

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: 44/22

Date to Members: 04/11/2022

Member's Deadline: 10/11/2022 (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

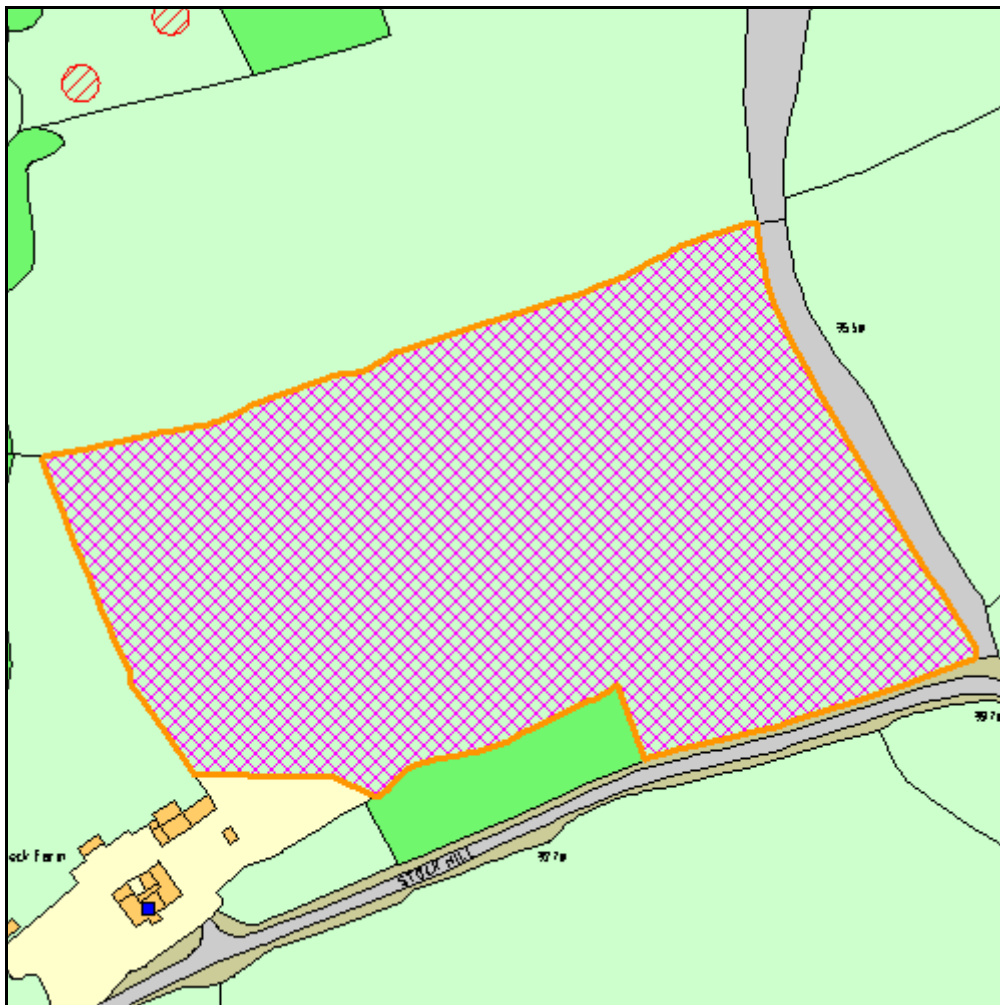
CIRCULATED SCHEDULE 04 November 2022

-

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	P22/01550/F	Approve with Conditions	Land At Stock Farm Stock Hill Littleton Upon Severn South Gloucestershire BS35 1NL	Severn Vale	Oldbury-on-Severn Parish Council
2	P22/02964/HH	Approve with Conditions	52 Tyndale Avenue Yate South Gloucestershire BS37 5EX	Yate North	Yate Town Council
3	P22/03203/HH	Approve with Conditions	Baytree Cottage Bristol Road Hambrook South Gloucestershire BS16 1RY	Winterbourne	Winterbourne Parish Council
4	P22/04955/F	Approve with Conditions	718 Southmead Road Filton South Gloucestershire BS34 7QT	Filton	Filton Town Council

CIRCULATED SCHEDULE NO. 44/22 -4th November 2022

App No.:	P22/01550/F	Applicant:	Sanctuary-on-Severn Ltd
Site:	Land At Stock Farm Stock Hill Littleton Upon Severn South Gloucestershire BS35 1NL	Date Reg:	15th March 2022
Proposal:	Creation of 1no. carp fishing lake, 1 no. wildlife refuge pond, erection of 1 no storage and toilet facility building, 1no boat house, parking and associated works. associated parking.	Parish:	Oldbury-on-Severn Parish Council
Map Ref:	360787 190406	Ward:	Severn Vale
Application Category:	Major	Target Date:	13th June 2022



© South Gloucestershire Council 2007.all rights reserved.

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

100023410, 2008.

N.T.S.

P22/01550/F

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

REASON FOR APPEARING ON CIRCULATED SCHEDULE

This application appears on the Council's Circulated Schedule procedure following objections from Aust Parish Council and local residents contrary to the officer recommendation below.

1. THE PROPOSAL

- 1.1 This is a full planning application for the creation of 1no. carp fishing lake, 1no. wildlife refuge pond, the erection of 1no. storage and toilet facility building, 1no. boat house and associated works, and the change of use of the land for fishing.
- 1.2 The proposal site is an agricultural field measuring just under 3.5ha, located within the Bristol/Bath Green Belt and outside of any settlement boundary. Public Rights of Way OOS/95/10 and OOS/96/10 run to the east of the site. The site is proposed to be accessed from Stock Hill.

2. POLICY CONTEXT

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

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design
CS2 Green Infrastructure
CS4A Presumption in Favour of Sustainable Development
CS5 Location of Development
CS8 Improving Accessibility
CS9 Managing the Environment and Heritage
CS34 Rural Areas

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

PSP1 Local Distinctiveness
PSP2 Landscape
PSP3 Trees and Woodlands
PSP7 Development in the Green Belt
PSP8 Residential Amenity
PSP11 Transport Impact Management
PSP16 Parking Standards
PSP19 Wider Biodiversity
PSP20 Flood Risk, Surface Water and Watercourse Management
PSP21 Environmental Pollution and Impacts

PSP22 Unstable Land
PSP28 Rural economy
PSP29 Agricultural Development
PSP44 Open Space, Sport and Recreation

3. RELEVANT PLANNING HISTORY

3.1 None.

4. CONSULTATION RESPONSES

4.1 Oldbury on Severn Parish Council - *Oldbury on Severn Parish Council do not object to this planning application however would like the following comments noted:*

1. The planning application states 'Land at Stock Farm' when it is, in fact 'Land off of Stock Hill' .The land does not belong to the owners of Stock Farm. and Councillors would like to see this amended on the application.

2. That any building work takes place in a timely manner to minimise disruption to local residents and road users.

3. An independent Flood Risk report be obtained prior to commencing work as there were queries over the effect of the water drainage/ run off in the area being affected by the building of the lake.

4. Suggestion to consult Natural England in relation to tree planting and landscaping to benefit biodiversity.

5. Suggestion to work with neighbours to plant trees which are both suited to the environment and not too tall.

6. Would like a structural engineer to look at the dam/ bund and ensure there will be no land slippage.

7. The location of the access gate needs to be carefully assessed to ensure it does not cause traffic build up or a potential danger to other road users as members enter and exit the gate.

8. Suggestion that that the developers should pay for an independent structural surveyor of the neighbouring properties choice to satisfy his concerns over the structure of the dam.

9. Suggestion of dust suppression while moving such a lot of material/ earth.

10. Councillors queried if there is any post build monitoring of the bund planned.

11. Query whether the EA have been consulted (concern over effect of the bore hole and extraction of water.

- 4.2 Aust Parish Council - *Although the site of this application just falls into Oldbury on Severn Parish area, Aust Parish Council considers that it has the potential to impact residents of Aust parish as much as, if not more than, most Oldbury residents. Many of the objection comments already published are from Littleton residents (Littleton being part of Aust parish.) Aust PC has therefore considered the application as if it were in our area, and would appreciate if these comments could be given equal weight to those of the host parish.*

Aust Parish Council OBJECTS to this development. Key reasons for objection are:

- Development in the Green Belt: the buildings and gravel paths are inappropriate development in this green belt location;*
- Impact on visual amenity: the site sits within a well-known vista across the Severn Vale and the estuary. This development would significantly impact the visual amenity of the wider area. The proposed earthworks would lead to a significant alteration in the gradient of the slope as viewed from the Stock Farm side, which again would be visually jarring in the context of the wider area;*
- Change of use: the development would require a change of planning use category, reducing the amount of productive agricultural land in the area;*
- Lack of community benefit: the development is for the use of a private syndicate, would not offer any public access and appears to offer no benefit to the host community;*
- Biodiversity: whilst the application may offer some habitat creation, this would be at the expense of the biodiversity currently present on the site. It would appear that there is no net improvement in biodiversity;*
- Traffic: the site entrance is on a bend with restricted visibility. The lane is part of the Avon Cycleway route and used by many cyclists, horse-riders and other vulnerable road users. More vehicles pulling onto the road in this location represents an increased risk.*

Aust Parish Council is aware of concern amongst local residents with regard to the engineering of the bund structure and the potential impact on surface water drainage in the area. Councillors acknowledge this concern but do not feel qualified to comment on these technical aspects of the development.

Councillors also wish to record disagreement with the application assertion that no commercial activities will be carried out on site. We understand from discussions with the developer that this proposal creates a business entity, as ownership would be by a Limited Company. The operation of the site is surely therefore commercial, albeit with a limited pool of 'customers'.

- 4.3 Ecology – No objection subject to mitigation, external lighting details and construction environmental management plan.
- 4.4 Highway Structures – No comment
- 4.5 Drainage – No objection in principle, subject to detailed cross sections, gradient details and overflow/exceedance discharge receptors.

- 4.6 Transport DC – No objection subject to conditions restricting use and for the access to be bound and drained.
- 4.7 Crime Prevention – No objection
- 4.8 Landscape – No objection subject to tree protection plan, updated detailed planting plan, proposed boundary and hard landscape surfacing, landscape and ecological management plan and detailed design for the construction of the lake and wildlife pond.
- 4.9 Arts and Development – No comment
- 4.10 Environment Agency – No objection. Recommended that an all panel reservoir engineer is involved.

Other Representations

4.11 Local Residents

49no. objection comments have been received, summarised as:

- Private syndicate development, no outside benefit to residents
- Land is good productive pasture
- Development will increase volume of traffic
- No season for carp fishing
- Loss of agricultural land
- Benefit to wildlife could be obtained without substantial dig
- Significant increase to flood risk
- View will be impacted
- Concerns regarding structural safety
- Negative impact on the landscape
- Leylandii hedge should be removed
- Dangerous access
- Inappropriate development in the Green Belt
- Increase in antisocial behaviour
- Barriers will prevent wildlife
- Flood Risk Assessment inadequate
- Users of Avon Cycle Way would be at risk
- Construction traffic would be significant
- Proposals out of character
- LVIA inadequate
- Substantial level changes
- Area has already been changed by large housing schemes
- Fishing facilities available at Whale Wharf
- Detailed engineering designs should be submitted
- Car park, buildings and otter fence unattractive
- Earth bank overbearing
- Any permission should be conditioned to prevent camping, caravanning, overnight stays, barbecues, lights, music, parties and number of people on site
- No local need demonstrated
- Trees would be damaged by earthworks

- No assurance that end result will be safe
- Wrong place for this development
- Vanity project
- Ecological survey periods may not have been followed
- Transport statement retrofitted
- Contaminated runoff could impact farms
- No information regarding water run-off

47no. support comments have been received, summarised as:

- No similar local provision
- Similar lakes rarely have more than 3 users at a time
- Huge biodiversity gains
- Good design
- Use of soil within site reduced construction impact
- Little traffic in area
- Improvement on landscape
- Enhancement of countryside location
- Tourism benefit
- Proposal meets planning policy
- Traffic not over and above agricultural use
- Existing field has little ecological benefit
- Removal of Leylandii is an improvement
- Large amount of research has gone into scheme
- Outside sport should be encouraged
- Lakes on sloping sites are common
- Lake will help combat flooding

5. **ANALYSIS OF PROPOSAL**

Principle of Development

5.1 Paragraph 147 of the National Planning Policy Framework (the Framework) sets out that inappropriate development is, by definition, harmful to the GB and should not be approved except in very special circumstances. The framework sets out that some types of development can be considered appropriate if they fall within certain exceptions. The most applicable to this development are: *149(b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it; 150(b) engineering operations; and 150(e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds) (provided they preserve its openness and do not conflict with the purposes of including land within it).*

5.2 As set out in para 138, the purposes of including land within the Green Belt are:

- (a) to check the unrestricted sprawl of large built-up areas;*
- (b) to prevent neighbouring towns merging into one another;*
- (c) to assist in safeguarding the countryside from encroachment;*
- (d) to preserve the setting and special character of historic towns; and*

(e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

5.3 Development proposals within rural areas will be expected to (Officer note, edited for relevance and brevity):

1. Protect, conserve and enhance the rural areas' distinctive character, beauty, wildlife, landscape, biodiversity and heritage

2. Protect the best and most versatile agricultural land and opportunities for local food production and cultivation to provide for nearby urban areas and settlements

3. Protect the unique and valuable setting provided by the rural areas to the urban areas and other settlements in South Gloucestershire, which contributes to the district's distinctive sense of place and identity

4. Protect the designated Green Belt and the Cotswolds AONB from inappropriate development

5. Maintain the settlement boundaries

7. Support farm diversification in order to provide local employment, sustain rural and village life and reduce the need to travel

12. Demonstrate through the preparation of appropriate Flood Risk Assessments, surface water plans and drainage strategies, how flood risk will be managed

5.4 Under PSP44, proposals for sport and recreation outside the settlement boundaries, will be acceptable where:

a. proposal(s) for facilities that are likely to be major travel generators are located on sites which are highly accessible by public transport, on foot and by bicycle; and

b. the proposal(s) would not in itself, or when considered with other recent or proposed sports and recreation developments in the immediate locality, have an unacceptable effect on the historic environment, character and diversity of the landscape; and

c. the proposal(s) would not give rise to unacceptable levels of on street parking to the detriment of the surrounding area and highway safety; and

d. Any external lighting or advertisements would not result in the unacceptable loss of amenity, nor constitute a road safety hazard.

New buildings will be acceptable where the conversion or re-use of existing buildings is not viable and where they are essential for and proportionate to the use of the land for outdoor sport and recreation.

Effect on openness

- 5.5 This report will first examine whether the proposed engineering operations would preserve the openness of the Green Belt, and not conflict with the purposes of including land within it.
- 5.6 The existing site is an open field, bordered by hedgerows and trees. The land slopes from east to west, with a fall of around 13m.
- 5.7 The proposed lake, measuring around 1.4ha, will sit at the northeastern part of the site and will be cut into the sloping landform with an embankment at its western end. The earthworks will result in an approximate cut/fill balance with a net pond volume of 17,050m³. The embankment will have a maximum slope gradient of approximately 1V:4H. Maximum water levels of up to 2m are anticipated, with the average water depth being around 1.6m.
- 5.8 At its most extreme point, the embankment will be around 5m above existing ground level, and the lake bed around 3m below ground level.
- 5.9 Although the level changes will be visible, they cannot be considered to harm the openness of the Green Belt, and do not conflict with the purposes of including land within it. The impact of the level changes in Landscaping terms will be considered in detail later in this report.
- 5.10 Also for consideration is whether the proposed use of the land would preserve the openness of the Green Belt, and not conflict with the purposes of including land within it.
- 5.11 As found by the Inspector in Broome Lane, Clent (APP/P1805/A/06/2012949/NWF) fishing is essentially a rural activity. The use of land for fishing would maintain Green Belt openness, and in itself would maintain Green Belt policy.
- 5.12 The scheme also proposes infrastructure to support the fishing activities. These consist of a 490m² area for parking and turning and a storage/toilet building to the south eastern corner of the site, and a boat house on the northern edge of the site. The storage/toilet building will contain maintenance items, two toilets and a shower room, and measures 2.5m to the eaves, 4.6m to the ridge, 5m wide and 8m long. The boat house measures 2m to the eaves, 3.5m to the ridge, 3m wide and 4.2m long.
- 5.13 The facilities are not excessive in size, and are no larger than their intended purposes required. Some storage will be required to ensure the site is maintained, and toilet and hygiene facilities would be expected. The boat within the boat house is again required for maintenance, and the on-site car parking would prevent cars parking on the public highway.
- 5.14 The facilities can therefore be considered appropriate for the type of outdoor facility proposed. Any proposed building will inevitably impact on openness, but given the limited size of the buildings in comparison to the wider scheme, it is

not considered that they would cause harm to the openness of the Green Belt, and would not conflict with the purposes of including land within it.

- 5.15 Overall, the proposals are considered to be appropriate development within the Green Belt.

Landscape impact and visual amenity

- 5.16 A Landscape and Visual Impact Assessment has been submitted with the application. The site is gently sloping with valley like topography, with the field pattern of the site strongly associated with the character of the area. The landscape character type is an undulating ridge. The site offers some characteristics of the character description, such as varying hedge patterns and a sense of enclosure, connected by an intricate pattern of roads and lanes bordered by hedges and woodlands. The topography however is more level than the wider character area.
- 5.17 The ground cover is grassland, with a small woodland copse and an area of marshy grassland. Each boundary is defined by a native hedgerow, which have grown to varying heights. Neighbouring fields tend to be more intensively maintained.
- 5.18 A photographic survey has been carried out to identify views into the site. Views of the site are generally from the north, with views from the east, south and west unavailable any further than 0.3km away due to landform and screening by vegetation and the dwelling at Stock Farm.
- 5.19 Views from the north are generally found at elevated locations towards Oldbury-on-Severn. These views are limited due to landform and vegetation.
- 5.20 Close proximity views to the east and south are found at Stock Hill Road and Stock Lane, however these are limited. The most direct views are opposite the site entrance, from Stock Hill at the south east corner of the site, and from the dwelling at Stock Farm.
- 5.21 The landscape sensitivity of the site has been assessed as medium, and that of the wider area being high to medium.
- 5.22 The proposed structures within the site have been positioned and orientated to sit within the topography of the land, and at a level to reduce their visibility. Materials have been proposed as neutral coloured, with timber and stone walls to be sympathetic to the wider area.
- 5.23 Specimen trees and hedgerows will be used to strengthen landscape character and improve landscape features. Existing hedge banks will have supplementary planting, and new native shrub planting is proposed. There is the opportunity for further tree planting to be introduced to the site.
- 5.24 The LVIA has set out the predicted landscape effects, which have been stated as a major – moderate beneficial due to the new planting. This however is considered to be overstated due to the introduction of new structures and car

- parking. The predicted landscape affects are considered by the LPA to be slight, due to the permanent change in landscape character and the introduction of built structures and car parking.
- 5.25 A tree and hedgerow protection plan will need to be agreed to protect all peripheral/boundary planting during construction.
- 5.26 A detailed design for the construction of the lake and wildlife pond will be required and should seek to sympathetically integrate these features into the landscape.
- 5.27 The proposed landscape plan shows a good range of native, woody and herbaceous planting mixes including willow, which are generally acceptable. There is the opportunity for further specimen tree planting within the grassland area to the west of the lake as well as within the larger shrub mix area to further integrate the proposed scheme into its landscape surroundings. The proposed tree pit details require further detail and dimensions to ensure these are large enough and have flat backfilled surface areas. An updated detailed planting plan and supporting information will be required as a condition of any planning permission. Scaled detail of the otter fencing will also be required.
- 5.28 A complementary landscape and ecological management plan will be required.
- 5.29 Subject to the above, the proposal is considered to be acceptable in terms of landscape impact and visual amenity.

Agricultural land

- 5.30 The Agricultural Land Classification system divides agricultural land into five grades (Grade 1 'Excellent' to Grade 5 'Very Poor'), with Grade 3 subdivided into Subgrade 3a 'Good' and Subgrade 3b 'Moderate'. Agricultural land classified as Grade 1, 2 and Subgrade 3a falls in the 'best and most versatile' category in Paragraph 170 and 171 of the National Planning Policy Framework (NPPF).
- 5.31 Paragraph 174 of the NPPF states that:
- Planning policies and decisions should contribute to and enhance the natural and local environment by:*
- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);*
- b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;*
- 5.32 The site is shown as being Grade 3, although further detail of whether the land can be considered either "Good" (3a) or "Moderate" (3b) is not available.

- 5.33 Ministry of Agriculture, Fisheries and Food (MAFF) provisional (Pre 1988) ALC information shows that South Gloucestershire District has a high proportion of agricultural land in Grade 3, i.e., 75.4% compared with 48.2% in England as a whole.
- 5.34 The soil will be retained within the site and thus soil quality is likely to be unaffected by the proposal. The land would however no longer be within agricultural use. Less than moderate harm is considered to be caused by this aspect of the proposal.

Ecology

- 5.35 A Preliminary Ecological Appraisal (Colmer Ecology, July 2022), Habitat and Species Appraisal (Sunflower International, September 2021), Plant Species List (Sunflower International, September 2021) and Biodiversity gains and losses (Sunflower International, November 2021) has been submitted.
- 5.36 The site is not covered by any ecological designations. Habitats on site include broadleaved woodland, dense scrub, broadleaved scattered trees, improved and semi improved species poor grassland and intact species rich hedge with trees.
- 5.37 The boundary habitats provide suitable foraging and commuting habitat for bats, though the improved/semi-improved grassland offers lower value resources. These boundary features will not be impacted by the proposal, and any proposed lighting is expected to be designed in a sensitive manner to maintain the bat's use of the site. Bat roost features were noted on the trees within the boundaries of the site, however these are to be retained.
- 5.38 The site was assessed as being of negligible value for great crested newts, however even at low sward the site provides suitable dispersal habitat for GCN. Based on the more recent photos the site provides higher value habitat than that detailed in the original report. The site falls within an amber risk zone also, which suggests that the area is likely to support great crested newts. Reasonable Avoidance measures have been provided, and these are acceptable.
- 5.39 There is habitat with potential to support dormice surrounding the site, however this will be retained. The grassland does not provide suitable habitat for dormice.
- 5.40 The boundary habitats provide suitable habitat for nesting birds, the grassland was assessed as not being suitable for ground nesting birds due to ongoing management.
- 5.41 The grassland was assessed as being sub-optimal for reptiles and if present will likely be confined to the boundary habitats. Reasonable Avoidance measures have been provided, and these are acceptable.
- 5.42 Mammal paths were noted along the eastern, northern and southern boundaries of the site. Badger hairs were recorded at the north-eastern corner

- of the site. A pre-commencement badger survey has been recommended and this is welcomed. Further badger surveys may be required if a sett is recorded. Appropriate mitigation has been recommended.
- 5.43 Impacts to hedgehogs have not been detailed within the report and as a NERC species this is expected to be included within a baseline ecological survey. Mitigation proposed does however include hedgehogs.
- 5.44 The habitats present are expected to support a wide assemblage of common species, however without a dedicated survey rare species cannot be ruled out.
- 5.45 A biodiversity gains and losses document has been submitted. The existing habitats are largely of low value, with the exception of the existing hedges and trees which are to be retained. The proposals are considered to deliver significant habitat gain, with the introduction of additional planting to existing copse's and hedges, at least 30 new trees to be planted, 2,500m² of new native trees and shrubs, 1,836m² of willow and dogwood mix, 11,230m² of grass and wildflower mix, as well as the wildlife refuge pool and wetland herbaceous additions.
- 5.46 There is no ecological objection, subject to conditions requiring mitigation, external lighting details, and a Construction Environmental Management Plan.

Flooding and drainage

- 5.47 The site is located within Flood Zone 1, however a Flood Risk Assessment is required due to the site area exceeding 1ha. No specific flood mitigation or management measures are considered to be required.
- 5.48 In terms of surface water drainage, infiltration was considered to be unviable due to the underlying soil type, and confirmed by soakaway testing. An attenuation-led strategy will therefore be required.
- 5.49 A drainage channel running along the southern boundary is proposed to be used, with the addition of gravel filled linear drains. Surface water that is surplus to the needs of the fishing lake and refuge pond would be discharged to the drainage channel using an overflow structure such as a weir. The proposed development would aim to retain and make use of the available water to fill the lake and pond as much as possible.
- 5.50 The re-profiled ground levels would be designed to fall towards the fishing lake. Surface water runoff that exceeds the capacity of the drainage features would still drain to these features, and be contained within the depressed area. The features would have some spare capacity between the normal water level and top of bank level to accommodate surplus surface water runoff.
- 5.51 The drainage features would be operated and maintained by a private management company.
- 5.52 There are no sewers in the immediate surrounds of the site. A septic tank is therefore required for the toilet building.

- 5.53 The Council's Drainage Team have raised no objection to the scheme, subject to the submission of a detailed cross-sectional plan of the proposed fishing lake & wildlife refuge pond which show all the incorporated elements, components and materials. The details should include piers, pontoons, slope benching, berms, overflow / exceedance spillways, weirs, scour aprons, inlet and outlet pipes, sizes, invert levels, headwall arrangements and all water level depths (feature base, top water level, top of bank and freeboard).
- 5.54 A condition will also be required to ensure the submission of overflow/exceedance discharge receptors, and positive outfalls of flows to on-site and off-site watercourses. This information should form part of a 'Water Management Plan' for during, and post-construction activities of the proposal, as set out within the 'IDOM Proposed Earthworks Embankment' document.
- 5.55 The Council's Drainage Team have also requested that the Environment Agency provide bespoke comments in relation to the scheme, and that an All Reservoir Panel Engineer is involved.
- 5.56 The Environment Agency have been consulted. They have confirmed that the proposal is located within Flood Zone 1, and there is no potential flood risk on site.
- 5.57 A Flood Risk Activity Permit is not required from the Environment Agency.
- 5.58 The water volume/capacity is intended to be 17050m³ which falls below the 25000m³ threshold for large reservoirs (under The Reservoirs Act 1975). However, it should be noted that the provisions of the Flood and Water Management Act Schedule 4 are still being considered, that is in regard to reclassifying lake/ponds as large reservoirs with a capacity over 10,000m³. As such, the EA recommended that a Reservoir Panel Engineer' (ARPE) is consulted on the suitability of the proposals and that regular maintenance and inspection of the proposed structure, if approved, be carried out. The applicant would be liable for any damage caused by the structure if a failure were to occur.
- 5.59 There must be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct to watercourses, ponds or lakes, or via soakaways/ditches.
- 5.60 If the applicant intends to fill and/or maintain a proposed lake with water from a surface source e.g. a stream or from underground strata (via borehole or well) then they are likely to need an abstraction licence. There is no guarantee that a licence will be granted. A licence is not required if they intend to excavate and allow the lakes to fill naturally to existing groundwater levels.
- 5.61 If the applicant intends to impound a watercourse then they are likely to need an impounding licence from the Environment Agency. An impoundment is any dam, weir or other structure that can raise the water level of a water body above its natural level. 'On-line' impoundments hold back water in rivers, stream, wetlands and estuaries, and consequently affect downstream flows, sediment transport and migration of fish.

- 5.62 Any work should be done in a Water Framework Directive (WFD) compliant manner. A WFD Assessment may be required.
- 5.63 Should the proposal provide for the importing, exporting or use on site of any waste materials, then this development may require an Environmental Permit under the Environmental Permitting (England and Wales) Regulations 2010.
- 5.64 Prior to stocking with fish Consent must be obtained from the Environment Agency under the Salmon and Freshwater Fisheries Act 1975.
- 5.65 The Environment Agency have raised no objection to the scheme.
- 5.66 Following the advice from the Council's Drainage team and the Environment Agency, a Technical review of the proposed reservoir structures has been carried out by an All Reservoirs Panel Engineer.
- 5.67 The review of the proposal has found that they are technically viable. The dam structure as shown appears to be viable, but it is recommended that the internal slopes be modified to not steeper than 1V:3H.
- 5.68. The reservoir footprint including the embankment area is quite large in relation to the total plot area which means that earthmoving during construction will be relatively complex/expensive. This observation is not a reason to object to the development but to note that more detailed studies may necessitate a slightly smaller reservoir footprint than the one currently proposed. If this is found to be the case, a further application to the LPA will be required.
- 5.69 The detailed design will need to make provision for an overflow conduit. There will also need to be a means of emptying the reservoir in an emergency.
- 5.70 The ground investigations completed to date are sufficient for the planning design.
- 5.71 The proposals to fill the lake by rainfall alone do not appear viable unless the developer is prepared to wait some years for the reservoir to fill to capacity. If a supplementary source of water is to be exploited to fill the reservoir (such as a borehole or stream offtake) then an appropriate abstraction licence will be required.
- 5.72 Overall, the proposals are considered to be acceptable in terms of flooding and drainage, and ground stability.

Transport

- 5.73 The proposal is sited outside of a settlement boundary and is considered to be in an unsustainable location. Policy PSP44 does allow for outdoor sport and recreation facilities in rural areas, providing that major travel generators are located on accessible sites. A Transport Statement has been submitted to understand likely travel demands.

- 5.74 The submission has clarified that the proposal is a private facility which is not open to the public, and its use will be limited to just 20 members. This will mean that the trip generation of this site will be very small, and given the nature of activities pursued here, is likely to be dispersed throughout the day without a noticeable peak period.
- 5.75 Although the site is obtained from narrow country lanes, the proposal is not considered to be a major travel generator and is unlikely to cause any significant issues in terms of highway safety. A condition will however be required to ensure use of the site is limited.
- 5.76 Access is required directly from the public highway to the parking area. No issues have been raised regarding the safety of the access, and the gate is recessed to avoid cars accessing the site from stopping on the public highway. A condition will be required to ensure the access and parking is surfaced in a bound material, and does not drain onto the public highway.
- 5.77 As with all works on or immediately adjacent to the public highway, these works must be approved by the Council before, during and after completion as appropriate.

Residential amenity

- 5.78 The closest dwelling to the site is Stock Farm, located adjacent to the western boundary. The dwelling is located around 31m from the site boundary. The lake is over 100m from the property, and the car parking area and storage building located over 200m away.
- 5.79 Given the nature of the fishing activity, it is not considered that significant harm would be caused to residential amenity due to noise, light or other disturbance. A condition will be required for the installation of external lighting to ensure none is proposed near the boundary, nor of a level that could cause light pollution.
- 5.80 The number of users on site will be restricted. It is not considered necessary to impose conditions relating to overnight stays, bbqs etc given the proposed use and limited users.
- 5.81 The highest proposed ground level is located around 90m from the dwelling, with the start of the proposed slope around 60m away. Given the distance, it is not considered that the increase in height would cause an overbearing impact upon the residents.
- 5.82 Overall, the proposals are not considered to cause significant harm to residential amenity. Given the amount of work likely to be required to construct the proposal, and a large amount of construction vehicles, it is considered that a construction management plan is necessary.

Consideration of likely impact on Equalities

5.83 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.

Other matters

5.84 The request to consult Natural England is noted, however this application does not meet their threshold for comment.

5.85 Concerns have been raised that as the site is restricted to private membership, it does not offer benefit to members of the public as it cannot be accessed. The proposal is not required to offer a public benefit in terms of use.

5.86 Concerns have been raised regarding the address, as the application is not associated with Stock Farm. The address of the application is intended as a location only, and is not intended to denote ownership or association.

Planning Balance

5.87 The proposal is considered to represent appropriate development in the Green Belt, and is acceptable in regards to transport impact, drainage and flooding, and residential amenity. Less than moderate harm is considered to be caused due to the loss of Grade 3 agricultural land, however there are significant landscape and biodiversity benefits which outweigh this harm. The proposal is therefore recommended for approval.

6. CONCLUSION

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

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

7. RECOMMENDATION

7.1 It is recommended that planning permission is GRANTED.

CONDITIONS

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

Reason

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

2. No development shall commence until a Detailed Arboricultural Method Statement with Tree and vegetation Protection Plan following the recommendations contained within BS 5837:2012 has been submitted to and approved in writing by the Local Planning Authority. The statement should include the control of potentially harmful operations such as site preparation (including demolition, clearance and level changes); the storage, handling and mixing of materials on site, burning, location of site office, service run locations including soakaway locations and movement of people and machinery. No development or other operations shall thereafter take place except in complete accordance with the approved details.

Reason:

To ensure that trees and vegetation to be retained are not adversely affected by the development proposals in accordance with PSP3 and PSP19. This is a condition precedent because the works comprising the development have the potential to harm retained trees. Therefore these details need to be agreed before work commences.

3. Prior to the commencement of development an updated detailed planting plan specifying the location, species, stock size, planting centres and quantities of all proposed tree and structure planting), supported by an updated implementation specification and detailed tree pit details shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the details agreed.

Reason:

To protect the character and appearance of the area and residential amenity to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013, Policy PSP8 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017 and the National Planning Policy Framework. This is a condition precedent to ensure suitable planting is agreed prior to works commencing.

4. All hard and/or soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out in the first planting season following the completion of construction or in accordance with the programme (phasing) agreed in writing with the Local Planning Authority. Any trees or plants indicated on the approved scheme which, within a period of five years from the date of the development being completed, die, are removed or become seriously damaged or diseased shall be replaced during the next planting season with other trees or plants of a species and size to be first approved in writing by the Local Planning Authority.

Reason:

To protect the character and appearance of the area and residential amenity to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013, Policy PSP8 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017 and the National Planning Policy Framework.

5. No use of the site shall commence until a hard landscape scheme has been submitted to and approved in writing by the Local Planning Authority showing details of existing and proposed walls, fences, ground levels, other boundary treatment and surface treatment of the open parts of the site, and a programme of implementation. Development shall take place in accordance with the details agreed.

Reason:

To protect the character and appearance of the area and residential amenity to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013, Policy PSP8 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017 and the National Planning Policy Framework.

6. No development shall commence (including demolition, ground works, vegetation clearance) until a landscape and ecological management plan covering the construction and enabling works operations/period and a subsequent 15 Year management period, identifying existing and proposed landscape and ecology related site assets, associated management objectives, schedules of annual maintenance work together with longer term management operations has been submitted to and approved in writing by the Local Planning Authority. The LEMP (Biodiversity) shall be written in accordance with BS42020, including mitigation details on bats, birds, great crested newt, reptiles, hedgehogs and badger, as well as any pollution prevention measures.

Works shall be carried out in strict compliance with the approved details.

Reason:

To protect the character and appearance of the area and and protected species to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013, Policies PSP8 and PSP19 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017 and the National Planning Policy Framework. This is a condition precedent to ensure landscape and biodiversity are incorporated into the construction details.

7. The development shall proceed in strict accordance with the Mitigation Measures provided in the Preliminary Ecological Appraisal (Colmer Ecology, July 2022), Habitat and Species Appraisal (Sunflower International, September 2021), Plant Species List (Sunflower International, September 2021) and Biodiversity gains and losses (Sunflower International, November 2021).

Reason:

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

8. No external lighting shall be installed until details of all proposed external lighting are to be submitted to the local authority for review and is to include the location and specification. All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained

thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority

Reason:

To protect against harm to protected species and residential amenity and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policies PSP8 and PSP19 of the Policies Sites and Places DPD (Adopted) November 2017; and the National Planning Policy Framework.

9. No development shall commence until a detailed cross-sectional plan of the proposed fishing lake & wildlife refuge pond which show all the incorporated elements, components and materials has been submitted to and approved in writing by the Local Planning Authority. The details should include piers, pontoons, slope benching, berms, overflow / exceedance spillways, weirs, scour aprons, inlet and outlet pipes, sizes, invert levels, headwall arrangements and all water level depths (feature base, top water level, top of bank and freeboard). The internal slopes shall not be steeper than 1V.3H.

Reason:

To comply with South Gloucestershire Local Plan: Policies, Sites and Plans Plan (Adopted) November 2017 Policy PSP20; South Gloucestershire Local Plan: South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 Policy CS1 and Policy CS9; and National Planning Policy Framework 2012. This is a condition precedent to ensure the detailed design is acceptable and is in accordance with the engineers recommendations.

10. Prior to the commencement of development overflow / exceedance discharge receptors, and positive outfalls of flows to on-site and off-site watercourses shall be submitted to and approved in writing by The Local Planning Authority. This information should form part of a 'Water Management Plan' for during, and post-construction activities of the proposal, as set out within the 'IDOM Proposed Earthworks Embankment' document. Development shall be carried out exactly in accordance with the details agreed.

Reason:

To comply with South Gloucestershire Local Plan: Policies, Sites and Plans Plan (Adopted) November 2017 Policy PSP20; South Gloucestershire Local Plan: South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 Policy CS1 and Policy CS9; and National Planning Policy Framework 2012. This is a condition precedent to ensure that all drainage works are incorporated into the final design.

11. Prior to commencement of works details of the method of foul sewage disposal including the location of a package treatment plant including its method of irrigation of the effluent overflow by drainage field shall be submitted to and approved in writing by The Local Planning Authority. Development shall be carried out in accordance with the details agreed.

Reason:

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

Policy CS9; and National Planning Policy Framework 2012. This is a condition precedent to ensure that foul sewage arrangements are incorporated into the final design.

12. The site shall not be occupied by more than 10 people at anyone time. The proposed booking system shall be set up to prevent occupation by more than 10 people.

Reason:

In the interests of highway safety and residential amenity to accord with Policies PSP8 and PSP11 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017.

13. The off-street parking provision and access as shown on the Landscaping Plan (758/01B), and one Electric Vehicle Charging Point, shall be provided prior to the first use of the site and retained for those purposes thereafter. The access and parking shall be appropriately bound and drained.

Reason:

To ensure the satisfactory provision of parking facilities and in the interest of highway safety to accord with Policies PSP11 and PSP16 and of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017.

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

The CEMP shall include but not necessarily be limited to:

- (i) Measures to control the tracking of mud off-site from vehicles.
- (ii) Measures to control dust from the demolition and construction works approved.
- (iii) Adequate provision for the delivery and storage of materials.
- (iv) Adequate provision for contractor parking.
- (v) A lorry routing schedule, to include measures to coordinate the arrival and departure of construction and delivery vehicles to avoid conflict.
- (vi) Highway condition surveys of Stock Hill including photographs carried out prior to commencement of the development and after completion. The condition surveys are to be carried out jointly with a representative from the Local Highway Authority (LHA) Streetcare Team. Any damage to the highway caused as a result of the construction works will need to be repaired to the satisfaction of the LHA representative.
- (vii) Details of Main Contractor including membership of Considerate Constructors scheme or similar.
- (viii) Site Manager contact details.

Reason:

In the interests highway safety and to accord with policy PSP11 of the South Gloucestershire Local Plan: Policies, Sites and Places (Adopted) November 2017. A pre-commencement condition is required to ensure the development is carried out in a safe manner.

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

08 Mar 2022	785/02	B	LANDSCAPING-DETAILS AND NOTES
08 Mar 2022	785/01	B	LANDSCAPE PLAN
14 Mar 2022	D8065-000	-	EXISTING TOPOGRAPHICAL SURVEY
14 Mar 2022	D8065-001	A	EXISTING OS SITE PLANS
14 Mar 2022	D8065-001	B	EXISTING OS SITE PLANS-LOCATION PLAN
14 Mar 2022	D8065-002	-	EXISTING SITE PLAN
14 Mar 2022	D8065-003	-	PROPOSED SITE PLAN
14 Mar 2022	D8065-004	-	PROPOSED TOILET/ STORE, PLANT SHED
14 Mar 2022	D8065-005	-	PROPOSED BOAT HOUSE AND SITE SECTIONS
15 Mar 2022	22383-IDM-XX-DR-C-0601	P02	CONTOUR PLAN
15 Mar 2022	22383-IDM-XX-DR-C-0602	P02	ISOPACHYTE PLAN
15 Mar 2022	22383-IDM-XX-DR-C-0603	P02	PROPOSED CROSS SECTIONS

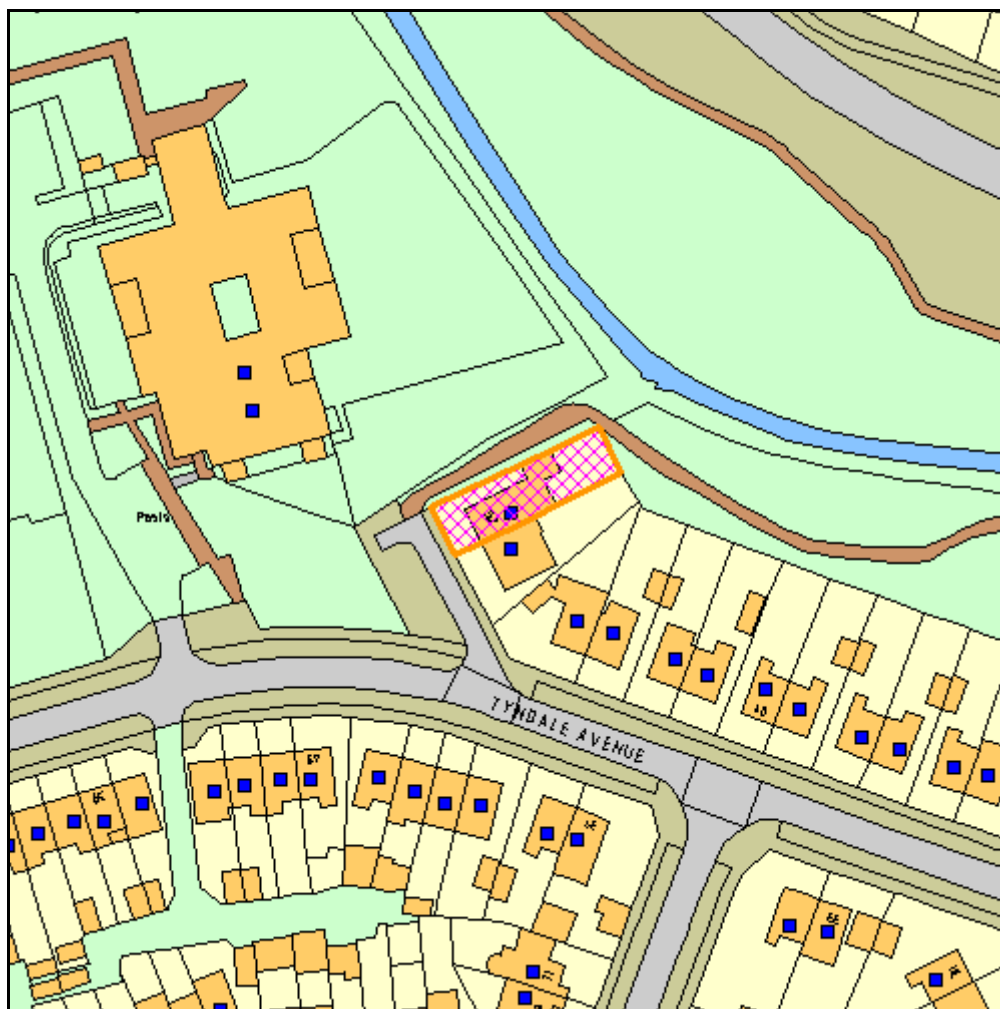
Reason:

To define the terms and extent of the permission.

Case Officer: Rae Mepham
Authorising Officer: Marie Bath

CIRCULATED SCHEDULE NO. 44/22 -4th November 2022

App No.:	P22/02964/HH	Applicant:	Mr Joshua Parsons
Site:	52 Tyndale Avenue Yate South Gloucestershire BS37 5EX	Date Reg:	20th June 2022
Proposal:	Alterations to existing garage and erection of single storey side extension to form additional living accommodation.	Parish:	Yate Town Council
Map Ref:	370805 183063	Ward:	Yate North
Application Category:	Householder	Target Date:	15th August 2022



© South Gloucestershire Council 2007.all rights reserved.

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

100023410, 2008.

N.T.S.

P22/02964/HH

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

REASON FOR REFERRAL TO CIRCULATED SCHEDULE

This application appears on the Circulated Schedule because the proposal has received 1No objection from Yate Town Council, which is contrary to the officer's recommendation.

1. THE PROPOSAL

- 1.1 The application seeks full planning permission for alterations to the existing garage and the erection of a single storey side extension to form additional living accommodation, as detailed on the application form and illustrated on the accompanying drawings.
- 1.2 The application site can be found at 52 Tyndale Avenue, is set within a good sized plot, and is an existing two storey semi-detached property. It is located within the established built up residential area of Yate and is adjacent to Tyndale Avenue Park.
- 1.3 Comments were originally received from Yate Town Council and one of the concerns raised was in relation to a tree on the adjacent town council land. As such, South Gloucestershire Council (SGC) Tree Team were also consulted on this application for comments and guidance, and in relation to the existing off-site tree to the north of the property, and an arboricultural impact assessment (AIA) including a tree constraints plan with RPA was requested.
- 1.4 Following the submission of the AIA, the Tree Team identified that the tree to the north of the property is within SGC owned land which is leased to Yate Town Council, and that as SGC still maintain the trees, the Ash Dieback Officer, was requested to inspect the tree. Subsequent information was received from the Ash Dieback Officer which outlined that all the Ash trees within the ward of Yate North are being monitored and these trees are due for removal in 2028. However, as this is over 5 years away and these particular trees adjacent to the site are currently showing signs of Ash Dieback the existing Ash off-site tree to the north of the property could be removed.
- 1.5 It has now been confirmed that as the existing Ash off-site tree to the north of the property, as well as the Ash on the other side of the footpath, have Ash dieback and therefore the Ash Dieback Officer has arranged for these trees to be removed and Yate Town Council have been made aware of this.
- 1.6 Following the result of all this additional and supplementary information in 1.3 to 1.5 above, design changes to the proposal have been undertaken and a re-consultation has taken place.

2. POLICY CONTEXT

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

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

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

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

PSP1	Local Distinctiveness
PSP8	Residential Amenity
PSP11	Transport Import Management
PSP16	Parking Standards
PSP19	Sites of Nature Conservation Interest
PSP38	Development within Existing Residential Curtilages
PSP43	Private Amenity Space Standards

2.3 Supplementary Planning Guidance

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

3. RELEVANT PLANNING HISTORY

3.1 None relevant.

4. CONSULTATION RESPONSES

4.1 Yate Town Council

2Nos letter of Objection received (24/06/22 and 03/10/22 following a re-consultation) –

- *This lies to the south and east of the footpath into Tyndale Park. The proposal will link the garage to the existing building, forming a continuous structure and raise the height compared to the existing garage. As such it means there will be a built form along almost the whole length of the boundary. This is right by the school and is well used by children and parents after school to gain access to the park adjoining.*
- *Yate Town Council leases the adjoining land, so we own right up to the property fence, and the footings of this structure will seriously affect a tree on town council land, therefore we need to object unless there is a condition requiring protection for the roots of the tree in the park immediately adjoining the proposed single storey extension, and a root barrier to stop any further claims to demolish the tree as the proposed building will be within 3 feet of the tree trunk. The proposed building will go up considerably higher than the current garage at the northern end and as such will require the removal of much of the tree canopy from the tree that is on our land but stretches across the garden. We believe that tree is subject to a TPO. The tree is not shown on the application plan and there is no mention of how its roots will be dealt with. As tenants of*

the adjoining land our consent it required as is that of the landlord of the adjoining land. A non-severance condition is also required.

4.2 Other Consultees

Sustainable Transport – Transportation DC

No Objections.

Arboricultural Officer

No further comments

Revised Comments received 24/10/22 following re-consultation –

- *Following the removal of the Ash tree by South Gloucestershire Council, the Arboricultural Team have no further comments.*

No Objections (as of comments made on 29/06/22 and 23/08/22).

However comments have been made –

- *The tree to the north of the property is within South Gloucestershire Council owned land which is leased to Yate Town Council. South Gloucestershire Council still maintain the tree.*
- *The tree, as well as the Ash on the other side of the footpath, has Ash dieback and therefore the SGC Ash Dieback Officer has arranged for these trees to be removed, probably before the end of September 2022.*
- *Yate Town Council have been made aware of the condition of the tree(s) and although the trees removal due to Ash dieback is separate from this planning application, the responsibility to replant will fall to South Gloucestershire Council.*

Ecology Officer

No Objections – Conditions recommended

Public Right of Way (PROW) Officer

Comments received –

- *The access to the park at the side and rear of the site is not a public footpath and as such PROW make no observations on this application.*

Lead Local Flood Authority

No Objections.

Environment Agency

No Comments received.

Environmental Protection

No Comments received.

Other Representations

4.3 Local Residents

No Comments received.

5. **ANALYSIS OF PROPOSAL**

- 5.1 Principle of Development
Policy PSP38 of the PSP Plan (November 2017) allows the principle of development within residential curtilages, subject to considerations of visual amenity, residential amenity and highway safety. It states that new dwellings and extensions within existing residential curtilages are acceptable in principle but should respect the overall design and character of the street and surrounding area. They should not prejudice the amenities of neighbours, or that of highway safety and the parking provision should be of an acceptable level for any new and existing buildings. The adequate provision of private amenity space should also not be sacrificed for any new development that forms part of a settlement pattern that also contributes to local character.
- 5.2 Policy CS1 of the Core Strategy seeks that the siting, form, scale, height, massing, detailing, colour and materials are informed by, respect and enhance the character, distinctiveness and amenity of both the application site and its context.
- 5.3 Design and Visual Amenity
Policy CS1 of the Core Strategy and policy PSP38 of the Policies, Sites and Places Plan seek to ensure that development proposals are of the highest possible standards of design.
- 5.4 The single storey side extension to the front of the existing garage, will have an overall width of 2.45 metres, and be to an overall depth of 3.55 metres. The existing garage will maintain its existing footprint but will replace the existing mono pitch roof with a new flat roof, which will include 3No new rooflights. Overall, the new flat roof to the existing garage and the single storey side extension will extend to an eaves height of 2.6 meters and an overall maximum height of 3.0 meters from ground level.
- 5.5 The Householder Design Guide SPD provides guidance that some side extensions can dominate or create an inharmonious addition to a dwellinghouse and to the street scene. The side extension is subservient to the main dwelling, as it is set back by almost 8.5 meters from the principal façade, and overall the proposal now remains in keeping with its surroundings, and the proposed scale and form respects the proportions and character of the existing host dwellinghouse. Therefore the design meets the requirements of policy PSP38, CS1 and the adopted Householder Design Guide SPD in achieving the highest possible design.
- 5.6 Residential Amenity
Policy PSP38 of the Policies, Sites and Places Plan explains that development will be permitted provided that it would not detrimentally impact the residential amenities of nearby occupiers and would not prejudice the retention of adequate private amenity space. Policy PSP8 specifically relates to impacts on residential amenity and outlines that unacceptable impacts could result from (but are not restricted to); loss of privacy and overlooking; overbearing and dominant impact; loss of light; noise or disturbance.
- 5.7 The presence of the single storey side extension in terms of its scale and mass has been assessed and will not result in unacceptable impacts upon the

occupants of the attached or surrounding neighbouring dwellings, and does not have a detrimental impact on residential amenity and is deemed to comply with policies PSP8, PSP38 and the Householder Design Guide SPD.

5.8 Transport

Policy PSP16 of the Policies, Sites and Places Plan sets out the Council's parking standards. Officers note that the existing driveway is used for off-street parking and that it does not meet modern parking standards of PSP16, demonstrating a clear width of 3.0 meters to the side of the dwelling, allowing additional space for access to the vehicle.

5.9 Sufficient off street parking will be provided to meet the needs of the extended dwelling.

5.10 Private Amenity Space

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

5.11 Arboricultural

Whilst the Arboricultural Officer has no objections to the proposal in principle, there is an existing off-site tree to the north of the property which requires consideration. Therefore an Arboricultural Impact Assessment, including a tree constraints plan with RPA, has been requested prior to determination, to ascertain the impact the development may have on the roots and crown of the tree.

5.12 Following the receipt of the Arboricultural Report, it has been established that the tree to the north of the property is within South Gloucestershire Council owned land which is leased to Yate Town Council and as such, an inspection has now been undertaken by the South Gloucestershire Council Ash Dieback Officer.

5.13 The tree, as well as a further Ash on the other side of the footpath, has Ash dieback disease and therefore the South Gloucestershire Council Ash Dieback Officer has arranged for both these trees to be removed. As the trees removal is separate from this planning application, the responsibility to replant will fall to South Gloucestershire Council. The application is therefore acceptable in arboricultural terms.

5.14 Ecology

As part of the assessment and location of this application site, the garage has been identified to possibly have potential to support roosting bats, for example under the tiles of the roof, and therefore a Preliminary Bat Roost Assessment (PRA) was requested to be undertaken. As such, sufficient survey effort was undertaken, and through the support of appropriate mitigation and enhancements, the application is acceptable in ecological terms.

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.

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

6. CONCLUSION

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

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

7. RECOMMENDATION

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

CONDITIONS

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

Reason

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

2. The development shall proceed in strict accordance with the Mitigation Measures provided in the Preliminary Roost Assessment (LUS Ecology, August 2022) which includes sensitive timing of works in relation to nesting birds.

Reason

To ensure the works are carried out in an appropriate manner and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; PSP21 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017 and the National Planning Policy Framework.

3. Prior to commencement of works a plan detailing the location and specifications of ecological enhancements detailed within Preliminary Roost Assessment (LUS Ecology, August 2022) is to be submitted to the local authority for review. This includes, but not limited to bat and bird boxes.

Reason

To ensure the works are carried out in an appropriate manner and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; PSP21 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017 and the National Planning Policy Framework.

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

01 Site Location Plan (Date received 24/05/22)
10 Existing Block/Roof Plan (Date received 24/05/22)
20 Existing Block Plan (Date received 24/05/22)
30 Existing Ground Floor Plan (Date received 24/05/22)
40 Existing First Floor Plan (Date received 24/05/22)
50 Existing Roof Plan (Date received 24/05/22)
60 Existing Front Elevation (Date received 24/05/22)
70 Existing Side Elevation (Date received 24/05/22)
80 Existing Rear Elevation (Date received 24/05/22)
90 Existing Side Flank Elevation (Date received 24/05/22)
100 Rev A Proposed Block/Roof Plan (Date received 07/10/22)
200 Rev A Proposed Block Plan (Date received 07/10/22)
300 Rev A Proposed Ground Floor Plan (Date received 07/10/22)
400 Rev A Proposed First Floor Plan (Date received 07/10/22)
500 Rev A Proposed Roof Plan (Date received 07/10/22)
600 Rev A Proposed Front Elevation (Date received 07/10/22)
700 Rev A Proposed Side Elevation (Date received 07/10/22)
800 Rev A Proposed Rear Elevation (Date received 07/10/22)
900 Rev A Proposed Side Flank Elevation (Date received 07/10/22)
Flood Risk Assessment (Date received 20/06/22)
Arboricultural Report (Date received 19/08/22)
PRA Report (Date received 01/09/22)

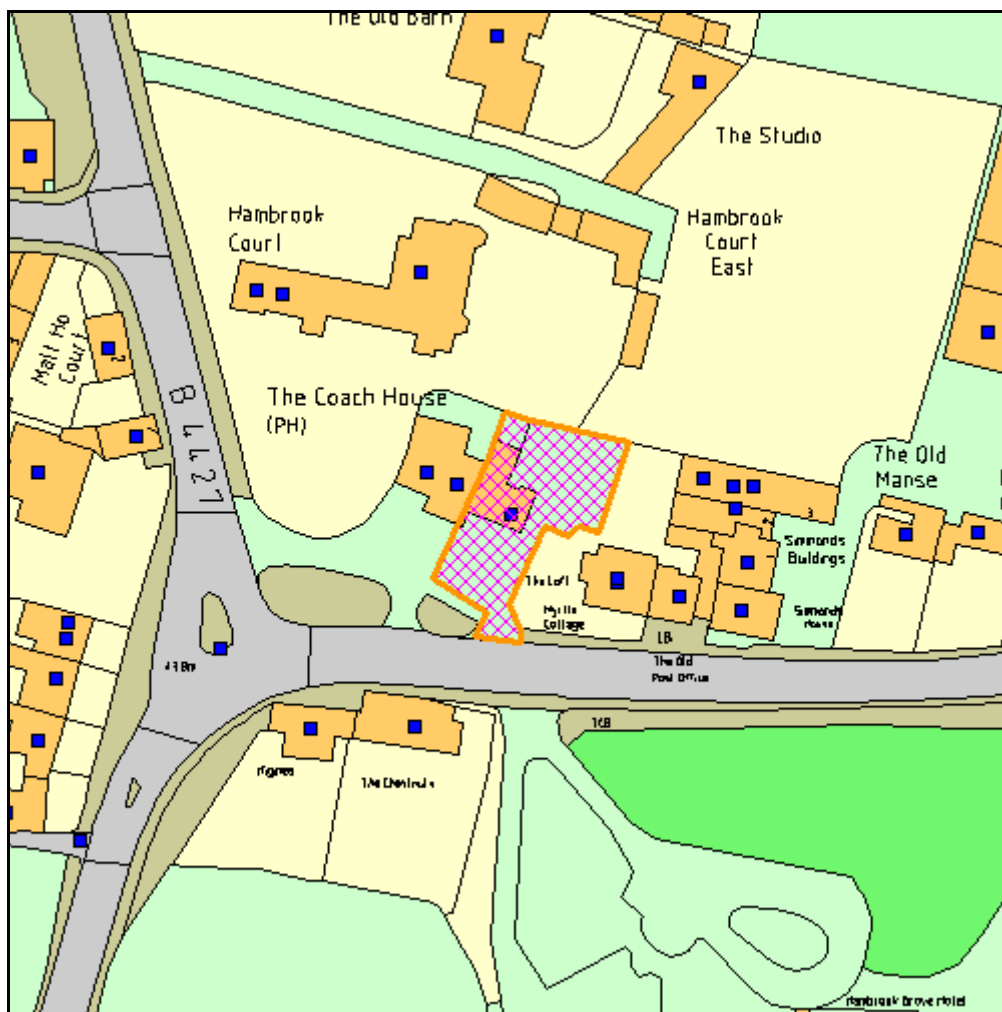
Reason

To define the terms and extent of the permission.

Case Officer: Helen Turner
Authorising Officer: Marie Bath

CIRCULATED SCHEDULE NO. 44/22 -4th November 2022

App No.:	P22/03203/HH	Applicant:	JI PROPERTIES
Site:	Baytree Cottage Bristol Road Hambrook South Gloucestershire BS16 1RY	Date Reg:	24th June 2022
Proposal:	Creation of new vehicular access onto a Class B highway.	Parish:	Winterbourne Parish Council
Map Ref:	364173 179003	Ward:	Winterbourne
Application Category:	Householder	Target Date:	17th August 2022



© South Gloucestershire Council 2007.all rights reserved.
 This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.
 100023410, 2008. N.T.S. P22/03203/HH

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

INTRODUCTION

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

1. THE PROPOSAL

- 1.1 The application seeks consent for the creation of a new vehicular access onto a Class B highway.
- 1.2 The application site is located at Baytree Cottage, Bristol Road, Hambrook. The site is also located within the Green Belt.
- 1.3 Revised plans have been received during the course of the application providing revised parking and turning areas.

2. POLICY CONTEXT

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

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013
CS1 High Quality Design
CS8 Improving Accessibility
CS9 Managing the Environment and Heritage

South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017
PSP1 Local Distinctiveness
PSP11 Transport Impact Management
PPS17 Heritage Assets and the Historic Environment

Supplementary Planning Guidance
Hambrook Conservation Area SPD

3. RELEVANT PLANNING HISTORY

- 3.1 PT18/6603/F - Alterations and extensions to existing public house and dwelling flat to facilitate conversion to 2 no dwellings. Approved 12/3/19

Land to the side/rear of Baytree Cottage:

P19/15195/F - Erection of 1 no detached dwelling with new access and associated works. Refused 14/2/20

P20/15597/F - Erection of 1no. dwelling with access, parking, landscaping and associated works (resubmission of P19/15195/F). Refused 22/10/20

4. CONSULTATION RESPONSES

4.1 Winterbourne Parish Council

The comments of the Parish Council are Objection. The Parish Council have concerns over both road and pedestrian safety. In addition, we would question the location of future bin storage as this area is currently used when putting bins out.

Conservation Officer

There are concerns regarding the visual impact of the proposals but whilst the demolition of the wall would be permitted development further consideration of what parts of the scheme actually require consent would be helpful.

Sustainable Transportation

Further details were initially required. Additional plans were received. There are no objections to the proposals.

Other Representations

4.2 Local Residents

Two letters of objection have been received, raising the following points:

-I object to another vehicular access onto the Bristol Road. It is a very busy corner and there are already several accesses within a short distance.

-This is a conservation area and the proposed changes would have a detrimental effect on the appearance of the area.

- I object to the proposal to destroy part of an old wall and also a section of the green. Conservation status was confirmed with both of these as they are now.

-Nothing has changed in the 35 years that I have been living here and pictures from the past show that this has been the case for many more years.

In my opinion there is currently adequate access to parking at Baytree Cottage.

-This is unnecessary - unless they were planning to build another property to the rear of Baytree.

-The wall forms part of the character of the village.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The issue for consideration is that of whether the proposed access onto the highway and the creation of an additional hardstanding parking area is an acceptable development in its own right. The site is located within the Hambrook Conservation Area and so special consideration would need to be given in this respect, as well as the sites Green Belt location. The main issues are therefore impact upon historic assets and highways safety.

5.2 Green Belt

Residential development can be acceptable forms of development within the Green Belt, provided that it is not disproportionate and it does not impact upon the openness of the Green Belt. In this instance the proposals for access works

are considered proportionate to the host dwelling, and given their roadside location amongst dwellings, does not impact upon the openness of the Green Belt. It is therefore considered appropriate development in the Green Belt.

5.3 Historic Assets – Conservation Area Considerations

The comments above are noted. What is proposed would see a section of the boundary wall removed to facilitate the access into the property and the kerb would be dropped. Demolition of the wall is considered to be permitted development, however the construction of the access itself is considered to require permission. The Conservation Officer raised previous concerns on the applications in history section above, and the remaining concerns are reiterated regarding the erosion of the small grassed area on the verge, which it is considered would be harmful to the character and appearance of the conservation area.

5.4 Reference in the advice notes of the Hambrook Conservation Area document is made to *“at the bend in the Bristol Road adjoining the Crown Public House the character is more open with its areas of grass giving the feel of a village green’*. *Under enhancement strategies within the document reference is made to retaining informal grass verges and grassed areas by the pub and road junction*. There are two areas of grass verge and a grassed traffic island. The main, larger verge area is located nearer to the road junction with the Old Gloucester Road. The other verge area is already dissected by the entrance to the former pub, is a smaller, less significant area. Notwithstanding this the property has been approved as an individual dwelling, whilst a shared access exists it is not unreasonable to consider that the subsequent subdivision of the property is a material consideration and that a separate access may now be warranted. As suggested the demolition of the wall is considered permitted development, so the impact relates solely to a relatively small part of the verge. The grass area would not be lost and the proposals would not be through the middle of the verge, rather taking off an edge. A majority of the verge will remain, although the shape would change slightly through the proposed changes. The plans indicate that approximately up to 2 metres of the grassed area would be lost to accommodate the access. It is not considered that this loss would contribute greatly to a significant or material impact upon the wider Conservation Area in this instance such as to warrant objection and sustain a refusal on this basis and in this instance, and on balance the proposals are acceptable.

5.5 Highways

It was initially considered that insufficient information has been provided to determine whether vehicles can turn within the turning area and enter the highway in a forward gear which is required in this location for highway safety reasons. For reversing and turning a minimum distance of 10.8m is needed between the front of the car parking space and the wall and the path to the front door should be between or to the side of the parking spaces. Sufficient visibility exists at the proposed access provided vehicles can turn within the site. Revised plans were subsequently received which provided revised parking and turning areas. There are no highways objections to the proposals on this basis from the Council’s Highways Officer

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 There is a duty placed on the Council under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 when planning permission for any works to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Under Section 72 of the same Act, it is the Council's duty to pay special attention to the preservation or enhancement of the character of the surrounding conservation area. It is considered that full consideration has been given to these duties and the proposal is considered acceptable in this regard.
- 6.3 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017, and the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

- 7.1 That planning permission is granted.

CONDITIONS

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

Reason

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

2. The development/works hereby permitted shall only be implemented in accordance with the plans as set out in the plans list below:
Site Location Plan and Block Site Plan, received by the Council on the 22nd June 2022 and Revised Access and Parking Layout (Ref. 1352 4 C), received by the Council on the 4th August 2022.

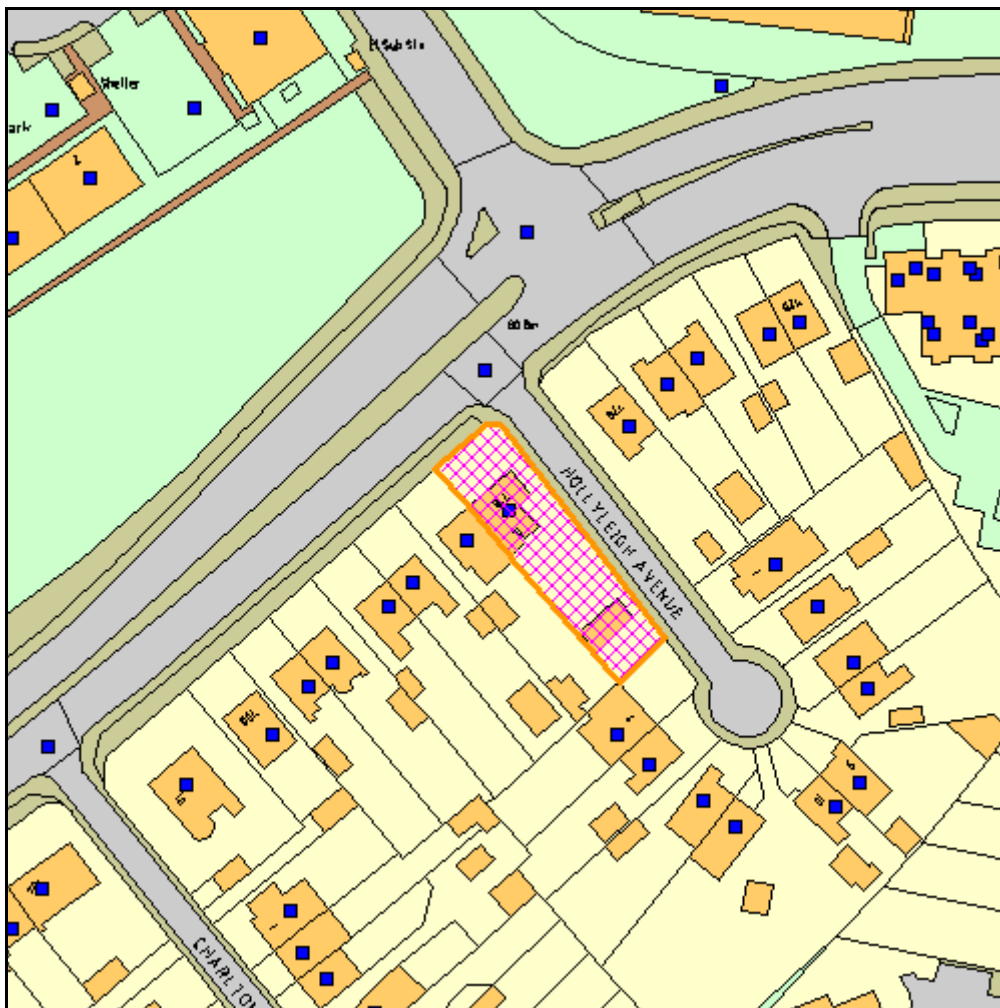
Reason:

To define the terms and extent of the permission.

Case Officer: Simon Ford
Authorising Officer: Marie Bath

CIRCULATED SCHEDULE NO. 44/22 -4th November 2022

App No.:	P22/04955/F	Applicant:	Mr Mike Fiebig South West Estates Management Ltd
Site:	718 Southmead Road Filton South Gloucestershire BS34 7QT	Date Reg:	17th August 2022
Proposal:	Change of use from 1no. dwellinghouse (Class C3) to a large 8 bedroom House in Multiple Occupation (HMO) for up to 8 people (Sui generis) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended).	Parish:	Filton Town Council
Map Ref:	359932 178944	Ward:	Filton
Application Category:	Minor	Target Date:	11th October 2022



© South Gloucestershire Council 2007. all rights reserved.

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

100023410, 2008.

N.T.S.

P22/04955/F

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

REASON FOR REPORTING TO CIRCULATED SCHEDULE

The application is referred to the Circulated Schedule as representation has been received from local residents which is contrary to the Officer's recommendation.

1 THE PROPOSAL

- 1.1 The application seeks full planning permission for the change of use from 1no. dwellinghouse (Class C3) to a large 8-bedroom House in Multiple Occupation (HMO) for up to 8 people (Sui Generis) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended).
- 1.2 The application site relates to 718 Southmead Road, Filton. The existing property is a two-storey semi-detached dwelling with 6 bedrooms. Works approved under P22/02678/RVC including installation of an enlarged rear dormer, the erection of a two-storey side/rear extension and a single storey rear extension are near completion.
- 1.3 The application would not alter the external appearance of the building but would sub-divide the existing home office and kitchen/diner to create an additional 2 bedrooms at ground floor level.

2 POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework (NPPF)
National Planning Policy Guidance (NPPG)
National Design Guide

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy (Adopted) December 2013

CS1 High Quality Design
CS2 Green infrastructure
CS4a Presumption in Favour of Sustainable Development
CS5 Location of Development
CS8 Improving Accessibility
CS9 Managing the Environment and Heritage
CS15 Distribution of Housing
CS16 Housing Density
CS17 Housing Diversity
CS25 Communities of the North Fringe of Bristol Urban Area

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

PSP1	Local Distinctiveness
PSP2	Landscape
PSP3	Trees and Woodland
PSP8	Residential Amenity
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP19	Wider Biodiversity
PSP20	Flood Risk, Surface Water and Watercourse Management
PSP38	Development within Existing Residential Curtilages
PSP39	Residential Conversions, Sub-Divisions and Houses in Multiple Occupation.
PSP43	Private Amenity Standards

2.3 Supplementary Planning Guidance

Houses in Multiple Occupation (HMOs) SPD (Adopted) 2021
South Gloucestershire Design Checklist (Adopted) 2007
Residential Parking Standards SPD (Adopted) 2013
Waste Collection SPD (Adopted) 2015 (Updated 2017)
Householder Design Guide SPD (adopted) March 2021

3 RELEVANT PLANNING HISTORY

3.1 **P22/02678/RVC**

Variation of condition 2 attached to permission P20/21783/F to alter the approved plans. Installation of enlarged rear dormer, erection of two storey side/rear extension and single storey rear extension to provide additional living accommodation.

Approved with conditions: 05/07/2022

3.2 **P21/03067/NMA**

Non-material amendment to planning permission P20/21783/F to increase the size of the single storey rear extension.

Refused: 28/05/2021

3.3 **P21/04083/F**

Demolition of existing side garage and erection of two-storey side extension and single storey front and rear extensions to form additional living accommodation. Alterations to existing parking layout.

Approved with conditions: 16/07/2021

3.4 **P20/21783/F**

Installation of enlarged rear dormer, erection of two storey side/rear extension and single storey rear extension to provide additional living accommodation. Erection of two storey, detached building with external staircase to form garage and annex ancillary to the main dwellinghouse.

Split decision: 29/01/2021

Part refusal: two storey detached building

Part approval: rear dormer, two storey side/rear extension and single storey rear extension.

4 **CONSULTATION RESPONSES**

4.1 **Parish Council**

No comment received.

4.2 **Sustainable Transport**

No objection, subject to conditions.

Other Representations

4.3 **Local Residents**

Objection comments received from no.21 local residents, summarised as follows:

Design

- 8 bedrooms is an overdevelopment of the property.
- Good sized kitchen/diner/loving area reduced by 33%, leaving a space that would be cramped and unpleasant.
- Not in keeping with room sizes in the surrounding area.
- 7-bedroom proposal would be more suitable for the room sizes and layout of the property.
- Over-intensification of the existing residential use.
- Refuse and recycling storage at the front would change the feel of the family orientated Hollyleigh cul-de-sac and diminish the attractiveness of the neighbourhood.
- No design of the proposed bin/recycling area provided.
- No indication of proposed parking surface material.
- The minimum room size standards are not met by much.
- Additional bins would be an eyesore

Residential Amenity

- Noise from 8 people using the external amenity space.
- Noise levels generally heightened.
- No longer visual screen from vegetation which has been removed.
- Detrimental to the quality of life experienced by local residents.

-

Ecology

- Biodiversity loss- conversion of the front garden into parking results in a net reduction in green space of 20% on top of previous loss this year as a result of the previously approved extensions.
- In conflict with the SGC declared Climate and Biodiversity Emergencies and other planning policies.
- Trees/hedges/grass have already been removed creating an unattractive site in the back garden.

Highways/parking

- Insufficient parking for 8 vehicles associated with 1 property.
- Would prejudice highway safety- not an acceptable level of parking.
- Parking already an issue in the cul-de-sac which would be exacerbated by the proposal.
- Access to all driveways is tight and reversing in an out would be difficult..
- Access at front onto busy Southmead Road particularly dangerous.
- Road often used as an overflow car park by nearby businesses.
- Pavements already being blocked by vehicles.
- HMO creates more traffic increasing pressure for parking in local area.
- Extra bins on the pavement during weekly collections an issue for pedestrians/pushchairs/mobile scooters etc.

Other

- Work has already started on site.
- Object to manner in which the development has been sought, initially extensions to the house then change to HMO.
- House is not vacant as stated in the application form.
- Councillors have refused other HMO applications in the area.
- Original application was accepted on the basis it was not to be used as an HMO.
- HMO likely to exacerbate the existing litter problem.
- Will have large turnover of tenants, absence of integration with the local community.
- Large family home more likely to foster longer lasting attachments and community spirit.
- Building work has been a disruption, blocking of road and pavements in need of repair.
- Attraction of rats a strong possibility.
- Dispute ownership of the property.

5 ANALYSIS OF PROPOSAL

5.1 Principle of Development

The determination of whether the change of use of a dwelling in C3 use to a large HMO use will have an acceptable impact upon the surrounding area is primarily assessed via the tests outlined within the houses in Multiple Occupation SPD (Adopted) 2021. The SPD provides a way of using available data (licenced HMOs) to provide tangible and substantiated evidence regarding the concentration of HMOs and an overall housing mix within the locality of the proposal.

- 5.2 Policy PSP39 within the adopted Policies, Sites and Places Plan (2017) states that where planning permission for an HMO is required, this will be acceptable, provided that this will not prejudice the amenity of neighbours. Supporting text states that the term “neighbours” should be taken to mean properties adjacent to, and surrounding, the application site which have a reasonable potential be directly affected by harmful impacts arising from the proposal(s).
- 5.3 In addition, Policy PSP8 maintains that development proposals will only be acceptable provided they do not ‘have unacceptable impacts on residential amenity of occupiers of the development or nearby properties’. Unacceptable impacts could arise from noise or disturbance, amongst other factors, which could arise from HMOs functioning less like traditional single households on a day-to-day basis.
- 5.4 Prejudicing the amenity of neighbours can arise at a localised level when developments of such HMO uses are inappropriately located, or become concentrated, particularly at an individual street level.
- 5.5 Additional Explanatory Guidance 1 sets out that the following factors should be taken into account when determining if the proposal would prejudice the amenity of adjacent neighbours:
- whether any dwellinghouse would be ‘sandwiched’ between two licenced HMOs, or,
 - result in three or more adjacent licenced HMO properties.
- 5.6 In this case, there are no adjacent properties which are licenced HMOs. Therefore, there would be no sandwiching impact, nor would the proposal result in three or more adjacent licenced HMO properties.
- 5.7 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 mixes communities.
- 5.8 Policy CS17 does not define what is meant by ‘mixed communities’ in all locations. 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.
- 5.9 Additional Explanatory Guidance 2 sets out that the following factors should be taken into account when determining if the proposal would contribute to harmful

impacts in respect of a mixed community and the character and amenity of an area:

- An additional HMO in localities where licensed HMO properties already represent more than 10% of households, or,
- More than 20% of households within a 100m radius of the application property.

- 5.10 For the purposes of this assessment, a 'locality' is defined by a statistical boundary known as a Census Output Area (COA).
- 5.11 In the locality of 718 Southmead Road, Filton, there are 165 domestic addresses, 5 of which are licensed HMOs. Therefore, HMO properties currently represent 3% of households in the COA. Within a 100m radius there are 53 properties, 1 of which is an HMO. Therefore, 1.8% of properties within a 100m radius of the application property are currently HMOs.
- 5.12 Given the above, the principle of a change of use to an HMO is considered to be in compliance with policies PSP39, PSP8, CS17 and the SPD. The proposal accords with the principle of development subject to the material considerations below.
- 5.13 **Impact on the character of the area**
The approved extensions have been erected, with only part of the external finish and internal walls yet to be completed, this was confirmed by a site visit. The proposal is not altering the size of the approved extensions, nor is it altering the external appearance in any way. Therefore, although some concern has been raised by local residents in regard to the sequence of applications, the later additions to the property have already been found to be acceptable in regard to the impact on the character of the area. The change of use from a dwelling to an HMO would not alter the assessment of the design.
- 5.14 The only alteration to the approved plans is to alter the ground floor internally, subdividing the kitchen/diner and home office rooms to form an additional 2no. bedrooms. The new internal arrangement of the property would have little to no impact on the character of the area. As such, the proposal is considered to be acceptable in terms of design and appearance.
- 5.15 That said, in regard to landscaping very little information has been provided. The property is on a corner plot and so the boundary treatment is of importance to the appearance of the cul-de-sac. At the site visit, the side boundary with Hollyleigh Avenue had been removed and the plans do not indicate what was previously in place, nor what is proposed here. There is also no indication of the soft and hard landscaping for the rear garden and parking areas. This will be required by condition.

5.16 **Residential Amenity**

As stated above, the application is not altering the size and scale of the previously approved extensions, nor is it inserting any additional windows or doors. No unacceptable impacts to neighbouring occupiers was found in the assessment of the previous application in regard to overlooking, overbearing or loss of light impacts. This assessment is not altered by the change of use.

5.17 Some concern has been raised by local residents in regard to potential noise generated from 8 occupants in a single household. However, the proposal would continue to be under a residential use and it would be unreasonable to assume that any future occupants would create excessive noise over and above what is expected in a residential setting. Should any objectionable noise be occurring, this should be reported to the Council's Environmental Protection team for direct action to be taken. Any soundproofing concerns would be addressed by Building Regulations.

5.18 Concern has also been raised by local residents in regard to the living standards of the future occupiers, specifically due to the size of the rooms. The nationally described space standards offer a guide to what is acceptable, the proposal exceeds the required bedroom floor area of 7.5 square metres for a single room. In addition, all bedrooms would be provided with an en-suite and there would also be a communal kitchen/living area, 30.5 square metres in size. This is a reasonable size for an HMO living arrangement. As such, the internal space would not be detrimental to the living conditions of future occupants.

5.19 There are no set standards for provision of private amenity space for HMOs, however in this instance Policy PSP43 is used as a reference which states that a 1 bed flat should provide a minimum of 5 square metres of amenity space. Therefore, using this standard, 8 x 1 bed flats would require 40 square metres of private amenity space. The rear garden area would provide sufficiently useable and private space far in excess of this requirement.

5.20 **Transport and Parking**

Significant concerns have been raised by local residents in regard to parking provision. PSP16 of the PSP plan requires HMOs to provide 0.5 car parking spaces per bedroom; therefore an 8 bed HMO would require 4 spaces. It goes on to say that this can be provided within the curtilage, or alternatively through submission of appropriate evidence of the availability of on-street parking during evenings and weekends.

5.21 The application is proposing to provide 2 spaces to the front of the property and 1 space to the rear; existing vehicle accesses serve both parking areas. Access into these parking areas would not be impeded by on-street parking. The remaining space would be provided in the form of an integrated garage. Although the garage measures very marginally below the required 6m in length, given it is not being altered from the existing garage which was previously

intended for car storage, and is served by an existing access, in this instance it is thought unreasonable to discount this from the parking provision.

Furthermore, the existing detached garage at the rear of the site would provide ample storage for cycles and other miscellaneous items. In order to further promote sustainable transport, an electric vehicle charging point will be secured by condition.

- 5.22 The bin store is of an acceptable appearance and size; it would be located to the side of the property with easy access to the front for collection.
- 5.23 The council's highway officer has suggested the access to the front of the property is widened as it would be more difficult for independent occupants to use the parking area than a single dwelling. However, there are road signs on Hollyleigh Avenue that would prevent the access being widened easily. Furthermore, the arrangement of the proposed parking spaces would not require any additional vehicle manoeuvrability to allow vehicles to enter and exit the site independently than if it were a single dwelling; put simply, vehicles would be able to enter and exit the parking to the front independently without blocking other occupants. Widening of the front access is therefore not deemed necessary.
- 5.24 Given all of the above, the proposal would not result in any severe impact to highway safety and would provide adequate off-street parking. Overall, there is no transport objection.
- 5.25 **Ecology**
Some concern has been raised in regard to the loss of green space/vegetation on the site. The site has already been cleared to the rear and no condition was imposed on the previous application for landscape details to be provided. The site is still under residential use and, though it would be preferable for trees/vegetation to be kept, without any formal protection it is unreasonable to prevent clearance. That said, a condition will be imposed for details of soft and hard landscape finishes to be provided and agreed by the council. It is expected this would include new trees/hedges and a grassed area.
- 5.26 **Equalities**
The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society; it sets out the different ways in which it is unlawful to treat someone. As a result of this Act the public sector equality duty came into force. Among other things those subject to the equality duty must have due regard to: eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity and foster good relations between people who share a protected characteristic and those who do not. The general equality duty therefore requires organisations to consider how they could positively contribute to the advancement of equality and good relations. It requires equality considerations to be reflected into the design of policies and the delivery of services.

- 5.27 With regards to the above this planning application is considered to have a neutral impact on equality as it does not impact on any protected characteristics.
- 5.28 **Other Matters**
There have been a number of comments objecting to the manner in which the permission has been sought; first submitting an application for the extensions, then a subsequent application for a change of use. Each application is judged on its own merits and there is nothing preventing an applicant submitting a change of use application following extending the property. In this case, the impact of the built form (extensions) on the character of the area and amenity of the neighbours would not be altered by the type of application submitted.
- 5.29 It has been stated by local residents the previous application was accepted on the basis it was not being used as an HMO. However, no condition was imposed on the decision to prevent such a use as it would be unreasonable to do so.
- 5.30 Should waste and litter increase, this should be reported to South Gloucestershire's Streetcare team for action.
- 5.31 The business reasons for an application is not a material planning consideration and therefore cannot form a reason for refusal.
- 5.32 The applicant has provided the necessary ownership certificate. This permission shall not be construed as granting rights to carry out works on, or over, land not within the ownership, or control, of the applicant.
- 5.33 It is accepted that there would be a degree of disruption to local residents during the construction period, however this is not a material planning consideration and would be for a limited amount of time, it therefore cannot form a reason for refusal. That said, it is hoped that the applicant and contractor would be considerate to local residents during that period.

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. The off-street parking facilities (for all vehicles, including cycles) and access shown on the plan hereby approved shall be provided before the building is first occupied as an 8 person HMO, and thereafter retained for that purpose.

Reason

To ensure the satisfactory provision of parking facilities and in the interest of highway safety and the amenity of the area, and to accord with Policy CS8 of the South Gloucestershire Local Plan; Core Strategy (Adopted) December 2013; Policy PSP16 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; and the South Gloucestershire Residential Parking Standards SPD (Adopted) December 2013.

3. Prior to first use of the building as an 8 person HMO, a 32amp/7Kw electric vehicle charging point shall be provided.

Reason

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

4. Prior to the first use of the building as an 8 person HMO, a scheme of landscaping, which shall include details of proposed planting (and times of planting); boundary treatments and areas of hardsurfacing shall be submitted to the Local Planning Authority for approval. Development shall be carried out in accordance with the agreed details.

Reason

To protect the character and appearance of the area to accord with Policies CS1 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; the National Planning Policy Framework.

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

Received by the Council on 16th August 2022:
Site Location Plan (3946.PL.01)

Existing Plans (3946.PL2.03)
Proposed Plans (3946.PL2.04)

Received by the Council on 1st November 2022:
Existing and Proposed Block Plan (3946.PL2.02 REV A)

Reason
To define the terms and extent of the permission.

Case Officer: James Reynolds
Authorising Officer: Marie Bath