Southwestern end as part of the now completed development of 16 dwellings(PT16/4730/F application refused) of which 9 are accessed from Oaklands Drive with the remaining 7 from the unnamed road to the South. This is totally wrong, the development was for 10 houses 6 of which have

access from Oaklands drive, and there are now 35 houses in the road.

Para 3.6 Photograph of existing junction of Oaklands drive.

In the photo it shows a view towards Over Lane and the Swan Public house. The car shown is at the junction of Over lane and clearly shows there is a limited view of traffic approaching from the North as the main A38 has a right hand bend and the Swan is on the brow of a hill which means that traffic leaving Oaklands drive will only have a view of any traffic approaching from the North when it is approx. 40 metres away travelling at the speed limit of 40 MPH.

The central point of the road provides vehicles turning right to travel southbound a narrow area which is not wide enough for a vehicle to remain at 90 degrees to the junction and therefore drivers are looking slightly backwards to observe traffic from the North. Also this central median is used extensively by vehicles travelling North on the A38 as a "U" turn point to access the Interchange hotel and the Police and Air Ambulance base respective entrances as well as and entrance to the Swan hotel car park . This causes congestion at the junction on a regular basis which causes a tail back down the A38.

The junction of the A38 and Oaklands drive is such that larger delivery vehicles have to use the offside of Oaklands drive which means they are facing traffic seeking to exit the road. This is compounded by a commercial premise at the junction of the Oaklands drive and the A38.

Para 3.13 A photograph of the junction providing access to the South of the site.

This shows the junction approx. 30 metres from the junction of the A38 and the M5 Northbound slip road.

This was also the entrance successfully used by the developer of the 10 houses which also had a similar condition not to use Oaklands drive. Quite rightly it is also a junction which provides access to North Bristol Rugby club, Gloucestershire Football Association Ground and Highways England site and is also used as a base for Road gritters which are used in inclement weather. As can be seen in the photo in Para 3.16 the junction gives excellent views for emerging traffic of both traffic from the North and traffic travelling from the South which because of the close proximity has not at that point generally reached the speed limit of 40MPH due to the traffic lights at the M5 round about.

The safety of this junction is increased as it has a wide central reservation to enable vehicles to stop at 90 degrees and have a good view to the North.

There have been no accidents connected to this junction, whereas there have been a number of accidents to the North toward the junction with Oaklands Drive.

Para 5.1 It is proposed that the Oaklands Drive access provides the main Vehicular access to the approved care home with the unnamed road to the South providing a gated emergency access only.

As stated above this will increase the travelling time of any Ambulance by 4 or 5 times depending on the time of the day.

(Officer note – Comments shortened by removing full policies, these can be found in the South Gloucestershire Policies, Sites and Places Plan)

5. ANALYSIS OF PROPOSAL

Whether the application can be considered

- 5.1 The Officer notes that several objection comments state that the application for a variation of condition is not a legitimate application, and should not be considered.
- 5.2 It is noted that the application has been submitted after several other S73 applications, however there is no legislation to prevent the applicant from doing so.
- 5.3 The onus to secure access rights is upon the applicant, and in this case the applicant has found that they cannot secure permanent access rights for the access to the south. This application therefore requires the Planning Authority to consider whether the use of the access onto Oaklands Drive would be acceptable when considered against the development plan. The Planning Authority has a duty to consider and determine the application before them.

Principle of Development

- 5.4 Applications made under s73 of the Act seek permission for the development of land without compliance with conditions subject to which a previous planning permission was granted. With applications made under s73, the Local Planning Authority shall consider only the conditions subject to which planning permission was granted; the principle of development is therefore established.
- 5.5 If the Local Planning Authority decides that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, the Authority should grant permission accordingly.
- 5.6 If the Authority decides that planning permission should be granted subject to the same conditions, then the application should be refused.

Transport impacts

- 5.7 Approval for the care home under PT18/4625/F granted the demolition of the existing building and the erection of a care home (Class use C2) with 26 no. nursing bedrooms and 15 no. assisted apartments. A subsequent s.73 application P19/11955/RVC, changed the configuration of the care home, by

increasing the number of nursing bedrooms, but at the same time removing the assisted apartments.

5.8 Application PT18/4625/F was granted with condition 4 stating:

No access from Oaklands Drive

There shall be no vehicle access to the site from Oaklands Drive other than for emergency vehicles.

Reason:

To reduce the impact of the proposed development on the residents of Oaklands Drive and also for highway safety in that it will also remove additional turning movements at the junction of Oaklands Drive and the A38 in accordance with Policy CS8 of the South Gloucestershire Local Plan: Cores Strategy (Adopted) 2013 and the NPPF.

5.9 This condition was carried over to each subsequent permission, and now forms condition 5 P21/07158/RVC. The applicant is applying to remove this condition.

5.10 The application has been submitted with a Transport Note, examining the history of the site, existing conditions, collision data, trip generation, and previous use of the site. It is noted that some minor errors have been made within the Transport Note in relation to dwellings that have gained approval in the nearby area, however the general content of the report is considered to be sound.

5.11 The Transport Note has demonstrated that no collisions have been recorded at the junction of Oaklands Drive with the A38. TRICS has demonstrated that the anticipated trip generation is 10 trips within the AM peak hour (8am – 9am) and 8 trips in the PM peak hour (5pm – 6pm).

5.12 The busiest period for trip generation for a care home tends to be within the 2pm – 3pm time period. The development is anticipated to generate 17 vehicle movements during this time, and 144 movements across the 14 hour period (7am to 9pm). This is around one vehicle movement every 4 minutes during the 2pm – 3pm period, and every 6 minutes on average across the day.

5.13 The applicant states that due to land ownership issues that they do not have access rights over the historical drive leading up to the site and as a consequence require access via Oaklands Drive. Whilst it is not unusual to have a nursing home accessed via a residential street in the previous planning applications on this site Transportation officers have recommended that vehicular access to/from the site should be from the historical access road (now named Woodside Drive) as it was felt that the resulting access onto the A38 was better than that offered at Oaklands Drive and had less of an impact on the existing users of Oakland Drive.

5.14 In reviewing this application the first point of call is to look at the safety implications of the proposal on Oaklands Drive and the junction with the A38.

- 5.15 In looking at impact of this development on the local highway network the first point of call would be to review the recorded personal injury accidents that have occurred at the A38/Oaklands Drive junction within the last 3 years. Accident records indicate that no accidents have been recorded at this junction during the last 3 years, indeed when reviewing the accident records it would appear that going back 22 years to the year 2000 it would appear that there have been no personal injury accidents at this junction or associated with the operation of this junction. So from a purely accident related assessment this junction does appear to operate safely.
- 5.16 Oaklands Drive currently serves 35 houses and the Ambulance Station, with a commercial unit on the corner of the junction with the A38.
- 5.17 The applicant contends that the alternative access via Woodside Drive would in sharing with other users be a less safe alternative due to the number of vehicles utilising this access and the fact that vehicles wishing to turn right towards the motorway would need to cross to lanes of traffic to get to the central reserve rather than the single lane of traffic at Oaklands Drive. Whilst this is true, vehicle speeds at this junction are often slower and traffic flow interrupted by the traffic lights at the adjacent motorway junction/roundabout which provides for breaks in the traffic. On balance this junction is marginally safer to manage than the access at Oaklands Drive, although neither access is considered unsafe or incapable of accommodating the development traffic.
- 5.18 As is common with Care Homes their peak traffic flow does not conflict with normal network peak hours rather it is more generally spread throughout the day so that in terms of conflict with residential movements this is minimised. In terms of conflict and impact in relation to the adjacent ambulance station this development will increase movements, but in a blue light situation there is space for vehicles to pass at the junction with the A38.
- 5.19 In summary, although the previous access would be more desirable, this is no longer an option. Allowing the access from Oaklands Drive is not considered to lead to a severe highway safety issue, and therefore is not refusable when considered against the Development Plan.
- 5.20 The applicant has also agreed to pay funds towards a Traffic Regulation Order to reduce the speed limit of Oaklands Drive from 30mph to 20mph, which would go some way to mitigate against the increase in traffic.
- 5.21 The applicant is proposing for the access to come into place post construction. Works on site have commenced, and are using the previous access. It is therefore considered reasonable for a condition to be added to any permission to prevent construction traffic from using the Oaklands Drive access, as the impacts of large construction vehicles using this access have not been assessed.
- 5.22 Concerns have been raised regarding indiscriminate parking within Oaklands Drive, however the site has previously been considered to be able to accommodate parking on site. This assessment has not altered. A Travel Plan is also required as part of a previous condition.

Alterations to the Care Home building

- 5.23 Revised plans have also been submitted for small amendments to the floor plans and elevations. These include the replacement of balconies with box windows, the removal of a lift and a re-configuration of the internal layout. The building footprint and quantum of accommodation remains the same as application P21/00954/RVC
- 5.24 These alterations present very minor amendments to the overall scheme, and would likely be considered non-material if submitted in isolation. They do not require re-consideration of design, residential amenity, or Green Belt issues.

Ecology

- 5.25 The Council's Ecologist has raised a query relating to the tree now adjacent to the new access will require pruning or felling. The applicant has confirmed that no works are proposed to the tree, which is within a tightly restricted area adjacent to hardstanding. The previous tree protection details still apply, which propose tree protection details and "no dig construction treatment".

Landscape

- 5.26 The Council's Landscape Officer has raised no objection to the scheme providing the same quantum and species of trees are provided between the car park and adjacent development boundary.
- 5.27 A revised landscape and planting plan has been submitted, indicating that the proposals are broadly in line with those previously approved, with some additional planting. There is no landscape objection.

Consideration of likely Impact on Equalities

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

6. CONCLUSION

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

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

7. RECOMMENDATION

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

The provision of fund up to the sum of £10,000 towards a Traffic Regulation Order (TRO) for Oaklands Drive.

CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of Planning Permission PT18/4625/F dated 23rd July 2019.

Reason

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

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

As received by the Council on 12.10.18:
Existing and proposed volume calculation - P003 A

As received by the Council on 29.10.18:
Existing elevations and floor plans - PL03 A

As received by the Council on 14.3.19:
Site location plan - PL01 A
Existing block plan - PL12 B

As received by the Council on 27.6.19:
Site drainage layout - 001
Basement and Ground floor drainage layout - 002

As received by the LPA on 28.9.21:
Planting details sheet 3 - drawing 124/PA/04G
Attenuation pond - 202A
Revised Arboricultural report - Rev A

08 Nov 2021 406 C BLOCK PLAN
13 Dec 2021 302 H REVISED LOWER GROUND FLOOR PLAN
13 Dec 2021 303H REVISED GROUND FLOOR PLAN
13 Dec 2021 304 H REVISED FIRST FLOOR PLAN

13 Dec 2021 310H REVISED ELEVATIONS 1
13 Dec 2021 311H REVISED ELEVATIONS 2
19 Jan 2022 400 K SITE PLAN
26 Jan 2022 124/PA/02 L PLANTING DETAIL
26 Jan 2022 124/PA/03 L PLANTING DETAIL Public
26 Jan 2022 124/PA01 K LANDSCAPE MASTERPLAN

Reason

To define the terms and extent of the permission.

3. Development shall proceed in accordance with the following plans and planting schedules:

Landscape Master Plan -01 Rev. K; Planting details sheet 1 - drawing 124/PA/02K; Planting detail sheet 2 - drawing 124/PA/03L; Planting details sheet 3 - drawing 124/PA/04L.

Reason

To protect the character and appearance of the area to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policies PSP1 and PSP2 of the Policies Sites and Places Plan (Adopted) 2017 and the National Planning Policy Framework.

4. Prior to the commencement of this part of the scheme full details of the attenuation pond/swale/bridge are required including a cross section of the structure(s). The details are to be submitted for written approval by the LPA and development is to proceed in accordance with the approved details.

Reason

To protect the character and appearance of the area to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policies PSP1 and PSP2 of the Policies Sites and Places Plan (Adopted) 2017 and the National Planning Policy Framework.

5. No construction vehicles shall access the site from Oaklands Drive.

Reason

To reduce the impact of the proposed development on the residents of Oaklands Drive during the construction phase in accordance with Policy CS8 of the South Gloucestershire Local Plan: Cores Strategy (Adopted) 2013 and the NPPF.

6. Contamination:

A) Desk Study -

Following the submission of a combined Phase 1 Desk Study and Phase 2 Site investigation that included a site walkover, intrusive ground investigation, preliminary and updated conceptual site models (CSM), risk assessment, remediation recommendations and recommendations for further work, the LPA agreed with the methodology, conclusions and recommendations. As such Part A was discharged under DOC20/00166 on 7.9.21.

A supplementary ground investigation including additional testing should be carried out to characterise the made ground and natural soils beneath areas of hardstanding and the Oaklands building footprint following demolition of the existing structure.

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

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

7. Ecology:

Prior to first occupation, evidence of the implementation of mitigation and compensation recommended within Chapter 4 of the Ecological Appraisal (Crossman Associates, June 2019) shall be submitted to the local planning authority for approval in writing. This shall include evidence of ecological supervision during demolition, the provision of bat boxes during demolition, the installation of integrated bat boxes as compensation, the installation of bird boxes, and the provision of a reptile mitigation strategy.

Reason

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

8. Public art:

Prior to first occupation, a scheme of public art on the site should be submitted to the LPA for written approval. The development shall continue in accordance with these approved details.

Reason

In the interests of visual amenity and cultural activities for new residents and to accord with Policy CS1 and CS23 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and the National Planning Policy Framework.

9. CEMP:

Development shall proceed in accordance with details contained within the Construction Environmental Management Plan (CEMP) dated 5.10.21 and discharged by the LPA under DOC20/00166 discharged on 6.10.21.

Reason

In the interests of highway safety, and to accord with Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy PSP11 of the Policies Sites and Places Plan (Adopted) 2017 and the National Planning Policy Framework.

10. Travel plan:

The development shall proceed in accordance with the Travel Plan Statement dated March 2021 as submitted under DOC21/0166 and discharged on 7.9.21.

Reason

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

11. The development shall proceed in strict accordance with the Arboicultural Report rev A received on 28.9.21.

Reason

To protect the character and appearance of the area to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policies PSP1 and PSP2 of the Policies Sites and Places Plan (Adopted) 2017 and the National Planning Policy Framework.

Case Officer: Rae Mepham

Authorising Officer: Suzanne D'Arcy