

# 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: 41/22**

**Date to Members: 14/10/2022**

**Member's Deadline: 20/10/2022 (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](mailto:MemberReferral@southglos.gov.uk) identifying the application reference and site location
- b) Within 5 working days of the date of this schedule e.g. if the schedule is published on a Friday, comments have to be received by end of the following Thursday (see cover page for the date)
- c) The referral should include the reasons for the referral why it would not be appropriate to permit the proposal to be determined under the delegated arrangements; the issue the proposal raises in relation to the relevant policy context and the balanced consideration that has been given to the extra costs and delay to the referral You may wish to consider the guidance given in the Members' Planning Code of Good Practice in the Council's constitution, which sets out the criteria the Chair of the Committee, in consultation with the Spokes will use to consider any referral requests.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

c. All applications for non-material amendments

d. All applications to discharge planning conditions

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

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

### **Additional guidance for Members**

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

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

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

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

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

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

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

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

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

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

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

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

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

**Date:**

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

# CIRCULATED SCHEDULE - 14 October 2022

ITEM NO.	APPLICATION NO.	RECOMMENDATION	LOCATION	WARD	PARISH
1	<b>P21/06672/F</b>	Approve with Conditions	8 Elmdale Crescent Thornbury South Gloucestershire BS35 2JH	Thornbury	Thornbury Town Council
2	<b>P22/01750/F</b>	Approve with Conditions	180 Conygre Grove Filton South Gloucestershire BS34 7HZ	Filton	Filton Town Council
3	<b>P22/02101/HH</b>	Approve with Conditions	23 Grange Park Frenchay South Gloucestershire BS16 2SZ	Frenchay And Downend	Winterbourne Parish Council
4	<b>P22/03985/RVC</b>	Approve with Conditions	Fleur De Lys 12 Shortwood Road Pucklechurch South Gloucestershire BS16 9RA	Boyd Valley	Pucklechurch Parish Council
5	<b>P22/04124/F</b>	Approve with Conditions	Land At Abbotsbury Harry Stoke Road Stoke Gifford South Gloucestershire BS34 8QH	Stoke Gifford	Stoke Gifford Parish Council
6	<b>P22/04267/F</b>	Approve with Conditions	Land West And North Of 5 Samuel Wright Close North Common South Gloucestershire BS30 5LQ	Bitton And Oldland Common	Bitton Parish Council
7	<b>P22/04285/HH</b>	Approve with Conditions	15 Hermitage Wood Road Stoke Gifford South Gloucestershire BS16 1BF	Stoke Park And Cheswick	Stoke Gifford Parish Council
8	<b>P22/04540/F</b>	Approve with Conditions	45 Church Road Frampton Cotterell South Gloucestershire BS36 2NJ	Frampton Cotterell	Frampton Cotterell Parish Council
9	<b>P22/05209/F</b>	Approved Subject to Section 106	Unit 1400 Bristol Parkway North Newbrick Road Stoke Gifford South Gloucestershire BS34 8YU	Stoke Gifford	Stoke Gifford Parish Council
10	<b>P22/05288/RVC</b>	Approved Subject to Section 106	Land West Garston Farm Marshfield South Gloucestershire SN14 8LH	Boyd Valley	Marshfield Parish Council

**CIRCULATED SCHEDULE NO. 41/22 - 14th October 2022**

<b>App No.:</b>	P21/06672/F	<b>Applicant:</b>	K Gingell
<b>Site:</b>	8 Elmdale Crescent Thornbury South Gloucestershire BS35 2JH	<b>Date Reg:</b>	18th October 2021
<b>Proposal:</b>	Demolition of detached garage and existing conservatory. Replacement with erection of a single storey rear extension, two-storey side extension and front porch as well as enlargement to both front and rear dormers to form additional living accommodation.	<b>Parish:</b>	Thornbury Town Council
<b>Map Ref:</b>	364309 190182	<b>Ward:</b>	Thornbury
<b>Application Category:</b>	Householder	<b>Target Date:</b>	8th December 2021



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 100023410, 2008. **N.T.S.** **P21/06672/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 APPEARANCE ON CIRCULATED SCHEDULE**

This application is presented to the circulated schedule due to the receipt of an objection comment from the Town Council, contrary to the officer recommendation.

### **1. THE PROPOSAL**

- 1.1 This application seeks full planning permission for the demolition of existing conservatory and detached garage with replacement erection of a single storey rear extension and two-storey side extension to form additional living accommodation at 8 Elmdale Crescent, Thornbury.
- 1.2 The applicant site comprises a modest plot with the host property itself forming a semi-detached bungalow. The dwellinghouse displays typical characteristics of the area and benefits from off street parking as well as a rear garden, providing the residents with ample amenity space. Likewise, it is recognised on-site development is not limited by any local development plan policies.
- 1.3 *Procedural Matters* – amended plans (reduction in width of two-storey and single-storey extension as well as changes in form, alteration to front porch and introduction of parking towards frontage) have been received from the applicant's agent. This has altered the description of development but not affected the scope of assessment (there has been change in policy context), and as such, no further public consultation has been conducted. The case officer is satisfied this does not disadvantage the public interest.

### **2. POLICY CONTEXT**

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

- 2.2 Development Plans

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

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

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

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

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

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

- 3.1 No relevant planning history.

### 4. **CONSULTATION RESPONSES**

- 4.1 Thornbury Town Council  
The town council have objected to this application on the grounds of overdevelopment.
- 4.2 Archaeology Officer  
No comments received.
- 4.3 Local Residents  
No comments received.

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

- 5.1 Principle of Development  
Policy PSP38 permits extensions and alterations to existing dwellings within established residential curtilages subject to an assessment of design, amenity and transport. The development is acceptable in principle but will be determined against the analysis set out below.
- 5.2 Design, Visual Amenity and Heritage  
Policies CS1, PSP38 and the SGC Householder Design Guide seek to ensure that development proposals are of the highest possible standards of design in which they respond to the context of their environment. This means that developments should demonstrate a clear understanding of both the site and local history to ensure the character, distinctiveness and amenity is well assessed and incorporated into design.
- 5.3 The proposed development would introduce a two-storey side extension that would project from the West elevation by approximately 2,300mm and elongate the existing ridge. Below this, the front roof plane would then feature a 'step-in' by 650mm and provide capacity to lengthen the existing dormer by 2,000mm. At the rear, a single storey extension is sought to facilitate the enlargement of existing kitchen into an open plan kitchen/dinner which represents a width of 8,000mm and a maximum height of 2,600mm. There would also be 3no. roof lights incorporated into the proposed single-storey flat-roof along with a set of bi-folding doors spanning the width of extension. The result of these works, coupled with the development at the front and side would increase the footprint of bedroom No.3 as well as introducing a first-floor shower room. Lastly, finishing materials in this scheme appear to match the existing.



- 5.4 Whilst the case officer had initially raised concern regarding the extent to which the development could have created a dwelling with inappropriate design features, such as the angular side elevation in order to maximise developable area (which would have been at odds with the pattern of development in the street) and the more prominent front porch, the receipt of revised plans has seen these items removed. Similarly, the revised design, although more unusual than the average residential development, now presents a 'cleaner' appearance and is also set within a context that features a number of design quirks. To highlight this, reference is drawn to the 5 connecting plots to the West which all feature a mixture of works that include but are not limited to; stepped down ridge, elongated ridge, removal of garage, insertion of front projecting porch with variation in roof slope, relocation of main entrance, separate front dormer, essentially, there is no real precedent set for this type of development in the immediate area. In addition to this, the host property is of no architectural importance, suggesting the proposed alterations would not cause excessive harm to the applicant building or the street scene.
- 5.5 In light of the reasons listed above, the case officer is therefore satisfied that the development proposal is acceptable in design terms.
- 5.6 Residential Amenity  
With regard to residential amenity, policy PSP8 states development proposals are acceptable, provided they do not create unacceptable living conditions or result in unacceptable impacts on residential amenities. These are outlined as follows (but are not restricted to): loss of privacy and overlooking; overbearing and dominant impact; loss of light; noise or disturbance; and, odours, fumes or vibrations.
- 5.7 When considering the impact of the proposed development on the residential amenity of neighbouring residents, it is largely considered the proposed works would have the strongest impact on No.10 Elmdale Crescent.
- 5.8 Here, the case officer refers to the proposed two-storey side extension which could be in breach of the '45-degree' rule towards the front facing ground floor and first-floor window of No.10, thus presenting the potential for an oppressive outlook to be created. As informed by the Householder SPD, no part of a proposed extension should break an angle of 45 degrees when drawn from the centre of a neighbouring window that serves a primary accommodation area e.g., kitchen or bedroom, helping to ensure adequate natural light remains as well as retaining a less disturbed outlook. With respect to this, discussions with the applicant's agent have indicated the first-floor window of No.10 serves a WC, not a primary accommodation area. This has been further informed through access to the Council's historical records of the neighbouring plot (permission PT04/2231/F was approved 11.08.2004 for a two-storey side extension) and likewise collaborates with this notion, confirming outlook from the first-floor window would not take place where it would have the most detrimental impact. Similarly, it is noted that the ground floor window of No.10 sits further forward than the first-floor window, suggesting the impact of development would be of lesser extent and would, in this case, not be significant enough as to warrant refusal that could be sustained at appeal.

5.9 In terms of the single-storey extension and potential for overshadowing towards No.10's rear private amenity space, this part of the development would largely replace existing built form, meaning the amenity relationship between the two properties would largely be unchanged. Due to this, the case officer considers the development unlikely to result in any unacceptable impacts and therefore complies with policy PSP8.

5.10 Transport

In terms of parking, policy PSP16 sets out the Council's criteria for parking specifications. It states that parking space provision per dwellinghouse is proportionate to bedroom number, with a property of the proposed size expected to provide 2no. on-site parking spaces. Submitted evidence has confirmed this requirement can be achieved and as such, no transportation objection is raised.

5.11 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.

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

## 6. CONCLUSION

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

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

## 7. RECOMMENDATION

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

## CONDITIONS

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

Reason

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

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

Reason

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

3. The development hereby permitted shall only be implemented in accordance with the plans as set out below:

Site Location Plan (2020.12.EC - 001 Rev A)

Combined Block Plans (2020.12.EC - 004 Rev B)

Existing Plans (2020.12.EC - 002)

Proposed Plans (2020.12.EC - 003 Rev G)

Reason

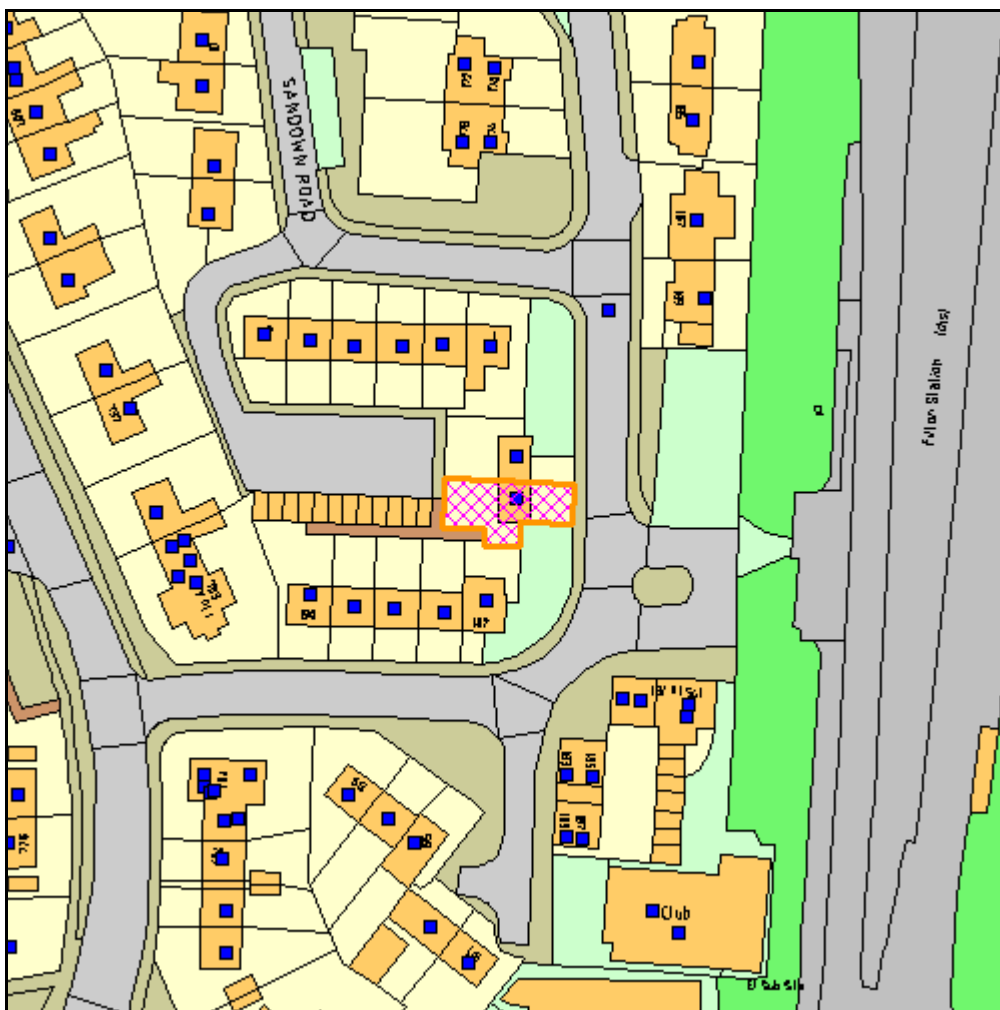
To define the terms and extent of the permission.

**Case Officer: Ben France**

**Authorising Officer: Suzanne D'Arcy**

**CIRCULATED SCHEDULE NO. 41/22 - 14th October 2022**

<b>App No.:</b>	P22/01750/F	<b>Applicant:</b>	Mr Padbury Kasa Real Estate Ltd
<b>Site:</b>	180 Conygre Grove Filton South Gloucestershire BS34 7HZ	<b>Date Reg:</b>	22nd March 2022
<b>Proposal:</b>	Change of use from Class C4 dwelling (small HMO) to 7 no. bedroom house of multiple occupation (large HMO) (Sui generis) for up to seven occupants with associated works.	<b>Parish:</b>	Filton Town Council
<b>Map Ref:</b>	361086 179050	<b>Ward:</b>	Filton
<b>Application Category:</b>	Minor	<b>Target Date:</b>	12th May 2022



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

### **Reason for referring to the Circulated Schedule**

This application has been referred to the Circulated Schedule following the receipt of more than 3no. (4no) objections from local residents; the concerns raised being contrary to the officer recommendation.

## **1. THE PROPOSAL**

- 1.1 The application relates to an existing semi-detached house at 180 Conygre Grove, Filton. The existing is currently in use as a C4 small house of multiple occupation (HMO). The property is positioned directly fronting Conygre Grove, adjacent to No 178. The house is of clad wall construction, similar to neighbouring properties. The site is surrounded by other residential dwellings along both sides of Conygre Grove. Surrounding properties are all two-storey in height and of a similar architectural style.
- 1.2 The proposed development is for the Change of use from a C4 residential dwelling (small HMO) to a seven-bedroom large house in multiple occupation (Sui Generis) for up to seven people.
- 1.3 It should be noted that the single-storey rear and side extensions to the property have recently been erected under permitted development rights, as was established under application P22/00519/CLP. Furthermore, a licence to occupy the house as an HMO for up to 7no. persons, has recently been granted by the Council.
- 1.4 The application is now supported by a Parking Survey.

## **2. POLICY CONTEXT**

### **2.1 National Guidance**

National Planning Policy Framework July 2021  
National Planning Policy Guidance

### **2.2 Development Plans**

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

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

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

PSP1	Local Distinctiveness
PSP8	Residential Amenity
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP20	Flood Risk, Surface Water, and Watercourse Management
PSP21	Environmental Pollution and Impacts
PSP38	Development within Existing Residential Curtilages, including Extensions and New Dwellings
PSP39	Residential Conversions, Subdivision, and HMOs
PSP43	Private Amenity Space Standards

2.3 Supplementary Planning Guidance

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

South Gloucestershire Design Checklist (Adopted) 2007)

South Gloucestershire SPD: Residential Parking Standards (Adopted) 2013

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

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

Householder Design Guide SPD Adopted March 2021

South Gloucestershire Council SPD : Houses in Multiple Occupation (Adopted) 4<sup>th</sup> Oct. 2021

- 2.4 In terms of local plan policy, it has recently been established via the 2020 Annual Monitoring Revue (AMR) (March 2021 Addendum) that, using the Standard Method, South Gloucestershire Council can demonstrate that it currently has a 5.99 year housing land supply. As such the development plan policies are considered to be up to date and for the purposes of decision taking, sustainable development proposals that accord with an up-to-date development plan should be approved without delay(see NPPF para 11c).

3. **RELEVANT PLANNING HISTORY**

- 3.1 P22/00519/CLP - Erection of single storey rear and side extension to form additional living accommodation.  
Approved 16<sup>th</sup> March 2022

*The rear and side extensions are considered to be permitted developments and have been erected as such.*

**Recent Appeal Decisions Relevant to this Application**

12 Fifth Avenue, Filton, BS7 0LP

- 3.2 P21/07108/F - Demolition of existing outbuilding, erection of detached two storey building with other associated works to facilitate a change of use from a class C4 (up to 6 person) house of multiple occupation to a 9-person house of multiple occupation (class sui generis) as defined by the Town and Country Planning (Use Classes) Order 1987 (as amended).  
Refused 18<sup>th</sup> Feb. 2022

Appeal APP/P0119/W/22/3293909 allowed 21<sup>st</sup> July 2022

- 3.3 15 Braemar Crescent, Filton, BS7 0TD  
P21/07154/F - Change of use from residential dwelling (C3) to an eight-bedroom large house in multiple occupation (Sui Generis) for up to eight people including erection of side/rear extension and loft conversion/dormer, vehicle parking, bin storage and cycle parking.  
Refused 22<sup>nd</sup> Feb. 2022 (officer overturn).  
Appeal APP/P0119/W/22/3297910 allowed with Costs Awarded against the Council 15<sup>th</sup> Sept. 2022.

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

- 4.1 Filton Town Council  
No response

4.2 Other Consultees

Transportation D.M.

No objection subject to a condition to secure details of the cycle parking provision.

Economic Development

No objection.

Planning Policy

No response

Environmental Protection

No response

#### **Other Representations**

4.3 Local Residents

4no local residents have objected to the proposal. The concerns raised are summarised as follows:

- Insufficient parking provision.
- Too many HMO's in the area.
- Would set a precedent for further HMO's.
- Overdevelopment of the site.
- Insufficient sewers.
- No parking survey has been submitted.
- Loss of drainage.

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

5.1 Principle of Development

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

- 5.2 The South Gloucestershire Local Plan: Core Strategy was adopted by the Council on 11th December 2013. By virtue of Section 38(6) of the Planning and Compulsory Purchase Act, the starting point for determining any planning decision will now be the Core Strategy, as it forms part of the adopted Development Plan and is generally compliant with the National Planning Policy Framework 2012 (NPPF). The Policies, Sites & Places Plan was adopted in Nov. 2017 and also now forms part of the Development Plan.
- 5.3 The revised NPPF (para.11) reiterates that; at the heart of the Framework is the presumption in favour of sustainable development. At para. 11c the NPPF states that development proposals that accord with an up-to-date development plan should be approved without delay.
- 5.4 Furthermore, The South Gloucestershire Local Plan Core Strategy adopted (Dec 2013) Policy CS4 replicates the NPPF in enforcing the presumption in favour of sustainable development. In accordance with the NPPF para. 38, Core Strategy Policy CS4A states that; when considering proposals for sustainable development, the Council will take a positive approach and will work pro-actively with applicants to find solutions so that sustainable development can be approved wherever possible.
- 5.5 Chapter 9 of the NPPF promotes sustainable transport and states that development should only be prevented on transport grounds where the residual cumulative impacts of development are 'severe'.
- 5.6 It is noted that the NPPF puts considerable emphasis on delivering sustainable development and not acting as an impediment to sustainable growth, whilst also seeking to ensure a high quality of design and good standard of amenity for all existing and future occupants of land and buildings.
- 5.7 Policy PSP39 within the adopted Policies, Sites and Places Plan (2017) states that, where planning permission for an HMO is required, this will be acceptable, provided that it would not prejudice the amenity of neighbours. The supporting text states that the term "neighbours" should be taken to mean properties adjacent to, and surrounding, the application site, which have a reasonable potential to be directly affected by harmful impacts arising from the proposal(s).
- 5.8 In addition, Policy PSP8 maintains that development proposals will only be acceptable provided that they do not 'have unacceptable impacts on residential amenity of occupiers of the development or of nearby properties'. Unacceptable impacts could result from noise or disturbance, amongst other factors, which could arise from HMOs functioning less like traditional single households on a day-to-day basis.
- 5.9 Prejudicing the amenity of neighbours can arise at a localised level when developments of such HMO uses are inappropriately located, or become over concentrated, particularly on an individual street level.
- 5.10 At this point officers wish to stress that currently a residential property in Use Class C3 can be converted to a small HMO (Use Class C4) 4-6 people, without the need for planning permission. HMO's however require planning permission



once they exceed 6 people. Large HMO's, formed from seven unrelated residents or more, become *sui generis* i.e. "class of its own". (see para. 4.1 of the recently adopted HMO SPD).

- 5.11 It should also be noted that the definition of an HMO for a mandatory licence is different to that for a planning application. A **large HMO** in the context of the HMO Licensing Regulations relates to properties that are rented to **5 or more people** who form more than 1 household, and where some or all tenants share toilet, bathroom, or kitchen facilities and at least 1 tenant pays rent (or their employer pays it for them). You must have a licence if you're renting out a **large HMO** in England but HMOs rented to 4 or less people who form more than one household are exempt.
- 5.12 It should also be noted that Licensing of HMOs is separate from planning permission. It does not automatically follow that a licence would be issued for an HMO that has planning consent or visa versa; the criteria for granting these are different.
- 5.13 The Council has recently adopted a Supplementary Planning Document (SPD) for Houses in Multiple Occupation. The SPD requires HMOs to provide a good standard of accommodation, consider issues of noise disturbance (between adjoining communal rooms and bedrooms), and to support mixed and balanced communities.
- 5.14 The SPD includes two additional explanatory guidance notes. The first of these relates to sandwiching (defined as proposals for HMOs that sandwich a C3 residential dwelling between two HMOs, or the creation of 3 or more adjacent HMOs), and the harmful impact this may have on the amenity of neighbours. The second states that harm **may** (my emphasis) result when an HMO change of use would result in more than 10% of dwellings within the Census Output Area, or more than 20% of dwellings within a 100 metre radius, being HMO properties.

#### **Additional Explanatory Guidance Note 1**

- 5.15 Additional Explanatory Guidance 1 in the Houses in Multiple Occupation SPD pg.13, sets out that the following factors should be taken into account when determining if the proposal would prejudice the amenity of adjacent neighbours:
- Whether any dwelling house would be 'sandwiched' between two licensed HMOS, or,
  - Result in three or more adjacent licensed HMO properties.
- 5.16 In the case of the current application site, whilst there are licensed HMO's at no. 178 Conygre Grove and no. 2 Sandown Road, the proposed large HMO at no.180 Conygre Grove would not result in a dwelling being sandwiched between two licensed HMOs, or result in three or more adjacent licensed HMO properties.
- 5.17 As set out in Policy CS17, providing a wide variety of housing type and sizes to accommodate a range of different households, will be essential to supporting mixed communities in all localities. Sub-division of existing dwellings and non-residential properties to form flats or HMOs can make a valuable contribution

suitable for smaller households and single people, as part of these mixed communities.

- 5.18 Policy CS17 does not define what is meant by 'mixed communities' in all localities. Instead, it acknowledges that implementation of this policy, and PSP39, will be made on a case by case basis through the development management process. Therefore, the HMO SPD aims to acknowledge that some intensification, if carried out sensitively, and where it would not adversely affect the character of an area, can contribute to the local mix and affordability of housing, viability of local services, vitality of local areas and contribute to the Council's housing delivery targets.
- 5.19 As there are localities which are already experiencing high concentrations of HMOs, the SPD requires consideration of existing localities that are already experiencing levels of HMOs, which harm the ability to support mixed communities and preventing impact on character and amenities, and applications which would result in a level of HMOs that could contribute towards harmful impacts.

#### **Additional Explanatory Guidance Note 2**

- 5.20 Additional Explanatory Guidance 2 – HMO SPD pg.14 sets out that the following factors should be taken into account when determining if the proposal would contribute to harmful impacts in respect of a mixed community and the character and amenity of an area:
- An additional HMO in localities where licensed HMO properties already represent more than 10% of households, or,
  - More than 20% of households within a 100m radius of the application property.
- 5.21 For the purposes of this assessment, a 'locality' is defined by a statistical boundary known as a Census Output Area. In the case of no.180 Conygre Grove, HMO properties currently represent 11.5% of households within the locality (19 licensed HMO's of 164 properties); this already includes 180 Conygre Grove which recently secured a licence to operate as an HMO for up to 7no. persons. This level of density is in excess, albeit only marginally, of the 10% threshold set by the SPD whereby there **may** be an adverse impact on the character and amenity of the area.
- 5.22 Within a 100m radius there are 68 properties, 5 of which are licensed HMOs, or 7.3% i.e well below the 20% threshold set by the SPD.
- 5.23 Taken literally, the proposed change of use to a large HMO could be considered to be contrary to policies PSP39, PSP8 and CS17 and the SPD. The 10% threshold is however an arbitrary number and recent appeal decisions (see para. 3.2 & 3.3 above) suggest that each application should be considered on its own merits and that decision takers should consider the relative level of harm to the character appearance of the area, having regard to its effect on community balance and housing mix.

- 5.24 The fact that the existing property can/does already operate as a small HMO, with 4-6 persons in occupation, under permitted development rights, and is licensed to do so, is a material consideration of significant weight. A recent Court of Appeal judgment upheld a High Court ruling that such PD rights can properly be taken into account as a fall-back position (Mansell v Tonbridge and Malling BC [2017] EWCA Civ 1314).
- 5.25 The reality of the situation is therefore that if this application were refused, there is every likelihood that the dwelling would continue to be occupied as a 4-6 person HMO rather than a single family household. The proposed change of use would merely allow the building to be occupied as a large HMO by only one additional person. The net increased impact on the character and appearance of the area would therefore be minimal.

#### Scale & Design

- 5.26 Any works to the main house would be internal only, such that the outward appearance of the main house would not alter.

#### Residential amenity

- 5.27 Policy PSP43 sets out minimum standards for private amenity space, however there is **no** set standard for HMOs. Using this policy as a reference, a 1no. bed flat should have access to a minimum for 5 sq.m. amenity space. Using this standard, 7 x 1 bed. flats would require 35 sq.m. amenity space. The proposal provides well in excess of this amount of amenity space in the rear garden.
- 5.28 The proposal is situated within a dense urban area. There is adequate space within the front garden for refuse storage. The existing and proposed bike sheds are modest in scale and located to the rear of the house, so there would be no impact on visual amenity in this regard.
- 5.29 The requirement for a mandatory HMO licence for a large HMO will ensure that the property continues to be well managed, and that the amenity of neighbours is not prejudiced. Whilst a common concern with regards to HMO conversions is an increase in noise and disturbance, any additional noise that may result from the proposed increased accommodation i.e. only one extra person, would be relatively small, and issues of noise and anti-social behaviour, should they arise, would in any event be dealt with through environmental protection legislation.

#### Transportation and Highways

- 5.30 The Council Policy PSP16 parking standard for HMO's is 0.5 parking space per bedroom, rounded up to the nearest whole number of spaces. Therefore a 7-bed HMO requires 4 spaces. The Policy states that these can be provided on-site or alternatively on-street where there is a suitable width of carriageway.
- 5.31 It is a material consideration that the property already operates as a 4-6 bed HMO with no parking provision. The removal of the front boundary for a new driveway and hard-standing to the front of the house is permitted development and the installation of a drop curb in the location is not considered detrimental. The site would provide two off-street parking spaces, where currently there are none, with the rest provided either on-street or on a large public parking area

directly opposite the site (see Parking Survey). There is therefore sufficient available parking provision to meet the requirement of PSP16 (as set out above).

- 5.32 Adequate cycle storage would be provided within the rear garden for at least 7no. bikes. Adequate and accessible bin storage would be appropriately located to the front of the house.
- 5.33 Officers are satisfied that the site lies within a highly sustainable location where alternative forms of transport to the car are readily available.

#### Other matters

- 5.34 Article 4 Directions are a means to restrict permitted development rights. There are currently no Article 4 Directions relating to HMOs in place within South Gloucestershire.
- 5.35 The scheme should not set a precedent as each application is determined on its individual merits.

#### Consideration of likely impact on Equalities

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

#### Planning Balance

- 5.37 It is acknowledged that the proposal would make a positive contribution to the housing shortage, providing additional housing suitable for smaller households and single people in an area where there is a high demand for such accommodation. Whilst this weighs in favour of the proposal, the amount of additional accommodation provided (1no. person) would be relatively small and therefore carries only minimal weight in the overall planning balance.
- 5.38 The site is a sustainable location and adequate car and cycle parking provision would be available to address the additional traffic generated by the proposal. Officers consider that, on balance, there would be no unacceptable impacts on highway safety. The residual cumulative impacts on the road network would not be 'severe'; this however would be expected of any submission and therefore carries neutral weight in the overall planning balance assessment. There would be no significant adverse impact on visual amenity but this is a requirement of any proposal and also carries neutral weight.
- 5.39 Whilst the proposal would not result in 'sandwiching' of an existing residential dwelling (C3) with licensed HMO's, it would exceed the 10% density threshold quoted in the HMO SPD and as such may have an 'adverse impact on residential amenity and the character of the area', especially in terms of the ability to support mixed communities.

- 5.40 The HMO SPD is a very recently adopted Supplementary Planning Document. Whilst it is for guidance purposes only, it does support the existing Development Plan Policies, most notably policies PSP8, PSP39 and CS17. As such, it is a material consideration and officers attach significant weight to the document and to the thresholds set therein that relate to the density of HMO's.
- 5.41 Known licensed HMO properties within the locality (which includes no.180 Conygre Grove) is 11.5% and would remain so even if this application were refused. Within a 100m radius, the percentage would amount to only 7.3%. As such, the percentage of licensed HMO's within the 100m radius is below the 20% threshold, but marginally above the 10% within the wider locality. Although this proposal would run counter to the threshold for the locality set out within the SPD, it is still necessary to demonstrate what harm would be caused to the character and appearance of the area, especially having regard to the fall-back situation in this case.
- 5.42 From what officers saw during their site visit, there was no clear physical evidence of the problems usually associated with high levels of intensified properties, such as inadequate refuse storage arrangements or poorly maintained frontages and illegal parking.
- 5.43 Aside from indicating the exceedance of the 10% threshold in the locality, the proposed development would provide an acceptable level of living conditions for occupants, including internal and external amenity space, refuse storage as well as vehicle and cycle parking. There are no concerns over highway safety or neighbour's living conditions with respect to noise, disturbance and anti-social behaviour.
- 5.44 Consequently, it does not follow that the proposed scheme would add to or result in any of the problems usually associated with high levels of intensified HMO properties in a locality.
- 5.45 There would be no unacceptable harm to the character or appearance of the area. As such, the proposed development would not be materially at odds with the aims of Policy CS17 of the CS, Policies PSP8 and PSP39 of the PSPP or the guidance set out in the adopted SPD.

## 6. CONCLUSION

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

## 7. RECOMMENDATION

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

## **CONDITIONS**

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

Reason

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

2. The off-street parking provisions (i.e. 2no. spaces), bin store and cycle storage, as shown on the Proposed Floor Plans Drawing No. 307 received 17th March 2022, Proposed Bin Store Drawing No. 603 received 17th March 2022 and Proposed Cycle Storage Plan Drawing No.604 received 07th July 2022 respectively, shall be provided prior to the first use of the property as a 7 person HMO and retained for those purposes thereafter.

Reason

To ensure the satisfactory provision of parking facilities, cycle storage facilities and appropriate waste facilities and in the interest of highway safety, to promote sustainable transport and to accord with Policies PSP16 and PSP39 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017.

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

Site Location and Block Plan Drawing No. 105 received 17th March 2022  
Existing and Proposed Roof Plans Drawing No. 204 received 17th March 2022  
Existing Floor Plans Drawing No. 303 received 17th March 2022  
Proposed Floor Plans Drawing No. 307 received 17th March 2022  
Existing Elevation Plans Drawing No. 403 received 17th March 2022  
Proposed Elevation Plans Drawing No. 406 received 17th March 2022  
Existing Section Plans Drawing No. 503 received 17th March 2022  
Proposed Section Plans Drawing No. 507 received 17th March 2022  
Proposed Bin Storage Drawing No. 603 received 17th March 2022  
Proposed Cycle Storage Drawing No. 604 received 07th July 2022

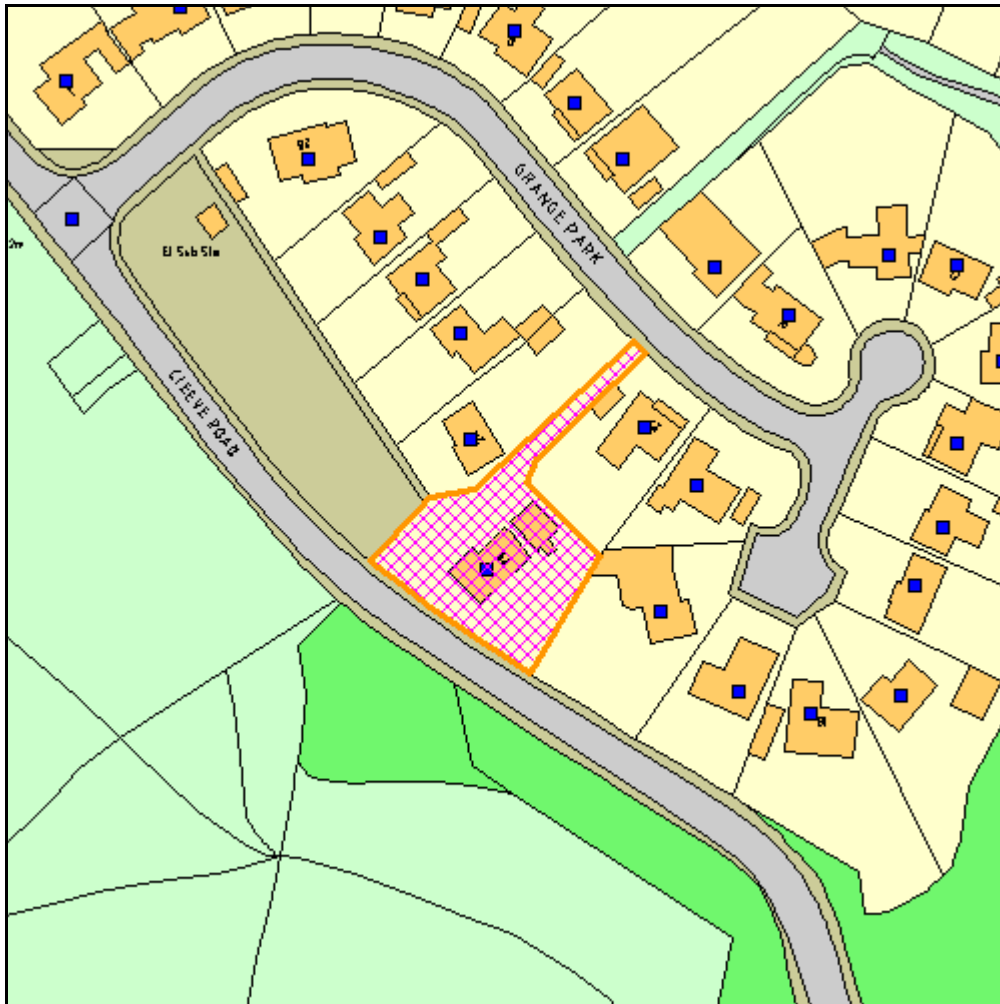
Reason

To define the terms and extent of the permission.

**Case Officer: Roger Hemming**  
**Authorising Officer: Marie Bath**

**CIRCULATED SCHEDULE NO. 41/22 - 14th October 2022**

<b>App No.:</b>	P22/02101/HH	<b>Applicant:</b>	Mr David Clements
<b>Site:</b>	23 Grange Park Frenchay South Gloucestershire BS16 2SZ	<b>Date Reg:</b>	11th April 2022
<b>Proposal:</b>	Demolition of existing garage and outbuildings. Erection of two storey side extension to form additional living accommodation. Alteration to parking layout.	<b>Parish:</b>	Winterbourne Parish Council
<b>Map Ref:</b>	364300 177830	<b>Ward:</b>	Frenchay And Downend
<b>Application Category:</b>	Householder	<b>Target Date:</b>	3rd June 2022



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 100023410, 2008. **N.T.S.** **P22/02101/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 REPORTING TO THE CIRCULATED SCHEDULE**

Winterbourne Parish Council have raised objection to the proposed development contrary to Officers recommendation and 3 or more comments from local residents have been received contrary to Officers recommendation.

### **1. THE PROPOSAL**

- 1.1 Planning permission is sought for the demolition of existing garage and outbuildings, erection of a two storey side and rear extension to form additional living accommodation, and alterations to parking layout at 23 Grange Park, Frenchay.
- 1.2 The application site comprises a two storey detached dwelling with detached side garage. The application site is located within the defined Frenchay settlement boundary and is adjacent to the Frenchay Conservation Area.
- 1.3 Revised plans were received during the course of the application to remove a single storey side garage and single storey front extension from the plans and to set the proposed two storey side extension back from the front and down from the ridgeline of the existing dwelling and alter its roof form to reduce its bulk and massing. Additional ecology information was also submitted during the course of the application. A full re-consultation was carried out.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

National Planning Policy Framework July 2021

National Planning Practice Guidance

Planning (Listed Buildings and Conservation Areas) Act 1990

Planning (Listed Buildings and Conservation Areas) Regulations 1990 (as amended)

#### **2.2 Development Plan**

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

CS1 High Quality Design

CS4A Presumption in Favour of Sustainable Development

CS5 Location of Development

CS9 Managing the Environment and Heritage

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

PSP1 Local Distinctiveness

PSP2 Landscape

PSP3 Trees and Woodland

PSP8 Residential Amenity



PSP11	Transport Impact Management
PSP16	Parking Standards
PSP17	Heritage Assets and the Historic Environment
PSP19	Wider Biodiversity
PSP38	Development within Existing Residential Curtilages
PSP43	Private Amenity Space Standards

- 2.3 Supplementary Planning Guidance  
 Frenchay Conservation Area SPD  
 Design Checklist SPD (Adopted) August 2007  
 Residential Parking Standard SPD (Adopted) December 2013  
 Assessing Residential Amenity TAN (Endorsed) 2016  
 Household Design Guide SPD (Adopted) March 2021

### 3. RELEVANT PLANNING HISTORY

- 3.1 None

### 4. CONSULTATION RESPONSES

- 4.1 Winterbourne Parish Council  
 Objection - Overdevelopment of the site and not in keeping with the surrounding area, impacts on neighbouring properties, and impact on adjacent Conservation Area.
- 4.2 Ecology Officer  
 No objection subject to the inclusion of conditions and informative.
- 4.3 Sustainable Transport Team  
 No objection subject to the inclusion of a condition.
- 4.4 Local Residents  
 7no. objection comments from local residents have been received making the following points:

#### Design and Visual Amenity

- The proposal would be overdevelopment of the site.
- The proposal would not appear in keeping with the character of the area.
- The proposed alteration to the existing parking layout would lead to parked cars being visible from Cleeve Road.

#### Residential Amenity

- The proposal would have a significant overbearing and dominant impact on neighbouring properties.
- The proposal would lead to loss of light and outlook for neighbouring properties.
- The proposed windows would lead to overlooking and a loss of privacy for neighbouring properties.

#### Other Issues

- Concerns the access to the site would not be able to support the size and volume of construction traffic.
- Concerns about potential disruption to the neighbouring properties sewerage drains.
- Neighbouring properties would lose views of the green space/ common between Grange Park and Cleeve Road.

## 5. **ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

The application seeks permission for the demolition of existing garage and outbuildings, erection of a two storey side and rear extension to form additional living accommodation, and alteration to the existing parking layout at an existing residential property. Policy PSP38 of the Policies, Sites and Places Plan permits development within established residential curtilages subject to an assessment of design, amenity and transport. The development is acceptable in principle but will be determined against the analysis set out below.

### 5.2 Design and Visual Amenity

Policy CS1 of the Core Strategy and Policy PSP1 and PSP38 of the Policies, Sites and Places Plan seek to ensure that development proposals are of the highest possible standards of design. This means that developments should have appropriate: siting, form, scale, height, massing, detailing, colour and materials which are informed by, respect, and enhance the character, distinctiveness and amenity of both the site and its context.

5.3 The proposed two storey side and rear extension would have an approximately width of 5 metres and would extend past the rear elevation of the existing dwelling by approximately 4.2 metres. The proposal would be set back from the front elevation of the existing dwelling by approximately 0.3 metres. The proposal would be two storeys in height with an eaves height to approximately match the existing dwelling and a ridge height set down approximately 0.3 metres from the ridge height of the existing dwelling. The proposal would be finished in materials to match the finish of the existing dwelling.

5.4 The proposed extension would be set back from the front elevation and down from the ridgeline of the existing dwelling and would have a width less than half the width of the existing dwelling. The proposed roof would match the pitch of the existing roof and the proposal would be finished in materials to match the finish of the existing dwelling. The proposed extension would appear subservient to, and in keeping with, the existing dwelling and would respect and conserve the character, distinctiveness and amenity of both the site and its context.

5.5 The proposed alteration to the existing parking layout would have a minimal impact on the visual amenity of the site and its context.

5.6 To ensure the satisfactory external appearance of the development in the interests of visual amenity a condition would be included with any consent removing household Permitted Development Rights.

- 5.7 Policy CS9 of the Core Strategy and Policy PSP17 of the Policies, Sites and Places Plan seek to ensure that development within or affecting the setting of a conservation area will: preserve or, where appropriate, enhance those elements which contribute to their special character or appearance; and pay particular attention to opportunities to enhance negative parts of conservation areas and to draw on local character and distinctiveness.
- 5.8 The application site is not within the Frenchay Conservation Area but is adjacent to its boundary. The proposed two storey side and rear extension and alteration to the existing parking layout would preserve the special character and appearance of the Frenchay Conservation Area.
- 5.9 On the basis of the assessment set out above, it is not considered that the proposed development would detract from the appearance of the building or negatively impact the visual amenity of the street scene or character of the area.
- 5.10 Residential Amenity  
Policy PSP8 of the Policies, Sites and Places Plan outlines that development proposals will be acceptable provided that they do not create unacceptable living conditions or have an unacceptable impact on the residential amenity of the occupiers of the development or of nearby properties. Unacceptable impacts could result from (but are not restricted to): loss of privacy and overlooking; overbearing and dominant impact; loss of light; noise or disturbance; and odours, fumes or vibration.
- 5.11 The proposed two storey side and rear extension would extend the side elevation of the existing dwelling approximately 5 metres closer to the rear garden and rear elevation of the neighbouring property to the north-east at no.22 Grange Park. The proposed extension would be approximately 3.5 metres from the shared boundary with, and 15.5 metres from the rear elevation of, the neighbouring property. The Assessing Residential Amenity TAN sets out that where a window to wall separation distance of 12 metres or over is achieved, it is likely that development would provide sufficient levels of natural light or outlook. The proposed development would meet and exceed this requirement and would therefore not lead to an unacceptable loss of light or outlook for, or have an unacceptable overbearing and dominant impact on, the current or future occupiers of the neighbouring property to the north-east.
- 5.12 The proposed two storey side and rear extension would extend the rear elevation of the existing dwelling approximately 4.2 metres closer to the rear garden and rear elevation of the neighbouring property to the east at no.20 Grange Park. The proposed extension would be approximately 4.5 metres from the shared boundary with, and 11 metres from the rear elevation of, the neighbouring property. Whilst this falls short of the 12 metres set out in the Assessing Residential Amenity TAN, it is important to take into account that the neighbouring property faces the application site at an angle so the impacts of the proposed extension would be greatly reduced. Therefore, the proposed development would not lead to an unacceptable loss of light or outlook for, or have an unacceptable overbearing and dominant impact on, the current or future occupiers of the neighbouring property to the east.

- 5.13 The proposed two storey side and rear extension would extend the side and rear elevations of the existing dwelling closer to the rear garden and rear elevation of the neighbouring property to the north-east at no.21 Grange Park. The proposed extension would be approximately 6.5 metres from the shared boundary with, and 16 metres from the rear elevation of, the neighbouring property. The proposed development would meet the requirement set out in the Assessing Residential Amenity TAN and would therefore not lead to an unacceptable loss of light or outlook for, or have an unacceptable overbearing and dominant impact on, the current or future occupiers of the neighbouring property to the north-east.
- 5.14 1no. ground floor window and 1no. first floor window are proposed in the front elevation of proposed extension. These would face the side elevation of the neighbouring property to the north at no.24 Grange Park. The neighbouring property to the north has no side facing windows. Therefore, the proposed development would not lead to an unacceptable loss of privacy and overlooking for the current or future occupiers of the neighbouring property to the north.
- 5.15 2no. ground floor windows, 2no. first floor windows and 1no. rooflight are proposed in the side elevation of the proposed extension. These would face the rear garden and rear elevation of the neighbouring properties to the north-east at no.22 and no.23 Grange Park. The proposed plans indicate that the proposed 2no. first floor windows would be obscure glazed. Despite this, it is considered that they would lead to an unacceptable level of perceived overlooking for the neighbouring property. Therefore, any approval of the application would need to be accompanied by a condition ensuring that, notwithstanding the submitted plans, there shall be no first floor windows on the north-east side elevation of the proposed extension. In addition, a condition would be attached to any consent ensuring that the proposed 2no. ground floor windows and rooflight in the north-east side elevation would be obscure glazed and non-opening below 1.7 metres above floor level.
- 5.16 1no. ground floor window and 1no. rooflight are proposed in the rear elevation of the proposed extension. These would face the rear garden and rear elevation of the neighbouring property to the east at no.20 Grange Park. A condition would be attached to any consent ensuring that the proposed rooflight in the south-east rear elevation would be obscure glazed and non-opening below 1.7 metres above floor level.
- 5.17 Concerns have been raised about disruption to the local area during construction. Disruption during construction can be expected and whilst this would have some impact on the local area it would be limited and would be temporary. A refusal could not be sustained for this reason.
- 5.18 To protect the residential amenity of the neighbouring occupiers a condition would be included with any consent removing household Permitted Development Rights.
- 5.19 On the basis of the assessment set out above, it is not considered that the development proposal would result in any unacceptable impacts on the amenity of neighbours.

5.20 Highway Safety and Transport

Policy PSP16 of the Policies, Sites and Places Plan sets out the Councils parking standards. The proposed development would increase the number of bedrooms in the property from 3 to 4 so under the Councils minimum parking standards the minimum number of on-site parking spaces requires at the property would remain at 2. The proposed development would meet this requirement.

5.21 The Sustainable Transport Team have requested a condition be attached to any consent requiring the provision of an EV charging point. It is not considered that this would be an appropriate or proportional condition on an application for a household extension.

5.22 Ecology

An Ecological Impact Assessment has been submitted in support of this application. The site is not covered by any ecological designations. The findings of the report are summarised below:

*Bats*

The house may support potential bat roosting features and demolition could destroy bat roosts. The tree proposed for removal could also support potential bat roosting features. The site is close to foraging habitat which is likely to increase the likelihood of their presence. The buildings were inspected and found them to be of negligible potential for roosting bats, as features are present mitigation has been recommended, this is to include a pre-works inspection, though the report does not state a suitably qualified ecologist, this would be conditioned.

*Great Crested Newt (GCN)*

The site is within an amber risk zone for GCN and the site is within 500m of waterbodies that could support breeding GCN. The site was inspected and there is a small area suitable for GCN, and using the rapid risk assessment an offence is unlikely as long as mitigation measures are adhere to, this includes vegetation clearance under the supervision of a suitably qualified ecologist.

*Birds*

The house and habitats to be removed could support nesting birds. Nesting opportunities were observed during the survey and suitable avoidance measures / mitigation has been recommended.

*Reptiles*

There is a small extent of suitable reptile habitat and any that requires removing would be under the supervision of a suitably qualified ecologist.

*Badgers and Hedgehogs*

Badgers may pass through the site and there are suitable habitats for hedgehogs on the site. No precautionary measures were included in the report to safeguard them. Safeguarding would be secured by condition.

5.23 There are no ecology objections to the proposal but conditions would be included with any consent to ensure this.

#### 5.24 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.

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

#### 5.26 Other Matters

The objection comments received from local residents have raised a number of points that have not been addressed in the above report. These will be addressed below.

5.27 Concerns have been raised about disruption to the neighbouring properties sewerage drains and access the shared portions of this. This would be a civil matter and is not a planning consideration. The proposed development would not significantly increase the use of the existing dwellings drainage systems.

5.28 Concerns have been raised that neighbouring properties would lose their view of the green space/common between Grange Park and Cleve Road. Views from individual residential properties are not protected by the planning system and therefore are not a planning consideration. The outlook from neighbouring properties has been assessed above.

### 6. CONCLUSION

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

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

### 7. RECOMMENDATION

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

## **CONDITIONS**

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

### Reason

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

2. Notwithstanding the plans 23PG.P10 and 23GP.P11A hereby approved, there shall be no first floor windows on the north-east side elevation of the extension hereby approved. The development/works hereby permitted shall only be implemented in accordance with the plans as set out in the plans list below:

263\_03\_100 P1 - Site Location Plan (Received 08/04/2022)

263\_03\_200 P4 - Existing Ground Floor Plan (Received 08/04/2022)

263\_03\_201 P4 - Existing First Floor Plan (Received 08/04/2022)

263\_03\_201 P4 - Existing Roof Plan (Received 08/04/2022)

263\_05\_200 P4 - Existing North West Front Elevation (Received 08/04/2022)

263\_05\_201 P4 - Existing North East Side Elevation (Received 08/04/2022)

263\_05\_201 P4 - Existing South East Rear Elevation (Received 08/04/2022)

263\_05\_201 P4 - Existing South West Side Elevation (Received 08/04/2022)

23GP.P02 - Existing and Proposed Block Plans (Received 05/09/2022)

23GP.P10 - Proposed Floor Plans and Roof Plans (Received 05/09/2022)

23GP.P11A - Proposed Elevations (Received 05/09/2022)

### Reason

To define the terms and extent of the permission.

3. The stone work to be used externally in the development hereby permitted shall match that of the existing building in type, colour, texture, size, coursing and jointing.

### Reason

To ensure the satisfactory external appearance of the development in the interests of visual amenity and to accord with Policy CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy PSP1, PSP17 and PSP38 of the South Gloucestershire Local Plan: Policies Sites and Places Plan (Adopted) November 2017; and the provisions of the National Planning Policy Framework.

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

### Reason

To ensure the satisfactory external appearance of the development in the interests of visual amenity and to accord with Policy CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy PSP1, PSP17 and PSP38 of the South Gloucestershire Local Plan: Policies Sites and Places Plan (Adopted) November 2017; and the provisions of the National Planning Policy Framework.

5. Prior to the use or occupation of the extension hereby permitted, and at all times thereafter, the proposed 2no. ground floor windows and rooflight in the north-east side elevation, and the rooflight in the south-east rear elevation shall be glazed with obscure glass to level 3 standard or above with any opening part of the window being above 1.7m above the floor of the room in which it is installed.

Reason

To protect the residential amenity of the neighbouring occupiers and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy PSP1, PSP8 and PSP38 of the South Gloucestershire Local Plan: Policies Sites and Places Plan (Adopted) November 2017; and the provisions of the National Planning Policy Framework.

6. Notwithstanding the restriction in Condition 2 above that there shall be no first floor windows on the north-east side elevation of the extension hereby approved, and no windows other than those shown on the plans hereby approved shall be inserted at any time in the north-east side or south-east rear elevations of the property.

Reason

To protect the residential amenity of the neighbouring occupiers and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy PSP1, PSP8 and PSP38 of the South Gloucestershire Local Plan: Policies Sites and Places Plan (Adopted) November 2017; and the provisions of the National Planning Policy Framework.

7. Notwithstanding the provisions of Schedule 2 of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no development as specified in Part 1 (Classes A, AA, B, C, D, E, F, G and H), or any minor operations as specified in Part 2 (Class A), other than such development or operations indicated on the plans hereby approved, shall be carried out without the prior written consent of the Local Planning Authority.

Reason

To ensure the satisfactory external appearance of the development in the interests of visual amenity and to protect the residential amenity of the neighbouring occupiers and to accord with Policy CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy PSP1, PSP8, PSP17 and PSP38 of the South Gloucestershire Local Plan: Policies Sites and Places Plan (Adopted) November 2017; and the provisions of the National Planning Policy Framework.

8. The development shall proceed in strict accordance with the Mitigation Measures provided in the Ecological Impact Assessment (Enzygo, August 2022) this includes supervision of vegetation clearance by a suitably qualified ecologist.

Reason

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



9. Prior to installation, details of all proposed external lighting shall be submitted to the Local Planning Authority and approved in writing. All external lighting shall be installed in accordance with the specifications and locations set out in the strategy as approved, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority

Reason

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

10. Prior to commencement of demolition, an inspection of the garage shall be completed by a suitably qualified ecologist. Works shall proceed in accordance with the 'Bats' section of 'Tabel 3 - Assessment of effects and mitigation measures' in the Ecological Impact Assessment (Enzygo, August 2022). Details shall be submitted to the Local Planning Authority and approved in writing, and any required approved mitigation measures shall be fully implemented prior to demolition of the garage.

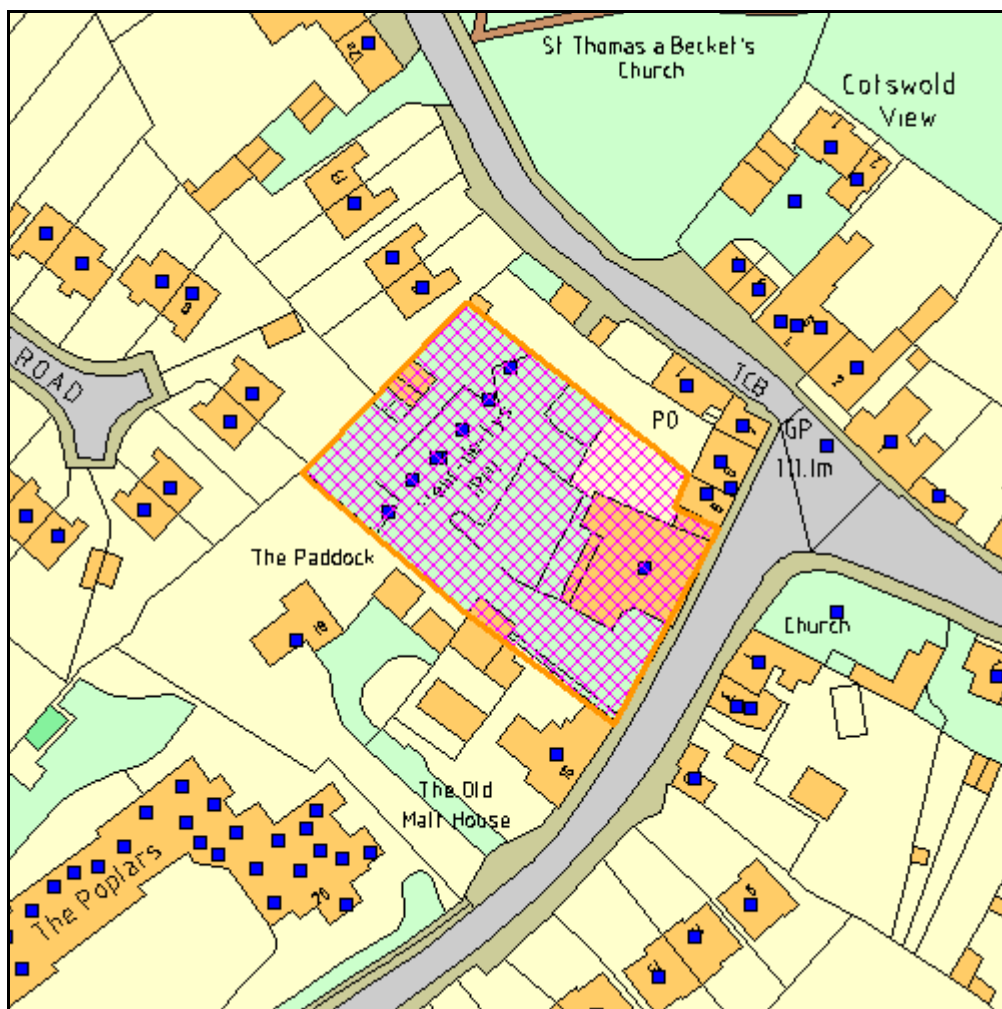
Reason

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

**Case Officer: Oliver Phippen**  
**Authorising Officer: Helen Ainsley**

**CIRCULATED SCHEDULE NO. 41/22 - 14th October 2022**

<b>App No.:</b>	P22/03985/RVC	<b>Applicant:</b>	Mr Sam Litt UKS Group Ltd
<b>Site:</b>	Fleur De Lys 12 Shortwood Road Pucklechurch South Gloucestershire BS16 9RA	<b>Date Reg:</b>	21st July 2022
<b>Proposal:</b>	Variation of condition 17 attached to permission P20/23558/F to alter the approved plans. Demolition of single storey rear extension to Fleur de Lys. Erection of 6no. dwellings with associated works (resubmission of P20/05814/F).	<b>Parish:</b>	Pucklechurch Parish Council
<b>Map Ref:</b>	369923 176426	<b>Ward:</b>	Boyd Valley
<b>Application Category:</b>	Minor	<b>Target Date:</b>	13th September 2022



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 100023410, 2008. N.T.S. P22/03985/RVC

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

## **REASON FOR APPEARING ON CIRCULATED SCHEDULE**

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

### **1. THE PROPOSAL**

- 1.1 This application seeks a retrospective variation of condition 17 (plans list) of application P20/23558/F to alter the position and height of the buildings, as well as some minor alterations to the fenestration details, internal changes and roof tiles revised from clay to concrete.
- 1.2 Application P20/23558/F was for the Demolition of single storey rear extension to Fleur de Lys. Erection of 6no. dwellings with associated works.
- 1.3 The site is within the defined settlement of Pucklechurch. It is also within the Pucklechurch Conservation Area and the setting of a number of listed buildings, most notably St Thomas a Becket's Church.

### **2. POLICY CONTEXT**

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

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1	High Quality Design
CS4A	Presumption in Favour of Sustainable Development
CS5	Location of Development
CS6	Infrastructure and Developer Contributions
CS8	Improving Accessibility
CS9	Managing the Environment and Heritage
CS15	Distribution of Housing
CS16	Housing Density
CS17	Housing Diversity
CS18	Affordable Housing
CS23	Community Infrastructure and Cultural Activity

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

PSP1	Local Distinctiveness
PSP2	Landscape
PSP5	Undesignated Open Spaces
PSP8	Residential Amenity

PSP11	Transport Impact Management
PSP16	Parking Standards
PSP17	Heritage Assets and the Historic Environment
PSP19	Wider Biodiversity
PSP20	Flood Risk, Surface Water, and Watercourse Management
PSP34	Public Houses
PSP43	Private Amenity Space Standards

- 2.3 Supplementary Planning Guidance  
 Design Checklist SPD (Adopted) August 2007  
 Residential Parking Standard SPD (Adopted) December 2013  
 Affordable Housing and ExtraCare SPD (Adopted) May 2014  
 Renewables SPD (Adopted) November 2014  
 Landscape Character Assessment SPD (Adopted) November 2014  
 CIL and S106 SPD (Adopted) March 2015  
 Waste Collection SPD (Adopted) January 2015 (updated March 2017)  
 Pucklechurch Conservation Area (Adopted) July 2010

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

- 3.1 P19/5721/CLE - Continued use as restaurant (Class A3). – Appealed for nondetermination. Appeal allowed on 24.02.2020
- 3.2 P19/19005/F - Demolition of single storey rear extension to existing building; erection of 9 no. dwellings, with associated works – Refused on 10.02.2020. Appeal dismissed on 27.08.2020.
- 3.3 P20/18183/F - Change of use of public house/restaurant/expanded food provision, to 1no. residential dwellinghouse (Class C3) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended), to include parking and associated works. – Withdrawn on 19.11.2020.
- 3.4 P20/05814/F - Demolition of single storey rear extension to Fleur de Lys. Erection of 8no. dwellings with associated works (resubmission of P19/19005/F). Appeal dismissed on 13.04.2021.
- 3.5 P20/23558/F - Demolition of single storey rear extension to Fleur de Lys. Erection of 6no. dwellings with associated works (resubmission of P20/05814/F). – Approved subject to S106 17.11.2021
- 3.6 P21/00127/F - Change of use of public house/restaurant/expanded food provision, to 1no. residential dwellinghouse (Class C3) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended), to include parking and associated works. (re-submission of P20/18183/F). – Approved 25.06.2021
- 3.7 DOC21/00378 - Discharge of condition 2 (archaeology), 3 (SUDs), 4 (render sample), 5 (external finishes), 6 (large scale details), 7 (landscaping) and 10 (contamination) attached to planning permission P20/23558/F. Discharged 01.03.2022

- 3.8 P22/01548/F - Erection of 1 no. detached dwelling and associated works. – Refused 21.08.2022
- 3.9 P22/02688/F - Change of use of public house/restaurant/expanded food provision (Sui Generis), to 3no. dwellings (Class C3) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended), to include parking and associated works. – Pending consideration

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

- 4.1 Pucklechurch Parish Council – *“Pucklechurch parish council (PPC) strenuously disagrees that these retrospective proposed revisions to the plans that were permitted amount to a minor material amendment since what has already been constructed is substantially different to those that were approved. A blatant disregard for what was approved has been obvious from the outset of the commencement of the build, as evidenced by the numerous enforcement complaints made by parish council and local residents. What is retrospectively being proposed amounts to a change to the external look of the development so that it would appear significantly different to the approved plans. Furthermore, the change to external materials (particularly the roof tiles) and detailing would cause harm to the appearance or quality of the development so as to be detrimental to the character of the Conservation Area. Whilst this might be described as back land development it is still highly visible, particularly when viewed from Westerleigh Road and also from the original entrance to the Fleur de Lys from Shortwood Rd. Photographs will be supplied to support this objection as these will demonstrate how what has already been built (contrary to what was approved) already dominates the local street scene and why the proposed revisions should be refused.*

*Significantly the previously approved plans addressed several issues that had previously caused the application to be refused on more than one occasion. The changes that were made to make elements of the previously approved plans acceptable were summarised in the SGC Officer report (CIRCULATED SCHEDULE NO. 18/21 -7th May 2021) as follows:*

*5.3 An analysis of the traditional buildings in the village reveals a hierarchy between the higher status houses and the smaller cottages. The higher status houses tend to be taller, with parapets and sash windows. They also often feature doorcases or hoods. The cottages are lower, with simple eaves, casements and often no elevation features (the terrace fronting Abson Road are an exception to this rule however they are wide and have a horizontal emphasis provided by their elevational treatment). As a backland site new housing here should respect this pattern and hierarchy and not dominate the buildings to the frontage. The locally listed cottages fronting Shortwood Road (either side of the Fleur de Lys) are particularly low in height.*

*5.4 Concerns regarding the height of the properties have previously been raised and have formed a reason for refusal on both previous applications and appeal decisions. As well as a reduction in ground levels, the height of the buildings has been reduced as part of this application, with the accommodation*

*within the roof removed. The proposed buildings would sit at roughly the same height as the public house, and below that of the properties on Queens Road.*

*Height is a material consideration in this case. The height of the houses that have begun to be constructed do not respect the local pattern and hierarchy because the ridge height of the houses as built is almost a metre higher than that of the public house as shown by 'Drawing no. 19.016.011 rev. F - proposed site sections'. This would also be in spite of the fact that the ground level was meant to be lowered by 900mm. Revision to the height of the development is noticeably not listed as a change in the letter from Stokes Morgan Planning dated 25th March 2022, but to approve this RVC application would in effect validate changes to the height of the development that were considered to be unacceptable before reduction, and as far as PPC is concerned, continue to be unacceptable as built. It would also appear that roof lights have been added to the design to each of the properties where none were proposed/ approved before.*

*5.5 Given reduced height of the buildings and the location of the buildings surrounding the site, it is now considered that the proposal would dominate long or short-range views into the site. Whilst they will still be visible, the proposal will now sit amongst surrounding development.*

*The height of the buildings as constructed has not been appreciably reduced as required and clearly dominate views of the site and do not sit neatly within the surrounding development. This would support the refusal to accept changes to the plans that allow for taller buildings as built July 2022.*

*5.6 As the ridge height, and thus overall roof size has been reduced, the proposals are more of a cottage appearance than previous proposals. Alterations to the detailing of the proposals, including the breaking up of elevations with casements and bay windows, re-orientation of the gable on plot 6, door thresholds level with ground, and flush eaves and verges, and the use of red/orange pantiles, and estate fencing, have resulted in a proposal that although modern, has respect for the surrounding historic centre and Conservation Area.*

*The changes proposed to the elevations would in effect allow for houses to be built that are no longer complementary to the locality as described above and would adversely affect the character or appearance of the development and erode the quality of what was originally approved. Concrete roof tiles are not an appropriate substitute for red clay pan tiles, which are a typically characteristic feature of the buildings in the centre of the Conservation Area.*

*5.8 The car park provides a certain level of openness, typical of backland areas where the historic pattern of development sits close to roads. This open area forms parts of the view from the church, with the openness forming a positive feature.*

*The repositioning of the plots by 950mm away from the rear boundary further forward into the former carpark impacts on the degree of openness and separation that was described as a positive feature. Furthermore, the site plan that has been submitted in support of this application, which shows a dotted red line indicating the previous position of the dwellings, must be inaccurate since no appreciable changes are shown to the width of the area between the house frontages and the parking spaces themselves, that are meant to be separated from each other by a railing, when compared to the approved plans. Positioning the houses forward by almost a metre must have a consequential knock-on impact on the space in front of each house and the associated carparking spaces unless these spaces are being reduced in size or removed altogether - it is incomprehensible that there would be no affect on the size of the area available to the front of the plots, yet this is not shown. It would not be acceptable for the cars to be directly parked in front of the houses without there being an area delineated for pedestrian access by the railings.*

*The changes shown to the number of parking spaces shown at site entrance appears to be an attempt to provide support for an application for conversion of the original public house into three dwellings. This application has not yet been decided but PPC's comments made with regard to this are just as relevant to this RVC application. The plans provided show 7 parking spaces with no provision made for electric car charging points. It is not clear from the plans provided that these spaces concur with the minimum dimensions required by SGC for off-road car parking. 2 spaces are required for the micropub provision and the remaining 5 would be shared by three properties, yet the provision of these 5 would appear to be shown at the expense of a collection point designated for refuse and recycling on collection day, as specified in and required to be delivered for the approved application for 6 dwellings to the rear that are currently under construction (P20/23558/F). Since data suggest that almost half of all households in South Gloucestershire have 2 or more cars, 5 spaces for three separate dwellings (with just 3 between 2) without allocation for visitor parking on site is woefully inadequate and will lead to additional parking on street on an already well-documented congested and busy corner to the detriment of local residents and businesses. DC Transport comments concur with this. Approval of the plan submitted with this RVC application would de facto support the erroneous notion that 7 spaces could be provided here but does not actually concur with that submitted for the sub-division of the public house since those plans do not show a bin store for the 6 properties to the rear at all. This is something that is required to remain as approved.*

*The refuse collection /bin storage area as shown on the plan supplied appears to be woefully inadequate in terms of the space it occupies as well as its practical use - it appears to occupy an area less than the size of one standard car parking space, which is far too small to be of practical use. Proper consideration needs to be given to bin collection arrangement from this site as without suitable provision bins could be left at the site entrance or on the public highway and this would not be satisfactory.”*

- 4.2 Transport DC – No objection
- 4.3 Historic England – No advice offered

- 4.4 Conservation – *“In a number of cases the amendments proposed are not acceptable as they simply represent a watering down the quality of the scheme that was previously approved when, in light of the sensitivity of the site’s location, it was largely on the grounds of the quality of the design and materials proposed that the visual impact of the scheme was considered acceptable and consequently the scheme was given approval. With no justification for the dilution in the approved quality of design and materials, on a very simple level the RVC proposals would fail to meet the requirements of policy CS1.*

*I note reference to a DOC application but this is a matter that I would defer to you on.”*

- 4.5 Tree Officer – No comments

- 4.6 Drainage – No objection

### **Other Representations**

- 4.7 Local Residents

17 objection comments have been received, summarised as:

- Residents views ignored
- Huge impact on village
- Devalued adjacent properties
- Many open spaces in village being built on
- Application should not be considered
- Changes have been made without consent
- Gain only for developer
- Dwellings should not be allowed here
- Parking insufficient
- Site has not been monitored sufficiently
- Contractors parking dangerously
- Applicants have previously built against approval

1 support comment has been received, summarised as:

- Houses should be completed as soon as possible
- Application does not alter the footprint or substantially alter the elevations

## **5. ANALYSIS OF PROPOSAL**

### Procedural matters

- 5.1 Concerns have been raised that the permission does not constitute a minor material amendment, and as such the proposal should not be applied for through a variation of condition application (Section 73).
- 5.2 The NPPG makes it clear that where a modification is “fundamental or substantial”, a new planning application will be required.



- 5.3 There is no statutory definition of a 'minor material amendment' but it is likely to include any amendment where its scale and/or nature results in a development which is not substantially different from the one which has been approved
- 5.4 The original permission gave consent for the demolition of the single storey rear extension to Fleur de Lys and the erection of 6no. dwellings with associated works. This proposal does not alter the red line of that consent, and does not alter the description.
- 5.5 The proposal relates to alterations to the position of the dwellings and the height, as well as alterations to the elevations and internal changes. The fundamental proposal remains the same.
- 5.6 The Officer is therefore content that the proposal can be applied for under a variation of condition (Section 73). Whether the proposal is acceptable in terms of the Development Plan will be considered below.
- 5.7 The matter of the application being retrospective has also been raised. Although applicants are expected to comply with any permission given, the fact that breaches have occurred is not a reason to refuse consent.
- 5.8 The enforcement team investigated the breaches from P20/23558/F which involved several site visits and meetings to establish exactly how the breaches occurred. Once this was established, a retrospective application was submitted to determine if those breaches would be considered to be acceptable in accordance with the development plan.

#### Principle of development

- 5.9 The variations applied for do not significantly alter the overall scheme, and the policy position has not changed since the original permission was granted. As such the principle of development is accepted and this application will only consider those proposed variations.

#### Heritage and Design

- 5.10 The application relates to a site within Pucklechurch conservation area, within the setting of a grade I listed building and in proximity to locally listed buildings. The site forms the existing car park of the Fleur de Lys which is located centrally within Pucklechurch and adjacent to the main route through the village. The conservation area was reviewed in 2010 and a new character appraisal adopted as a Supplementary Planning Document (SPD). This site is located within the 'Commercial core' character area.
- 5.11 An analysis of the traditional buildings in the village reveal a hierarchy between the higher status houses and the smaller cottages. The higher status houses tend to be taller, with parapets and sash windows. They also often feature doorcases or hoods. The cottages are lower, with simple eaves, casements and often no elevation features (the terrace fronting Abson Road are an exception to this rule however they are wide and have a horizontal emphasis provided by their elevational treatment). As a backland site new housing here

- should respect this pattern and hierarchy and not dominate the buildings to the frontage. The locally listed cottages fronting Shortwood Road (either side of the Fleur de Lys) are particularly low in height.
- 5.12 Concerns regarding the height of the properties have previously been raised, and have formed a reason for refusal on previous applications and appeal decisions. Under the approved application, the ridge height of the properties would have been approximately 0.5m above the ridge height of the pub, although due to the distance between the buildings would have visually appeared to be a similar height.
- 5.13 The dwellings as built are 0.9m taller than the ridgeline of the pub, and 0.4m than those considered acceptable under P20/23558/F.
- 5.14 The proposals refused under P20/05814/F were approximately 1.3m above the ridge height of the pub. These were considered to be unacceptable due to a combination of factors; their height, the rear dormers which would have been particularly prominent in views along Westerleigh Road, and the prominent dwelling immediately to the rear of the public house. The dormers and additional dwelling do not form part of this proposal, and the proposals are 0.4m shorter at the ridge height than the refused scheme.
- 5.15 In terms of the elevations the proposals have not increased in height from ground level to ridgeline, and remain at 7.94m. The increase has occurred from the finished ground level. Although the ground level has been reduced within the site, the point at which the original ground level was taken from differed from that within the previously approved plans due to the sloping nature of the site. As a result, the overall ridgeline height was higher than approved.
- 5.16 Taking into account the increased overall height of the dwellings, the proposal is not considered to dominate long or short range views into the site. Whilst the development is visible, it sits amongst the surrounding development and will not appear out of context.
- 5.17 The concerns from the Conservation Officer are noted. In regards to the rear elevations, the detailing in terms of the fenestration has been simplified. The rear elevations of the properties are not visible from the public realm, with the exception of the upper floor windows which have only been changed marginally in terms of sizing.
- 5.18 The proposal retains the general style of windows but has altered the positioning and size of them to reflect the internal changes, most notably the removal of the cloakroom window from the front elevation reducing the number of windows from four to three. The Conservation officer does not object to this detail, only that the dwellings have not been constructed as approved.
- 5.19 The proposed rooflights within the roofline do not face the public realm or the Church, and as such have little impact on the overall design.

- 5.20 The rendered buildings have been constructed in rough-cast render as per the approved plans. Bradstone has been used as per the approved condition application (DOC21/00378) and although not natural stone, is good quality cladding material that does not harm the appearance of the historic core.
- 5.21 The application also proposes concrete tiles as opposed to clay due to a supply chain issue. Whilst clay would have been preferable, the red tiles chosen are similar in appearance to nearby developments, and do not harm the appearance of the historic core.
- 5.22 White windows have also been proposed, which have been used within both historic buildings in the centre and more modern developments adjacent.
- 5.23 Turning to the location of the proposed dwellings, the proposals have moved forward within the site by approximately 0.9m. The railings, parking and small areas of landscaping to the front of the dwellings has been retained as approved. The road width has also been retained, with a small verge immediately adjacent to the rear of the public house removed.
- 5.24 The car park provides a certain level of openness, typical of backland areas where the historic pattern of development sits close to roads. This open area forms parts of the view from the church, with the openness forming a positive feature.
- 5.25 The proposal is visible from certain areas of the churchyard, most notably at the entrance to the graveyard where a small gap in the foliage allows for long term views. However, the development sits within surrounding buildings rather than dominating this view and the site as a whole still maintains an element of openness.
- 5.26 The “commercial core” character area of the Conservation Area is characterised by enclosed streets and wide frontages, with vegetation limited due to the margins. Opportunities for landscaping are limited, however what has been proposed would be an improvement in landscaping terms upon the car park. Estate fencing has also been proposed.
- 5.27 On balance, the proposals are considered to have a neutral impact upon the character and appearance of the Conservation Area and the setting of the Grade I listed church, and are not considered to cause harm to the heritage assets.

### Transport

- 5.28 The proposal does not impact upon the parking provision provided for the 6no. dwellings proposed. An additional 2no. parking spaces have been shown to the front of the site, which are intended to serve the conversion proposal currently under consideration (P22/02688/F). This alteration is largely procedural, intended to ensure consistency between site plans across the submitted applications. The approval of this detail does not convey acceptance of the other proposal currently under consideration.

- 5.29 The proposed collection point for refuse and recycling has been reduced in size, however Transport have raised no objection to this matter and the area of 6m<sup>2</sup> is considered sufficient for the collection point. Day to day storage of bins remains at the properties.
- 5.30 The legal agreement approved as part of P20/23558/F to secure the necessary funds (up to the sum of £10,00) towards a Traffic Regulation Order automatically applies to any subsequent application approved as a S73 agreement.
- 5.31 Concerns have been raised regarding the additional traffic generated by the proposal, however the traffic generation is no different to the approved scheme.

#### Residential amenity

- 5.32 The proposal provides 77m<sup>2</sup> amenity space to plot 1, 64m<sup>2</sup> to plot 2, 54m<sup>2</sup> to plot 3, 51m<sup>2</sup> to plot 4, 56m<sup>2</sup> to plot 5 and 66m<sup>2</sup> to plot 6. Application P20/23558/F provided 48m<sup>2</sup> to plots 3-5, with 2 and 6 marginally under 60m<sup>2</sup>. Policy PSP43 requires 60m<sup>2</sup> to be provided. The Inspector concluded under a previous appeal decision that undersized gardens are acceptable for a mews form of development, and that generally there would be a reasonable amount of private amenity space provided. Given that the proposal increases the amenity space available to each property, the amendments are acceptable.
- 5.33 The proposal also increases the separation distance from the rear boundary of the site by 0.9m, decreasing the potential for overlooking and overshadowing.

#### Consideration of likely impact on Equalities

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

#### Planning Balance

- 5.35 The principle of development was accepted under P20/23558/F, as the proposal is sited within the settlement boundary of Pucklechurch.
- 5.36 The alterations to the height, location, and external details have been found not to cause harm to the designated Heritage Assets. The design of the scheme is considered to be acceptable.

5.37 There are no changes in traffic generation or parking provision when compared with P20/23558/F.

5.38 The proposal is considered to be acceptable, and is 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 That planning permission is granted.

## **CONDITIONS**

1. The proposal shall be carried out in full accordance with the Written Scheme of Investigation for an Archaeological Watching Brief discharged under DOC21/00378.

### Reason

In order to ensure the adequate protection of archaeological remains, and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

2. The proposal shall be carried out in full accordance with the Surface and Foul Water Drainage Strategy, Charging Schedule and Draft Transfer discharged under DOC21/00378.

### Reason

To ensure that a satisfactory means of drainage is provided, and to accord with policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

3. All hard and/or soft landscape works shall be carried out in accordance with details shown on the Proposed Site Plan (19 Jul 2022 - 19.016 010F). The works shall be carried out prior to the occupation of any part of the development. 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. All hard landscape works shall be permanently retained in accordance with the approved details.

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.

4. No occupation shall commence until the parking shown on the submitted Proposed Site Plan (19 Jul 2022 - 19.016 010F) has been provided. The areas allocated for parking and turning on the submitted plan shall be kept clear of obstruction and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

Reason

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

5. The proposal shall be carried out in full accordance with the Phase II A Contaminated Land Investigation discharged under DOC21/00378.

Reason

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

6. Prior to first occupation, where works have been required to mitigate contaminants (under condition 5) a report providing details of the verification demonstrating that all necessary remediation works have been completed satisfactorily shall be submitted to and agreed in writing by the Local Planning Authority.

Reason

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

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

Reason

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

8. Prior to the first occupation of the development one 7 kW 32 Amp electric vehicle charging point shall be provided per dwelling and thereafter retained for that purpose.

Reason

To facilitate use of electric vehicles, encourage sustainable means of transportation and to minimise traffic emissions, in the interests of climate change and air quality and to accord with Policies CS1 and CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and Policies PSP16 and PSP6 of the South Gloucestershire Local Plan : Policies Sites and Places Plan adopted November 2017.

9. No occupation of the development shall commence until bicycle and refuse storage has been provided in accordance with the details shown on Proposed Site Plan (19 Jul 2022 - 19.016 010F). The storage shall be retained permanently thereafter.

Reason

To ensure the satisfactory provision of cycle facilities to accord with Policy CS8 of the South Gloucestershire Local Plan; Core Strategy (Adopted) December 2013; and the South Gloucestershire Residential Parking Standards SPD (Adopted) December 2013.

10. Prior to first occupation, evidence of the installation of ecological enhancement features shall be submitted to the local planning authority for approval in writing.

Reason

To ensure that the implementation and success of the Wildlife Protection and Enhancement Scheme to prevent ecological harm and to provide biodiversity gain in accordance with policy PSP19 of South Gloucestershire Local Plan and the National Planning Policy Framework.

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

23 Nov 2020	SITE LOCATION PLAN
23 Nov 2020	19.016.002 EXISTING SITE PLAN
23 Nov 2020	19.016.003 EXISTING SITE SECTIONS
23 Nov 2020	19.016.020 EXISTING GROUND FLOOR PLAN
23 Nov 2020	19.016.021 PROPOSED PUBLIC HOUSE GROUND FLOOR PLAN
23 Nov 2020	19.016.022 EXISTING PUBLIC HOUSE ELEVATIONS
23 Nov 2020	19.016.023 PROPOSED PUBLIC HOUSE ELEVATIONS
10 Mar 2021	19.016 - 040 STONE WALL DETAILS
19 Jul 2022	19.016 - 010 F PROPOSED SITE PLAN
19 Jul 2022	19.016 - 011 F PROPOSED SITE SECTIONS
19 Jul 2022	19.016 - 030 B PLOTS 1, 2 & 3 FLOOR PLANS
19 Jul 2022	19.016 - 031 B PLOTS 1, 2 & 3 ELEVATIONS
19 Jul 2022	19.016 - 033 B PLOTS 4,5 & 6 ELEVATIONS
19 Jul 2022	9.016 - 032 B PLOTS 4,5 & 6 FLOOR PLANS
06 Sep 2022	COMPARISON SECTIONS

Reason

To define the terms and extent of the permission.

12. The hours of working on site during the period of construction shall be restricted to:

Monday - Friday.....7:30am - 6:00pm

Saturday.....8:00am - 1:00pm

No working shall take place on Sundays or Public Holidays

The term working shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy PSP38 of the South Gloucestershire Policies Sites and Places Plan (Adopted) and the provisions of the National Planning Policy Framework.

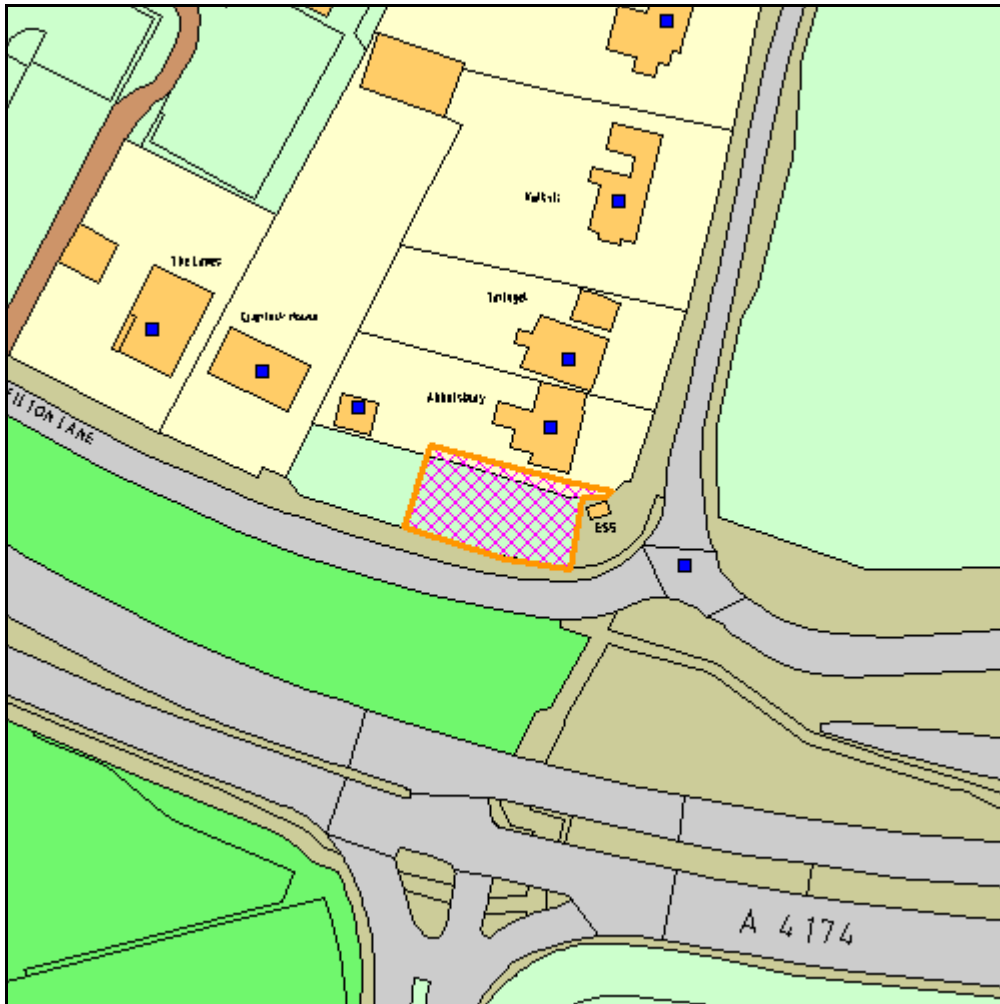
**Case Officer: Rae Mepham**

**Authorising Officer: Marie Bath**



**CIRCULATED SCHEDULE NO. 41/22 - 14th October 2022**

<b>App No.:</b>	P22/04124/F	<b>Applicant:</b>	Mr Tom Coleman
<b>Site:</b>	Land At Abbotsbury Harry Stoke Road Stoke Gifford South Gloucestershire BS34 8QH	<b>Date Reg:</b>	2nd August 2022
<b>Proposal:</b>	Erection of 1 no. detached dwelling with access and associated works (Class C3, as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended)) (resubmission of P22/01069/F).	<b>Parish:</b>	Stoke Gifford Parish Council
<b>Map Ref:</b>	361973 178640	<b>Ward:</b>	Stoke Gifford
<b>Application Category:</b>	Minor	<b>Target Date:</b>	27th September 2022



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 100023410, 2008. **N.T.S.** **P22/04124/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 THE CIRCULATED SCHEDULE**

The application appears on the circulated schedule because an objection from the Parish Council has been received that is contrary to the findings of this report and officer recommendation.

### **1. THE PROPOSAL**

- 1.1 Planning permission is sought for the erection of 1no. detached dwelling with access and associated works.
- 1.2 The application site is currently part of the side garden of Abbotsbury, a two-storey, detached, 1950's house, located on the junction of Filton Lane and Harry Stoke Lane. The existing property has both side and rear extensions and is currently used as a 6-bedroom House in Multiple Occupation (HMO) (Class C4). The application site is located within the North Fringe of Bristol Urban Area and is not subject to any other restrictive planning constraints or designations.
- 1.3 The property (Abbotsbury) is set back from Harry Stoke Lane with frontage parking and has large side and rear garden areas. An electricity sub-station lies next to the property close to the road junction with high voltage overhead cables to the south-east.
- 1.4 This application is a re-submission of P22/01069/F, which was also for the erection of 1no. detached dwelling. However, in this previous application, the dwelling was expressly stated as being proposed to be a C4 (small) HMO. The fact the new dwelling proposed under P22/01069/F was to be used as an HMO was the sole reason for refusal. The refusal of P22/01069/F was for the following reason:

*The proposal for a 6 person HMO (house in multiple occupation) has been found to be contrary to the recently adopted Houses in Multiple Occupation : Supplementary Planning Document, which states that where there are more than 20% of households within a 100 metre radius of the application property, such a concentration of HMO's are unlikely to be in conformity with Policies CS17 or PSP39, as this is unlikely to result in 'mixed communities' and may result in such development becoming concentrated. This could also impact on the character and amenities for the area within which they are located. The proposal would result in an HMO density of 36.3% within a 100m radius of the application property.*

*Furthermore, the proposal would introduce an HMO where there are already 3no. HMO's adjacent to the site, which would also be likely to prejudice the amenities and character of the locality, contrary to the HMO SPD.*

*The proposal would result in an 'adverse impact on the residential amenity and the character of the area', especially in terms of its ability to support mixed*

*communities; as such the proposal fails to meet adopted Policy CS17 of the South Gloucestershire Local Plan: Core Strategy (Adopted) 2013 and policies PSP8 and PSP39 of the Policy Sites and Places Plan (Adopted) 2017 and the adopted SPD Houses in Multiple Occupation (Adopted) 2021.*

- 1.5 The central difference between this application and P22/01069/F is that the dwelling now proposed would be in C3 use, as opposed to C4. The case officer notes that refused application P22/01069/F was deemed to be acceptable in all other respects.

## **2. POLICY CONTEXT**

### 2.1 National Guidance

National Planning Policy Framework July 2021  
National Planning Practice Guidance

### 2.2 Development Plans

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

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

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

PSP1	Local Distinctiveness
PSP8	Residential Amenity
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP19	Wider Biodiversity
PSP20	Flood Risk, Surface Water, and Watercourse Management
PSP38	Development within Existing Residential Curtilages
PSP43	Private Amenity Space Standards

### 2.3 Supplementary Planning Guidance

Design Checklist SPD (Adopted) August 2007  
Residential Parking Standard SPD (Adopted) December 2013  
CIL and S106 SPD (Adopted) March 2015  
Waste Collection SPD (Adopted) January 2015 (updated March 2017)

## **3. RELEVANT PLANNING HISTORY**

- 3.1 P22/01069/F (refused 10/06/2022):

Erection of 1 no. detached dwelling with access and associated works for use as multiple occupation (HMO) for up to 6 persons (Class C4) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended).

*Refusal reason noted in section 1 of this report.*

- 3.2 Immediately West of the site  
P19/1588/F (approved 09/04/2019):  
Erection of 1 No. dwelling and associated works.
- 3.3 Other history is available, that is neither recent nor relevant.

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

##### 4.1 Stoke Gifford Parish Council

Objection:

- Electricity sub-station and high voltage power lines are too close and present a health and safety risk
- Parking spaces with lack of turning means reversing onto the highway, which is dangerous in this location.
- Should planning be granted, a condition is requested to limit working hours and deliveries

##### 4.2 Sustainable Transport

No objection. Condition recommended.

##### 4.3 Highway Structures

No comments have been received.

##### 4.4 Drainage (LLFA)

Initial comments: query method of surface water dispersal.

Updated comments: No objection as it has been clarified that a soakaway is to be used.

##### 4.5 Tree Officer

No objection provided trees are protected in accordance with the submitted arboricultural report.

##### 4.6 Environmental Protection

Contamination

pre-commencement condition required due to ground gas risk as there are records of filled ground within 250m of the site.

Noise

Initially queried how noise from A4174 would be mitigated in respect of the dwelling and garden amenity.

Upon receipt of updated information, EP officers confirm that the proposed mitigation is acceptable.

4.7 Archaeology Officer  
No comments have been received.

4.8 Wales and West Utilities  
No comments have been received.

4.9 Local Residents  
No comments have been received.

## 5. **ANALYSIS OF PROPOSAL**

5.1 It is sought to erect 1no. detached C3 dwelling with access and associated works.

### Principle of Development

5.2 The application site is located within the North Fringe of Bristol urban area. Policy CS5 sets out the Council's spatial strategy, which directs new development to the urban fringes of Bristol and to within other settlement boundaries as designated by the policies map. The application site is within one of the urban fringes and therefore fully accords with the spatial strategy set out in CS5 and is therefore acceptable in principle in terms of location.

5.3 In this instance, the dwelling proposed would be class C3 within the Use Classes Order. The previously refused dwelling was proposed to be used as a C4 small HMO for up to 6 persons. This end use would not have required planning permission as it would be below 7 people, however as the HMO would have had 5 or more occupants, a license would have been required. As such, the proposed use as a small HMO was considered to fall within the scope of policy PSP39 and the HMO SPD.

5.4 The HMO SPD sets out additional guidance to be applied when assessing HMO's against PSP39 and CS17, to ensure that harmful impacts on character and amenity do not arise and to ensure mixed and balanced communities. The previous application for a C4 HMO on the site was refused on the basis that a further HMO in the locality would be contrary to the guidance within the SPD and would have a harmful impact upon the residential amenity and character of the area and the ability to deliver a mixed and balanced community in this location.

5.5 In this instance, it is not proposed to use the new dwelling as a small HMO. However, once built, Schedule 2, Part 3, Class L of the GPDO would allow the dwelling to be used as a C4 HMO. This would somewhat undermine the previous position and concern that a further HMO would be unacceptable in this location. The case officer would therefore take the view that in light of the planning history and issues identified within the previously refused application, a condition removing the Class 3, Part L permitted development rights should be applied, in the interest of preserving the character and amenity of the locality and ensuring the delivery of a mixed and balanced community.

- 5.6 Subject therefore to the above condition, there are no in principle objections to the proposed development.
- 5.7 Design, Scale and Layout  
The existing property 'Abbotsbury' comprises a detached 1950 two-storey residential property, which has existing side and rear extensions and dual feature bay windows with rendered elevations and pitched hipped tiled roofs. Similar properties lie to the north and west along Filton Lane and Harry Stoke Lane.
- 5.8 To the west is a recently constructed detached two-storey house i.e. Harry Stoke House, with render and reconstituted stone elevations with pitched tiled and gabled roofs with parking in front; further west are staggered detached single and two-storey dwellings. There is a wide variety of materials in the vicinity of the site including, render and brick and either tiled or flat roofs. Windows are predominantly Upvc.
- 5.9 The proposed house is the same design as the scheme previously refused on HMO grounds, and would form a two-storey detached dwelling, set back from the Filton Lane frontage with a similar building line to Abbotsbury along the Harry Stoke Lane frontage, with access off Filton Lane, with a staggered frontage similar to the existing properties along Filton Lane. The proposed house would have a combination of brick and rendered elevations with feature bay windows, similar to Abbotsbury, and pitched hipped roofs.
- 5.10 The proposed scale, design and layout is not dissimilar to other properties nearby and would integrate adequately within this location of varying designed properties.
- 5.11 Residential Amenity  
PSP8 permits development where it does not prejudice the residential amenity of both occupiers of the development and of neighbouring dwellings through the creation of unacceptable impacts. Such unacceptable impacts include loss of privacy, overlooking, loss of light, loss of outlook and overbearing/dominant impacts.
- 5.12 The new dwelling would accord with the nationally described space standards for a 4 bed, 5-person two storey dwelling. All primary rooms would have at least one good sized opening, all of which provide acceptable levels of light and outlook. The new dwelling would be provided with well over 70sqm private amenity space. 70sqm is the PSP43 standard for a 4+ bed dwelling. The private amenity space for the new dwelling would be sufficiently private, taking into account the character of the area.
- 5.13 The new dwelling would be located close to the nearby A4174 Ring Road, however there is a dense tree belt between Filton Lane and the A4174, which helps to mitigate traffic noise. In addition, limited openings are proposed on the South side of the dwelling and the garden is to be enclosed to the South by a 2.4 metre acoustic fence. Having considered these proposals, the Council's EP team consider the mitigation to be sufficient, and no objection is raised in terms of amenity for future occupants. Should permission be granted, a suitably

worded condition should be applied to ensure the provision of the acoustic fence, prior to first occupation.

- 5.14 In terms of neighbouring occupiers, the new dwelling would not be sited in a position that would cause any unacceptable impacts on outlook, nor would it create any material overbearing or overshadowing issues. Whilst the new openings would provide some increased overlooking potential, this would not be beyond what would be expected in a suburban location. That said, the two first floor windows on the North side elevation should be conditioned to be obscure glazed, to prevent overlooking of Abbotsbury, due North of the site.
- 5.15 Whilst construction impacts are not a reason to resist development as they are temporary in nature, it would not be unreasonable to limit the working hours in this instance in the interest of amenity, due to the close proximity to other residential properties.
- 5.16 Transportation  
The site is within a highly sustainable location, with excellent access to public transport, including several bus stops at the UWE bus station, a bus stop on Filton Lane, Metrobus services, and the Bristol Parkway Railway station. Access to key services and facilities is also available by means other than the private motor car, including the nearby Abbey Wood retail park, Sainsbury's and retail facilities on Fox Den Road, which are in walking distance. The development therefore fully accords with the locational requirements of PSP11 in terms of sustainability.
- 5.17 The new dwelling would have four bedrooms and is correctly provided with at least 2no. parking spaces, which is in accordance with PSP16. The new dwelling would not have any impacts on the parking for the existing dwelling, which is sufficient. Should permission be granted, conditions will be required to ensure the parking is provided prior to occupation, and to ensure that at least 1no. electric vehicle charging point (EVCP) is provided.
- 5.18 Concerns are noted regarding safety of the access. In the first instance, it should be noted that the highway authority has not objected to this element of the proposal on either this or the previous occasion. The case officer notes from visiting the site that the parking would not interfere with the existing bus stop but would sit adjacent to it. Filton Lane and Harry Stoke Road area lightly trafficked no through roads (except for buses and authorised users), subject to a 30mph speed limit. The case officer notes a lack of pavement on a large section of Harry Stoke Road, however this road is well lit, subject to double yellow lines and is lightly trafficked as noted above. Moreover, due West of the site is a pedestrian link to Fox Den Road, which has pavements and lighting along its length.
- 5.19 Whilst the new dropped kerb is close to the corner, vehicles approaching from the West would have good visibility, and from the East visibility would be improved by the fact vehicles should take a wider path when turning right from Harry Stoke Road due to the mini roundabout, thus affording more visibility to the access. In addition, users of the new access are likely to be moving at a low speed and there is in any event onus on the driver using the access to ensure

their path is clear (of both pedestrians and vehicles) before commencing their manoeuvre. There are therefore no reasonable grounds to resist the development on highway safety grounds, when considering the requirements of paragraph 111 of the NPPF, which submits that development should only be refused on highways grounds if there would be an unacceptable impact on highway safety or residual cumulative impacts on the road network would be severe.

#### 5.20 Environmental Matters

Comments are noted in relation to the nearby substation and overhead high voltage power lines, and the potential for EMR/EMF exposure. As noted previously with regards to the refused application, EMR/EMF matters are no longer a material planning consideration. Moreover, para. 118 of the NPPF is clear that LPAs must determine planning application on planning grounds only.

5.21 The application site is recorded as being within 250 metres of filled ground, which can pose a risk from ground gas. If an unacceptable risk is present, protection measures will be required as part of the development. In accordance with para. 183 and 184 of the NPPF, it would be necessary to ensure that suitable risk assessment is undertaken prior to commencement, which will inform any mitigation/remediation requirements to make the development safe for its intended use, and to ensure that it will remain so. Accordingly, a suitably worded condition should be applied to secure this. Such a condition would need to be pre-commencement, and has been agreed by the applicant's agent.

#### 5.22 Drainage

Queries were raised initially by the LLFA in relation to surface water dispersal. It was subsequently confirmed that a soakaway would be utilised, which is considered acceptable by the LLFA. Given the scale of the development, the final siting and technical specification of the soakaway will be adequately addressed via building regulations and so specific drainage conditions are required on this occasion.

### **Impact on Equalities**

5.23 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.

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



## 6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The recommendation to **grant** permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017 set out above, and to all the relevant material considerations set out in the report.

## 7. RECOMMENDATION

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

### CONDITIONS

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

#### Reason

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

2. A) Desk Study - No development shall commence until an assessment of the risks posed by any contamination has been carried out and submitted to and approved in writing by the local planning authority. This assessment must be undertaken by a suitably qualified contaminated land practitioner, in accordance with British Standard BS 10175 Investigation of potentially contaminated sites and the Environment Agency's guidance - Land Contamination Risk Management (LCRM)\*, and shall assess any contamination on the site, whether or not it originates on the site.

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

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

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

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

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

#### Reason

To ensure that risks posed by contamination are understood, and mitigation undertaken where appropriate to ensure that the site is suitable for the proposed use and will remain so, in accordance with PSP21 of the South Gloucestershire Local Plan: Policies Sites and Places Plan (Adopted) November 2017 and the relevant parts of the National Planning Policy Framework.

3. Notwithstanding the provisions of Schedule 2 of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no development under Part 3, Class L (small HMOs to dwellinghouses and vice versa) shall take place at any time and the dwelling shall be used only as a dwellinghouse under Class C3 of the Use Classes Order, unless agreed otherwise on an application determined by the local planning authority.

#### Reason

To protect the character and amenities of the area and to ensure a mixed and balanced community in an area where there is an already high concentration of houses in multiple occupation as determined in the refusal of P22/01069/F, in accordance with PSP39 of the South Gloucestershire Local Plan: Policies Sites and Places Plan (Adopted) November 2017, CS17 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and; the Houses in Multiple Occupation (HMO) SPD (Adopted) October 2021.

4. The dwellinghouse shall not be occupied until a continuous 2.4 metre high acoustic fence in the location as shown on plan 3451/2 (proposed site plan, received 9th August 2022) has been provided, which shall be retained thereafter.

#### Reason

To protect the amenities of future occupiers and preserve garden amenity in light of the nearby A4174 Ring Road, in accordance with PSP8 of the South Gloucestershire Local Plan: Policies Sites and Places Plan (Adopted) November 2017.

5. The development shall proceed in strict accordance with the tree protection measures as set out in the submitted arboricultural report (Silverback, September 2022, as received 13th September 2022).

Reason

To ensure that off site trees adjacent are suitably protected during development and to accord with PSP3 of the South Gloucestershire Local Plan: Policies Sites and Places Plan (Adopted) November 2017.

6. Prior to first occupation, the parking, pedestrian and vehicular access arrangements as indicated on plan 3451/2 (proposed site plan, as received 9th August 2022) shall be provided in full, and shall be retained thereafter.

At least one of the parking spaces shall be provided with at least one electric vehicle charging point rated at 7kw, 32amp minimum, which shall be installed to an operational standard prior to first occupation of the dwellinghouse.

Reason 1

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

Reason 2

To ensure provision is made for sustainable travel and to accord with CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013.

7. The hours of working on site during the period of construction shall be restricted to:

Monday - Friday.....7:30am - 6:00pm

Saturday.....8:00am - 1:00pm

No working shall take place on Sundays or Public Holidays

The term working shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site

Reason

To protect the amenities of neighbours during construction and to accord with PSP8 of the South Gloucestershire Local Plan: Policies Sites and Places Plan (Adopted) November 2017.

8. Prior to the use or occupation of the dwellinghouse hereby permitted, and at all times thereafter, the proposed 2no. first floor bathroom/en-suite windows on the North side elevation shall be glazed with obscure glass to level 3 standard or above with any opening part of the window being above 1.7m above the floor of the room in which it is installed'.

Reason

To protect the amenities of neighbours and to accord with PSP8 of the South Gloucestershire Local Plan: Policies Sites and Places Plan (Adopted) November 2017.

9. Development shall be implemented in accordance with the following plans:

3451/1 - Existing site plan

3451/4 - Location plan

As received 25th July 2022

3451/3 A - Plans and elevations

As received 2nd August 2022

3451/2 - Proposed site plan

As received 9th August 2022

Reason

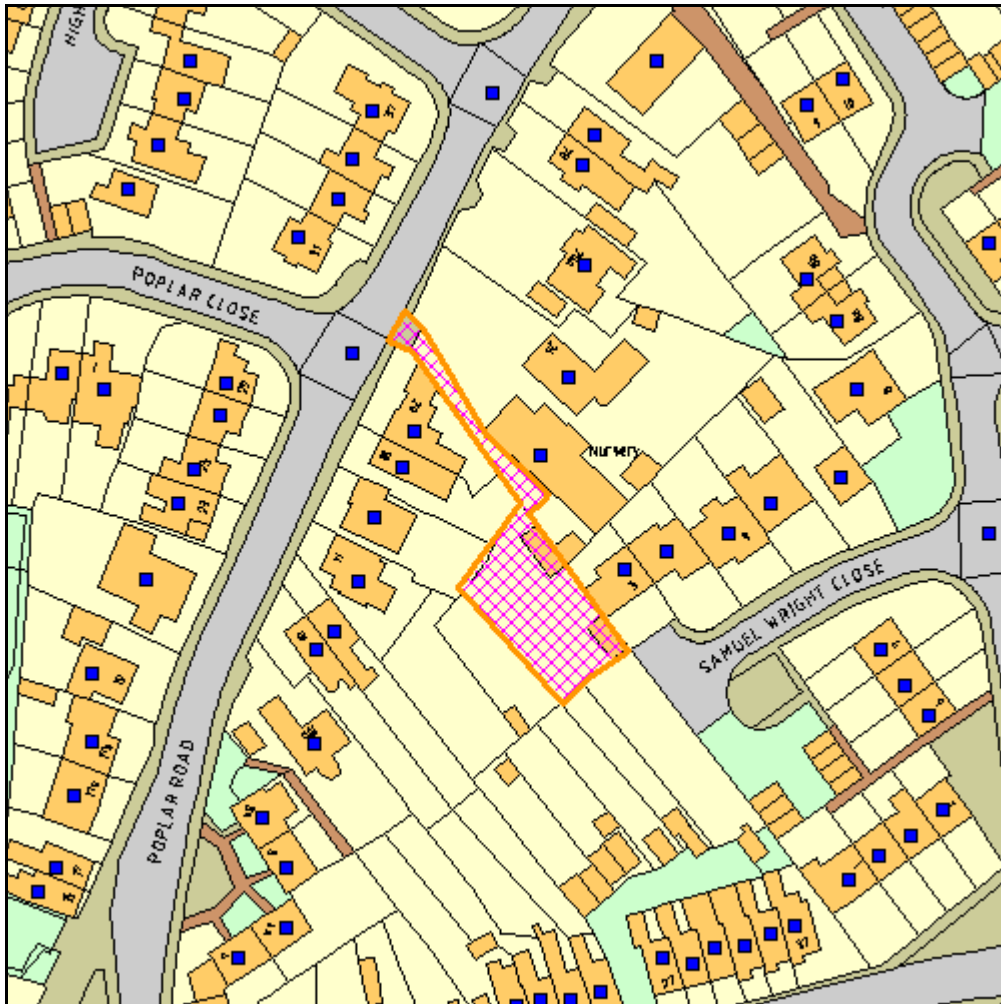
For the avoidance of doubt and to define the exact terms of the permission.

**Case Officer: Alex Hemming**

**Authorising Officer: Marie Bath**

**CIRCULATED SCHEDULE NO. 41/22 - 14th October 2022**

<b>App No.:</b>	P22/04267/F	<b>Applicant:</b>	Mr Mark Heywood-Briggs Phoenix Childcare Limited
<b>Site:</b>	Land West And North Of 5 Samuel Wright Close North Common South Gloucestershire BS30 5LQ	<b>Date Reg:</b>	3rd August 2022
<b>Proposal:</b>	Change of use from class C3 residential garden to class F1a school use (ancillary to Neptune School, Poplar Road) with associated boundary fencing.	<b>Parish:</b>	Bitton Parish Council
<b>Map Ref:</b>	367513 172495	<b>Ward:</b>	Bitton And Oldland Common
<b>Application Category:</b>	Minor	<b>Target Date:</b>	22nd September 2022



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 100023410, 2008. N.T.S. P22/04267/F

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

### **CIRCULATED SCHEDULE**

This application appears on the Circulated Schedule due to objections received from local residents, contrary to Officer recommendation.

#### **1. THE PROPOSAL**

- 1.1 The application seeks full planning permission for the change of use from class C3 residential garden to class F1a school use (ancillary to Neptune School, Poplar Road) with associated boundary fencing.
- 1.2 The land lies to the west of Samuel Wright Close, and adjoins the rear garden boundaries of several other residential properties along Poplar Road to the north and Valley Road to the south. The land lies immediately to the south of Neptune School. The land comprises an area of residential garden with two outbuildings along the eastern boundary which are in a need of repair.
- 1.3 During the application revised boundary plans were received. The extent of the site was replotted accordingly and the application fully reconsulted.

#### **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  
CS23 Community Infrastructure and Cultural Activity

South Gloucestershire Local Plan: Policies, Sites, and Places Plan (Adopted November 2017)  
PSP1 Local Distinctiveness  
PSP19 Wider biodiversity  
PSP8 Residential Amenity

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

- 3.1 PK10/0194/O - Erection of 4no. dwellings (Outline) with access, appearance, layout and scale to be determined. Other matters to be reserved. Refused 06.05.2010
- 3.2 P20/11873/F - Erection of a single storey link extension and associated works to facilitate a change of use from Use Class C3 (residential) to Use Class D1

(day school) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended). Approved 16.10.2020

3.3 P21/08129/F - Erection of 3m fencing and 4no. gates (retrospective). Approved 22.07.2022

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

4.1 Bitton Parish Council  
No objection, subject to the height of the fence being no higher than 2 metres.

Sustainable Transportation  
No objections

Ecology  
No ecological information has been submitted. The buildings may contain habitat suitable for bats. A Preliminary Ecological Assessment would be required regarding works to the buildings.

Crime Prevention Design Adviser (CPDA)  
No objection, however as an advisory - we must ensure that the end users are secure inside this fenced area and potential offenders are kept out. The detailed design of this fence must ensure any horizontal support timbers or similar, do not provide a climbing frame to get out or in. This may mean the fence is close boarded on both sides.

The Coal Authority  
No objections

#### **Other Representations**

4.2 Local Residents  
Letters of objection have been received from 5 local residents. The points raised are summarised as:

- Concerns over accuracy of submitted plans/application details
- Concerns over what else may be incorrect and what else will be planned
- Amenity impacts from additional noise and potential overlooking
- Concern over whether the site would be used beyond Monday to Fridays for the times stated
- Concern over the supervision of pupils and the extent of the fence
- There should be no additional/new vehicular or pedestrian access to the site

One letter of support has also been received, summarised as follows:

- The application I am told has been rectified to show the correct land and ownership
- The application is based on the agreement discussed between the owner and Neptune School representatives.
- The agreement is set out in the planning covering letter attached to the application. The
- I would request that change of use is granted,

- As the owner of the land I would confirm that the covering letter sent from to support the application is what has been negotiated and is subject to the sale to Neptune School/Phoenix as it would benefit the children in the school for the
- The boundary fence has been agreed and described in the application.

## 5. **ANALYSIS OF PROPOSAL**

5.1 The applicant seeks permission for a change of use of land from residential curtilage to ancillary outdoor space for the adjacent school.

### 5.2 Principle of Development

The application stands to be assessed against the above listed policies and all material considerations. The land sits adjacent and linked to the site and land that is already in school use, as previously approved and identified in the planning history above. The proposed site is currently residential in use and is also surrounded by other residential uses in the form of dwellings and associated gardens. The issues for consideration are any impacts associated with this additional change of use.

5.3 The new outdoor area would provide the school with additional opportunities for outdoor play and learning, such as gardening, forest school and nature and wildlife learning, whilst under close supervision by staff. It would be a restricted area, inaccessible to pupils for general free play/access. The applicant intends to use the land for small groups of children who are assessed to be at low risk of attempting to escape the grounds. It is stated that high ratios of staff to pupils would be used to maintain close supervision during their time on site. Accordingly, the school has risk assessed this application site and its proposed uses and considers that fencing at a height of 2 metres should be sufficient to meet the current needs. Existing outbuildings would be utilised as ancillary spaces for the storage of equipment and informal teaching spaces associated with outdoor activities. Refurbishment may be required. In accordance with the main campus site, the application site would be used for no more than 39 weeks of the year, Monday – Friday from 09:00 to 16:00.

### 5.4 Change of use from residential to community use:

Policy CS23 of the Core Strategy relates to community infrastructure and cultural activity, and stipulates that the Council will work with partners to provide additional, extended or enhanced community infrastructure. An educational facility such as a school is listed as the type of facility covered by CS23. The change of use of the residential curtilage to form part of a school would represent the provision of an additional community facility.

5.5 The proposal is therefore considered to be consistent with the aims of CS23, and is acceptable in principle. However a more detailed consideration of impacts must be undertaken, in order to identify any potential harm which could arise from the development such as impact on the character of the area, residential amenity, parking and highway matters.



5.6 Design and visual amenity

The proposals are from a residential curtilage area to provision of additional outdoor space ancillary to the adjoining school.

5.7 The alterations would essentially comprise of peripheral close board fencing to 2 metres and gating around the site and in connecting of the existing school area with the additional outdoor space.

5.8 In terms of design, scale, massing and appearance including proposed materials, the scheme is considered appropriate and no objection is raised.

5.9 Residential amenity

The school site and associated existing grounds already has an authorised school use in the immediate vicinity. Comments regarding additional noise and disturbance associated with any additional change of use of land are noted. The site is currently essentially in residential use as curtilage, potentially generating its own patterns and levels of use. The change of use of the site to ancillary outdoor learning area associated with the adjoining school would have use that would be limited to daytime/term time hours. The proposals are for additional learning areas as opposed to playground area. The peripheral fencing is not considered unreasonable at this location and as with curtilage fencing will provide screening from surrounding properties. A condition relating to hours of use to reflect those of the existing school is also proposed. It is acknowledged that there would be some changes following the change of use of this additional area, but given the nature, location, - next to the school and the restriction in opening times, the change of use does not give rise to material amenity impacts such as to sustain objection and warrant refusal of the application on these grounds.

5.10 Transport

The proposals seek to extend the existing outdoor space associated with Neptune School, to provide additional outdoor space, for teaching and learning used by pupils and staff. There would be no vehicular access to the site; all vehicles would be required to park within the existing car park at Neptune School, accessed via Poplar Road. The additional outdoor space would not increase the schools pupil capacity and therefore there would no material increase in vehicular trips during the AM or PM peaks as a consequence of the enlarged grounds. On this basis there is no objection to the proposals on highways grounds.

5.11 Ecology

The application is essentially for the change of use of land for the use proposed and this should be taken into account. Reference is made to utilising/refurbishing the buildings, however it is not at this point clarified what this will require. In this respect a condition is recommended that requires Preliminary Ecological Assessment (PEA) details prior to any proposed works/alterations to the roofs/eaves. This will therefore require any such PEA details at such time prior to any alteration to the buildings that may be required, this will also be dependent on whether any works will be necessary, and the nature of any works required.

#### 5.12 Impact on Equalities

The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society. As a result of that Act the public sector Equality Duty came into force. Among other things, the Equality Duty requires that public bodies to have due regard to the need to: eliminate discrimination; advance equality of opportunity; and, foster good relations between different groups when carrying out their activities.

5.13 Under the Equality Duty, public organisations must consider how they could positively contribute to the advancement of equality and good relations. This should be reflected in the policies of that organisation and the services it delivers.

5.14 The local planning authority is statutorily required to apply the Equality Duty to its decision taking. With regards to the Duty, the development contained within this planning application is considered to have neutral impact.

### **6. CONCLUSION**

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

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

### **7. RECOMMENDATION**

7.1 It is recommended that the application be approved subject to the conditions recommended.

### **CONDITIONS**

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

#### Reason

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

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

Site Location Plan - Drawing 3084-PL01B

Existing block plan - Drawing 3084-PL02B

Proposed block plan - Drawing 3084-PL03C

-received by the Council on the 24th August 2022

Proposed fencing plans - Drawing 3084-PL04B  
-received by the Council on the 28th July 2022

Reason

To define the terms and extent of the permission.

3. The use of the site hereby approved shall only be between Monday - Friday from 09:00 to 16:00, in term time only.

Reason

In the interests of local amenity and in accordance with PSP8 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017 and the provisions of the NPPF

4. Prior to any works to the roof or eaves of the buildings within the site, a Preliminary Ecological Assessment shall be submitted to the Council for written approval and any future works shall adhere to the findings and recommendations of the assessment at all times.

Reason

In the interests of ecology and in accordance with PSP19 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017 and the provisions of the NPPF.

**Case Officer: Simon Ford**

**Authorising Officer: Marie Bath**

**CIRCULATED SCHEDULE NO. 41/22 - 14th October 2022**

<b>App No.:</b>	P22/04285/HH	<b>Applicant:</b>	Mr & Mrs J Greenwood
<b>Site:</b>	15 Hermitage Wood Road Stoke Gifford South Gloucestershire BS16 1BF	<b>Date Reg:</b>	3rd August 2022
<b>Proposal:</b>	Erection of two storey rear extension to form additional living accommodation.	<b>Parish:</b>	Stoke Gifford Parish Council
<b>Map Ref:</b>	361163 177605	<b>Ward:</b>	Stoke Park And Cheswick
<b>Application Category:</b>	Householder	<b>Target Date:</b>	27th September 2022



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 100023410, 2008. **N.T.S.** **P22/04285/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.

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

## **1. THE PROPOSAL**

- 1.1 The application seeks full planning permission for the erection of two storey rear 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 15 Hermitage Wood Road, is set within a good sized plot, and is an existing detached property, within the settlement boundary of Stoke Gifford.
- 1.3 As part of the assessment of this application, comments were received by Stoke Gifford Parish Council in respect of the proposed design in terms of its scale which could potentially cause a loss of light, over-shadowing and over-bearing nature to the neighbouring properties.
- 1.4 As such, and following negotiations, revised plans have been submitted and a re-consultation has taken place. The below report now subsequently reflects those design changes. Unfortunately no further re-consultation comments have been received.

## **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 Impact Management

PSP16 Parking Standards

PSP38 Development within Existing Residential Curtilages

PSP43 Private Amenity Space Standards

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

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

- 3.1 None relevant.

### 4. **CONSULTATION RESPONSES**

#### 4.1 Stoke Gifford Parish Council

1 No letter of Objection Comments -

- *Stoke Gifford Parish Council object to this application due to the scale & design of the 2 storey extension, which we consider will lead to the loss of light and hence over-shadowing of the neighbouring property and its rear garden; and*
- *Also concerned about it having a dominant presence and the possible loss of privacy to the neighbouring property & garden.*

#### 4.2 Other Consultees

Sustainable Transport – Transportation DC

No Objections.

### **Other Representations**

#### 4.3 Local Residents

1 No letter of objection comments received –

- *Concerns over loss of privacy and light to neighbouring residents; and*
- *Concerns that the proposal will not be in keeping with other surrounding and neighbouring properties.*

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

#### 5.1 Principle of Development

PSP38 of the South Gloucestershire Council Policies, Sites and Places Plan (November 2017) permits development within existing residential curtilages (including extensions) in principle where they do not unduly harm the design, visual amenity and residential amenity of the locality or prejudice highway safety or the provision of adequate private amenity space.

- 5.2 PSP38 is achieved through CS1 of the South Gloucestershire Council Core Strategy (adopted December 2013), which requires development to demonstrate the highest standards of design and site planning by demonstrating that siting, form, scale, height, massing, detailing colour and materials are informed by, respect and enhance the character, distinctiveness and amenity of both the site and its context. Therefore, the development is acceptable in principle, subject to the following detailed consideration.

- 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 two storey rear extension, will extend to an overall width of almost 4.0 meters across the rear façade and will now be sited almost 5.5 meters from the existing boundary with the attached neighbouring property of No 11 Hermitage Wood Road. The extension is proposed to protrude from the existing rear façade by an overall depth of 3.9 meters. It will now feature a gable fronted hipped roof, and maintain the existing eaves height.
- 5.5 Following the revised submitted designs, a single storey rear extension is now proposed nearest to the boundary with the adjacent property of No 11 Hermitage Wood Road. This single storey extension will extend to a width of 4.4 meters (infilling the remainder of the existing rear façade of the host dwellinghouse) and extend from the existing rear façade also by 3.9 meters. It will feature a flat roof, with 1No glazed lantern rooflight and will extend to a maximum height of 3.0 meters. As such, the single storey rear extension will maintain a distance of 1.2 meters from the adjacent property of No 11 Hermitage Wood Road.
- 5.6 The proposed design and siting of these extensions is in keeping with the host dwellinghouse and is not detrimental to the character of the host dwellinghouse or the surrounding area and is considered of an acceptable standard of design. As such, the proposals do respect the proportions and character of the existing dwellinghouse and are deemed to comply with policies CS1, PSP38 and the Householder Design Guide SPD.
- 5.7 Residential Amenity  
Policy PSP38 of the Policies, Sites and Places Plan explains that development will be permitted provided that it would not detrimentally impact the residential amenities of nearby occupiers and would not prejudice the retention of adequate private amenity space. Policy PSP8 specifically relates to impacts on residential amenity and outlines that unacceptable impacts could result from (but are not restricted to); loss of privacy and overlooking; overbearing and dominant impact; loss of light; noise or disturbance; and odours, fumes or vibration.
- 5.8 Although the proposal is now part two, part single storey, and given the position of the extensions and their respective scales, officers are satisfied that the overall impact will be minimal, particularly given the south facing rear façade orientation of the host dwellinghouse and its adjacent neighbouring properties. However, and in respect of the concerns raised by the Parish Council and neighbouring residents, any of loss of privacy, impacts of an overbearing and overlooking nature are now assessed in detail below, as it is appropriate to consider the level of the impact having regards to the nature and scale of the overall development proposed.

- 5.9 Firstly, the proposed single storey rear extension is located to the rear of the host dwellinghouse, and will comprise of an increase of a maximum of 3.9 meters in depth from the existing rear façade and 4.4 meters in width and will extend to a maximum height of 3.0 meters. In line with the *South Gloucestershire Council Householder Design Guide Supplementary Planning Guidance (Adopted 2021)*, the aforementioned impact elements have been considered below.
- 5.10 In terms of any potential loss of light or privacy, and any overbearing effects to the adjacent property of No 11, it is noted that the proposed single storey rear extension would alter the existing rear façade of the host dwellinghouse and therefore may result in some impacts to the attached neighbouring property of No 11 Hermitage Wood Road.
- 5.11 In terms of any overbearing and loss of light effects, it is noted that the proposed single storey rear extension would extend 4.4 meters in width across the rear of the host dwellinghouse and extend into the private amenity space by approximately 3.9 meters from the rear façade of the host dwellinghouse, which would be beyond the attached neighbouring property of No 11's rear facade. Furthermore, as it is noted that the proposed single storey extension will project no further than 3.9 meters into the private amenity space and given that the proposed extension lies to the south of the host dwellinghouse, although there may be some interruption to natural light, it is not sufficient to apply a refusal.
- 5.12 Secondly, the proposed two storey rear extension will now comprise of an increase of a maximum of 3.9 meters in depth from the existing rear façade and 4.0 meters in width and will extend to a maximum height of 5.0 meters to the eaves, maintaining the existing eaves height of the host dwellinghouse. However, and in line with the *South Gloucestershire Council Householder Design Guide Supplementary Planning Guidance (Adopted 2021)*, the aforementioned impact elements have been considered below.
- 5.13 In terms of any potential loss of light or privacy, and any overbearing effects to the adjacent properties of Nos 11 and 17, it is noted that the proposed two storey rear extension will alter the existing rear façade of the host dwellinghouse and therefore may result in some impacts to the attached neighbouring properties of Nos 11 and 17 Hermitage Wood Road.
- 5.14 In terms of any overbearing and loss of light effects, it is noted that the proposed two storey rear extension would now extend to 4.0 meters in width across the rear of the host dwellinghouse and extend into the private amenity space by approximately 3.9 meters from the rear façade of the host dwellinghouse, which would be beyond the attached neighbouring property of No 11 and 17's rear facade. However, it is noted that the proposed two storey extension will project no further than 3.9 meters into the private amenity space and given that the proposed extension lies to the south of the host dwellinghouse and its adjacent neighbouring properties, even though there may be some interruption to natural light, it is not sufficient to apply a refusal.



- 5.15 With the Council's recently adopted *Household Design Guide SPD*, the single and two storey proposals have also been considered in terms of the 45 degree test, which seeks to test whether there would be likely to be an overbearing effect, loss of light or outlook. For the majority of the daytime hours, the rear façade of the application site and its adjacent neighbouring properties, including their associated private amenity space, face a southerly direction, and therefore any such impacts will be minimal as a good amount of natural light and outlook will still be achieved.
- 5.16 The part single storey part two storey rear extensions in terms of their scale and mass has now been assessed and officers are satisfied that these single and two storey proposals will not result in unacceptable impacts upon the occupants of the attached, adjacent or surrounding neighbouring dwellings, and that the proposals will not result in any significant impacts to the occupants of any neighbouring properties and do not have a detrimental impact on the residential amenity and are deemed to comply with policies PSP8, PSP38 and the Householder Design Guide SPD.
- 5.17 Transport  
Policy PSP16 of the Policies, Sites and Places Plan sets out the Council's parking standards. As the proposed development will increase the number of bedrooms, a minimum of 3 No off street spaces are required to comply with South Gloucestershire Council's residential parking standards. Confirmation of the 3 No spaces has now been provided and the application is acceptable in sustainable transport terms.
- 5.18 Private Amenity Space  
The dwelling benefits from a good amount of existing private amenity space to the property. PSP43 sets out standards which are based on the number of bedrooms at a property. Although the proposed development will increase the number of bedrooms no concern is raised on the level of amenity space being proposed.
- 5.19 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.
- 5.20 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/works hereby permitted shall only be implemented in accordance with the plans as set out in the plans list below:

4211/P1 Rev A Existing Combined Plan (Date received 29/07/22)

4211/P2 Rev B Proposed Elevations (Date received 20/09/22)

4211/P3 Rev B Proposed Floor Plans (Date received 20/09/22)

4211/P4 Rev B Existing and Proposed Block Plans and Site Location Plan (Date received 20/09/22)

Reason

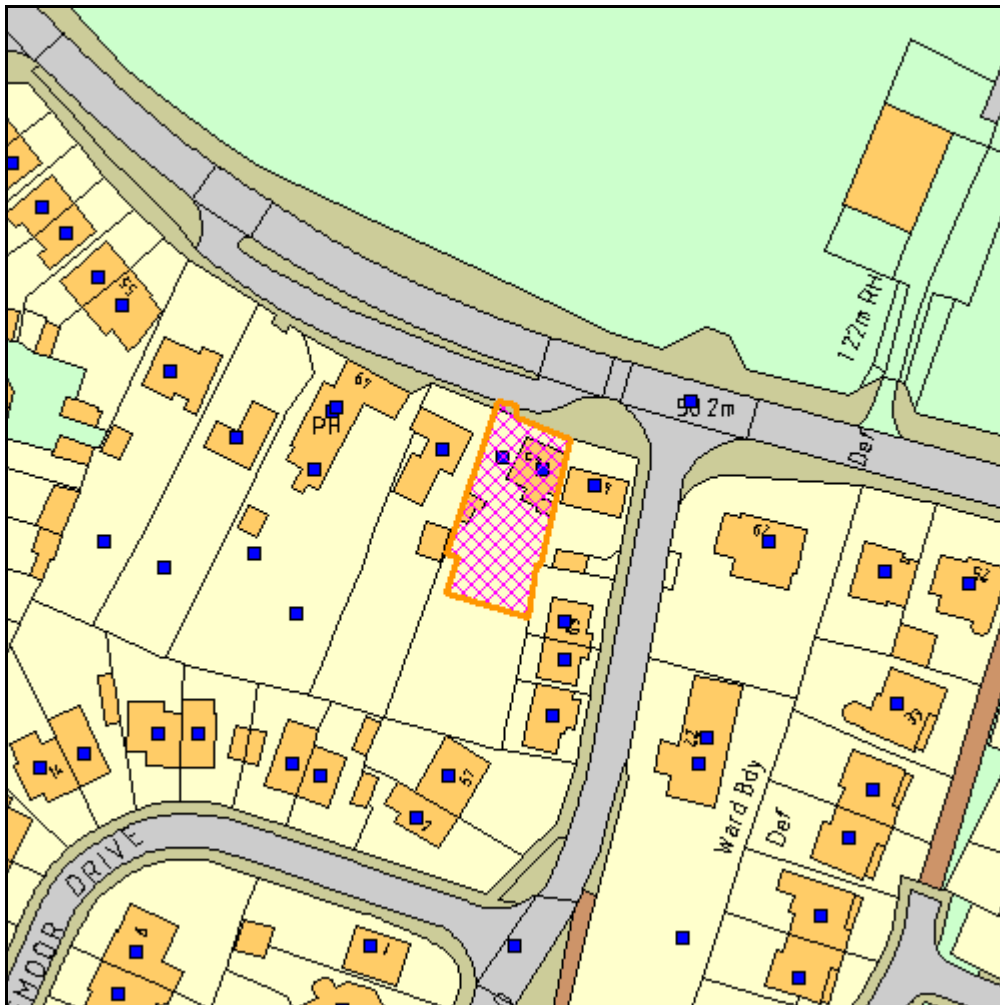
To define the terms and extent of the permission.

**Case Officer: Helen Turner**

**Authorising Officer: Suzanne D'Arcy**

**CIRCULATED SCHEDULE NO. 41/22 - 14th October 2022**

<b>App No.:</b>	P22/04540/F	<b>Applicant:</b>	Mr Finlay Sykes
<b>Site:</b>	45 Church Road Frampton Cotterell South Gloucestershire BS36 2NJ	<b>Date Reg:</b>	9th August 2022
<b>Proposal:</b>	Erection of 1 no. dwelling with associated works.	<b>Parish:</b>	Frampton Cotterell Parish Council
<b>Map Ref:</b>	367720 181472	<b>Ward:</b>	Frampton Cotterell
<b>Application Category:</b>	Minor	<b>Target Date:</b>	30th September 2022



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

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

This application has been referred to the Circulated Schedule following the receipt of a representation from Frampton Cotterell Parish Council objecting to the proposal, contrary to the officer recommendation.

### **1. THE PROPOSAL**

- 1.1 Full planning permission is sought for the erection of 1 no. dwelling with associated works.
- 1.2 The application site is land to the rear of 45 Church Road, a detached dwelling located within the Frampton Cotterell settlement boundary. The land formed part of the residential curtilage of no.45, however, has since been fenced off. A detached dwelling (no.45A) has been built to the South of the application site previously, on land which also formed part of the curtilage of no.45.
- 1.3 Throughout the application process, the plans were amended to provide a larger parking space to the front of the proposed dwelling. The revised plans therefore form the basis of this assessment.
- 1.4 The site has been subject to previous applications (two refused and one withdrawn), as evidenced within the planning history in this report. The most recent application (P22/01381/F) was refused for the following reason:
  1. *The proposed dwelling would, by reason of a difference in levels, relationship to the neighbouring dwelling and resultant massing on the Eastern wing of the proposed dwelling above the existing fence line in particular, result in an overbearing and dominant impact on the amenity space of no.63 Alexandra Road, to the detriment of the residential amenity of that dwelling. The proposed development therefore fails to accord with PSP8 and PSP38 of the South Gloucestershire Local Plan: Policies Sites and Places Plan (Adopted) November 2017.*
- 1.5 Following this refusal, discussions took place between the applicant, agent and previous planning officer to look at the most appropriate revisions to make the scheme acceptable. This resubmission therefore reflects those changes made, specifically by pulling in the eastern wing and relocating the positioning of the bedrooms.

### **2. POLICY CONTEXT**

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

## 2.2 Development Plans

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

CS1	High Quality Design
CS4A	Presumption in Favour of Sustainable Development
CS5	Location of Development
CS8	Improving Accessibility
CS9	Managing the Environment and Heritage
CS16	Housing Density
CS34	Rural Areas

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

PSP1	Local Distinctiveness
PSP8	Residential Amenity
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP20	Flood Risk, Surface Water and Watercourse Management
PSP22	Unstable Land
PSP38	Development within Existing Residential Curtilages
PSP43	Private Amenity Space Standards

## 2.3 Supplementary Planning Guidance

Design Checklist SPD (Adopted) August 2007

Residential Parking Standard SPD (Adopted) December 2013

CIL and S106 SPD (Adopted) March 2015

Waste Collection SPD (Adopted) January 2015 (updated March 2017)

## 3. RELEVANT PLANNING HISTORY

### 3.1 **P22/01381/F (Refused – 17 June 2022)**

*Erection of 1no. single storey dwelling and associated works*

### 3.2 **P21/01164/F (Withdrawn – 24 November 2021)**

*Erection of 1no. dwelling with parking and associated works*

### 3.3 **P20/20738/F (Refused – 21 December 2020)**

*Erection of 1no. dwelling with parking and associated works*

### 3.4 **PT14/5039/F (Approved – 31 March 2015) (45 & 47 Church Road)**

*Erection of 1no. detached dwelling with access and associated works*

## 4. CONSULTATION RESPONSES

### 4.1 Frampton Cotterell Parish Council

This is overdevelopment of the site, with inadequate parking. The Council query the ability for emergency services to access the site should they be required. The Parish Council suggest a risk assessment is undertaken for these points.

### 4.2 Sustainable Transport

Comments 16/09/2022:

The car parking space for the proposed dwelling is too small. It should be 5.5m long and because it also provides access to the dwelling 3.2m wide. The proposed parking space to the front of no. 45 is as previously agreed. If the parking space can be increased in size as described there would be no Transport objections subject to standard conditions securing the car and cycle parking and a 7Kw 32 Amp Electric Vehicle Charging Point for the new dwelling.

Comments 05/10/2022:

The enlarged car parking space works fine and is consistent with our standards. The cycle store is a bit small, so I'd recommend a condition to secure details prior to occupation. The bin and recycling stores could be reduced in size a bit.

I recommend no Transport objections and the following conditions.

The dwelling shall not be occupied until the car parking spaces have been provided in accordance with the submitted details.

Reason: In the interest of highway safety and to accord with policies PSP11 and 16.

The dwelling shall not be occupied until a cycle store for two cycles and a 7Kw 32 Amp Electric Vehicle Charging Point have been provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: To promote sustainable travel and to accord with policies PSP16 and CS8.

4.3 Coal Authority

To clarify, we wish to raise no objection to the current proposal subject to the imposition on any permission issued of conditions to secure the investigation and, if necessary, the remediation of shallow coal mining legacy affecting the site, as recommended in our letter of 24 March 2022 in respect of application P22/01381/F.

[To note, conditions requested under P22/01381/F - 24/03/2022:

- *No development shall commence until; a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past shallow coal mining activity; and any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.*
- *The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.*
- *Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.]*

4.4 Lead Local Flood Authority  
The Flood and Water Management team has, No Objection

4.5 Archaeology Officer  
No comment

[To note, conditions previously requested under P21/01164/F:  
*As the site is within the core of a historic settlement, a HC11 condition will be needed for a programme of archaeological work.*]

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

- Overdevelopment
- Loss of sunlight and natural light
- Impact of 2m close boarded fences put up
- Adjacent cottage of local beauty
- Request to visit the site

[Officer comments: A site visit was carried out by the officer to view the site from Church Road and Alexandra Road respectively]

## 5. ANALYSIS OF PROPOSAL

5.1 Principle of Development  
The application site is within the designated settlement boundary of Frampton Cotterell. Policy CS5 of the development plan directs new residential development to the Northern and Eastern fringes of Bristol, and appropriately within settlement boundaries as defined by the Policies Map. The site being in a settlement boundary means that on a purely locational basis, the development is acceptable in principle. PSP38 also deems development within existing residential curtilages acceptable in principle (including new dwellings), provided they are of an acceptable standard of design, would not prejudice the amenities of neighbours, would provide adequate private amenity space and would provide adequate levels of parking and not prejudice highway safety.

5.2 Policy CS1 is the Council's principal design policy. CS1 requires development to demonstrate the highest standards of design and site planning by demonstrating that siting, form, scale, height, massing, detailing colour and materials are informed by respect and enhance the character, distinctiveness and amenity of both the site and its context. CS16 requires housing development to make efficient use of land, conserve resources and maximise the amount of housing supplied.

5.3 Further to this, it is noted that the provision of 1no. dwelling would not only count towards the housing supply in the district but would also have a modest socio-economic benefit. However, the impacts of the development proposal must be further assessed (against the relevant policy) in order to identify any potential harm. For this type of development, the assessment includes the effects on; design and layout, residential amenity, highways and transportation, heritage, coal mining legacy and drainage.

#### 5.4 Design & Visual Amenity

The existing site is a vacant plot of land, which forms part of the residential garden and curtilage of No. 45 Church Road, although it is noted that the plot has been sectioned off by the erection of a 2m fence constructed under permitted development. The plot sits between No.45, to the north, and No. 45A, to the south, and has an area of approximately 200sqm. The locality is made up of older more traditional buildings, such as No. 45 and the converted former public house to the West, late 20th century development and more recent housing development (including the dwellings immediately to the East on Alexandra Road and No.45A to the south). The site is accessed via a shared access from a service road off Church Road and sits on higher ground compared to the properties immediately to the East on Alexandra Road and No. 45 itself.

- 5.5 It is proposed to erect a 2no. bedroom detached bungalow on the plot, with a footprint which runs along the western boundary line adjacent to the shared access road. The plans show a single storey dwelling with pitched roof with grey tiles and a total ridge height of 4.2m, as measured from ground level. The plans also present a south facing gable end and catslide style roof facing the east and would include the provision of PV solar panels. The dwelling would take up approximately 85m<sup>2</sup> (42%) of the site, when measured externally, providing approximately 80m<sup>2</sup> of private amenity rear garden space to the south and driveway parking to the north. Materials and finishes are proposed to match that of its immediately surrounding neighbours.
- 5.6 It is concurred that the development would represent backland development, something which appears to be well-established in the area, as shown by the construction of No. 45A. The principle of development as backland development is therefore considered acceptable and would not appear incongruous with the pattern of development in the immediately surrounding area.
- 5.7 Despite revisions to the proposed dwelling to make it smaller than that of the previously refused application, concerns were initially raised as to whether the construction of a dwelling would result in overdevelopment of the plot. However, it is noted that the plot area is more than was afforded to neighbouring two storey properties on Alexandra Road to the east and approximately 30m<sup>2</sup> less than the plot for the two storey dwelling to the west at No. 49C, constructed within the rear garden of the former public house. Taking this into account, it would be unjustified to consider this a reason for refusal.
- 5.8 The design of the dwelling subject to this application, as well as the previously refused, have clearly been informed by constraints of the plot, but aids in utilising form and scale which does not appear to be out of keeping or at odds with the character of the area. A reduction in size from a two storey dwelling to a single storey bungalow and a reduction in the size of the footprint presents a dwelling which would appear less dominant and less contrived.
- 5.9 On that basis, the proposed dwelling would sit well within its context and would sit comfortably within the plot. There is an appropriate plot to building ratio, similar to that of the immediately surrounding neighbours. The proposal can



therefore be considered acceptable in design and visual amenity terms and accords with CS1, PSP1 and PSP38 of the development plan.

#### 5.10 Residential Amenity

PSP8 permits development where it does not prejudice the residential amenity of both occupiers of the development and of neighbouring dwellings through the creation of unacceptable impacts. Such unacceptable impacts include loss of privacy, overlooking, loss of light, loss of outlook and overbearing/dominant impacts. Similarly, policy PSP43 reinstates the requirement for the provision of sufficient private amenity space standards and that private and communal external amenity space should be; functional, safe, accessible, of sufficient size and should take into account the context of the development and, including the character of the surrounding area.

- 5.11 It is noted from the previously refused schemes that officers raised concern with respect to the impact of the development on surrounding residential amenity, with particular emphasis relating to overbearing, overlooking and impact to light and outlook. The most recently refused application, under application P22/01381/F, also made reference to the difference in ground levels between the plot and the neighbour to the east at No. 63 Alexandra Road. Given that ground levels haven't changed, it is important to assess whether the scheme has been revised appropriately to mitigate impacts of this nature on neighbouring occupiers, particularly No. 63.

#### 5.12 *Amenity of neighbouring occupiers*

The plot sits within a relatively small cluster of residential properties, with the closest neighbours, and thus likely to be impacted, being No. 63 Alexandra Road to the east, No. 43 Church Road to the northeast, No. 45a Church Road to the south and the host property No. 45 Church Road to the north. The relationship between the site and these neighbours is an important consideration and, as such, plans showing the differentiating levels have been submitted to support this application.

- 5.13 With regards to overlooking and loss of privacy, there are no proposed first floor windows due to the single storey nature of the dwelling. The plans show ground floor windows to the north, east and south elevations and high level windows to the west elevation. Such is the nature of the site and its surroundings; it is likely that some inter-visibility between neighbours and overlooking of gardens already exists. There is a sufficient distance between the proposed dwelling and No. 45a so as not to result in any loss of privacy and there are no windows proposed which directly face No. 43 and its rear garden.

- 5.14 In terms of No. 45, the plans show a ground level difference of approximately 0.8m from the site down to the rear garden of the property. There is a further change in ground level of approximately 0.6m from the rear garden to the main property of No. 45. Therefore, there is a total ground level change of 1.4m between the site and No. 45. The window on the north elevation would be positioned 3.2m away from the boundary and 8m from the window to the rear elevation of No. 45. Additionally, the window would be sited behind the 2m close boarded fence and would also likely reduce any impact of overlooking when a car is parked on the driveway. It is therefore unlikely that the

development would result in an unacceptable loss of privacy or overlooking in that respect.

- 5.15 Likewise, there is a ground level change between the site and the neighbouring property to the east at No. 63. The plans show this to measure at approximately 1.3m. The placement of the 2m fence as a boundary treatment also separates the site from this neighbour thus resulting in no impact to loss of privacy as the fence would essentially block any lines of sight into the garden or ground floor windows of No. 63. It is noted that the first floor windows of No. 63 are also obscurely glazed.
- 5.16 When assessing whether the development would result in impact of a dominating, overbearing or oppressive nature, the Householder Design Guide SPD finds 'overbearing' to be caused by:
- *The physical presence of a building*
  - *An oppressive feeling as a result of the development*
  - *An intrusive feeling as a result of the development*
- 5.17 Taking into account the previous reason for refusal, the rear amenity space for No. 63 takes the form of a narrow strip running from the south to north along the back of No. 63, extending past the northern flank elevation. Concern has been previously raised with regards to the overbearing impact of the 2m boundary fence, which was erected under permitted development rights. It is acknowledged and confirmed by a site visit made by the case officer, that the fence is in situ and has been shown respectively on the submitted plans. Little weight against the proposed development can therefore be afforded as a result of the existing fence and it is considered an existing feature of the site.
- 5.18 Weight is, however, afforded to development which would further exacerbate the existing amenity enjoyed by No. 63. In this context, the proposed dwelling should not result in any additional impacts by making a less than ideal situation worse, taking into account the constraints of the amenity space for No. 63 in its existing situation. An assessment has therefore been made with respect to the revised plans submitted as part of this resubmission, following on from discussions with the previous planning officer.
- 5.19 As such, revisions were made to the proposed dwelling by pulling in the east wing and relocating the bedroom within the main bulk of the property to assist in reducing any impact of an overbearing nature to No. 63. This creates a separation distance of 2m from the eastern wing to the boundary line and a separation distance of 10m from the central massing of the proposed dwelling and the rear elevation of No. 63. The resultant impact is that this takes the physical presence of the building away from the boundary and the fence, minimising any further harm of an overbearing or oppressive nature. The presence of the 2m fence would also shield a large part of the new dwelling, shared with a small reduction in roof height and the bringing back of the eastern elevation from the boundary, the impact to visibility and outlook is reduced and the presence of physical massing lessened.

- 5.20 A further test to be considered is set out in the Householder Design SPD which offers the 25° test to ensure development benefits from adequate levels of light and outlook. The test requires that no facing building should break a 25° angle from a horizontal point 2m about ground level when on a level surface. The plans show that the proposed development meets this test when measured 2m above ground level from No. 63, ensuring levels of natural light are sufficient and protected.
- 5.21 Whilst appreciable from the perspective of No. 43 and No. 45a, it is unlikely that the development would result in severe harm to the residential amenity of these neighbours. Due consideration has, however, also been given with respect to No. 45. This property presents 1no. central glazed door at ground floor level and 1no. window at first floor level, with an outlook to the south facing rear garden. It is also noted that the glazed door is the only source of light to the living room of No. 45, a primary room within the property. Concerns were raised by the officer for the previously refused application, however it was determined that, as the 2m fence is an existing feature, it would be difficult to argue that the new dwelling would have any additional impact on No. 45 and that the new dwelling has been designed to sit behind the boundary treatment which separates the proposed dwelling at No. 45. It would therefore be unreasonable to cite this as a reason for refusal within this application and the case officer shares the view given with the previous planning officer.
- 5.22 *Amenity of future occupiers*  
The proposed dwelling would provide 74m<sup>2</sup> of gross internal space comprising, 12no. double bedrooms, 1no. with en-suite, kitchen and living space and main bathroom. Externally, the property would offer driveway parking for 1no. vehicle, cycle and bin storage to the eastern boundary and 80m<sup>2</sup> of rear garden space. These arrangements are found to accord with nationally described space standards for a 2 bed, 3-4 person dwelling and are also in line with the requirements of PSP43 which requires a 2no. bedroom property to provide 50m<sup>2</sup> of private amenity space. Primary living accommodation is shown to have windows which offer an acceptable amount of light and roof lights and sun tunnels within the roof structure offering a greater level of natural light into the main living accommodation of the dwelling.
- 5.23 Whilst the dwelling would be surrounded by a 2m close boarded fence, the case officer agrees with the view taken by the planning officer for the previous application with respect to the 12m window-wall test. This test requires windows facing a blank elevation to benefit from a separation distance of at least 12m. In this instance, the window for bedroom 1 would face north, with a distance of 3.2m from the boundary fence. To mitigate this, a high level window has also been proposed on the west elevation. The window for bedroom 2 would face to the south, with a distance of 9.2m but would benefit from an outlook into the rear garden. The kitchen and living space would have a window and bi-fold doors to the east, high level windows to the west and a side access door to the south, all within a close proximity to the boundary fence. This has been mitigated with the addition of roof lights and sun tunnels, meaning that the internal accommodation does not appear confined or restricted. Given that this was previously found acceptable, it would be unjust to warrant this as a reason for refusal at this stage.

5.24 The resubmitted proposal is therefore found compliant with policies PSP8 and PSP43 of the development plan which seeks to ensure residential amenity of neighbours and future occupiers is protected. The suggestion of a condition mentioned as part of the previous refusal of removing permitted development rights at the new dwelling is noted and is considered reasonable in this instance and has been agreed with the agent for the application. This will ensure the property cannot be altered or extended without express permission from the Council.

5.25 Transportation & Parking Standards

The site is within the designated settlement boundary and sits in a reasonably sustainable location, thus complying with the locational requirements of PSP11 in terms of proximity to key services and facilities. Comments have been taken into account from the transport officer, as well as concerns raised from the Parish regarding access for emergency services when required. It is also understood that a transport officer visited the site as part of the assessment under the withdrawn planning application P21/01164/F. The site visit and subsequent assessment found the proposed arrangements to be acceptable.

5.26 Further comments were, however, raised as part of this application in which the transport officer requested that the parking space to the north is made larger, in line with the footnote attached to PSP16 which states that:

*'An external parking space is typically a minimum of 2.4 x 4.8m in size. Roadside visitor parking spaces plotted parallel to the highway may well need to be up to 6m in length, but may also be narrower than 2.4m depending on the location. Spaces to the side/between flank walls of dwellings should allow additional space for access to the vehicle. A minimum of 3m is recommended to accommodate a single space between two dwellings. Minimum length of a space in front of a garage and on curtilage parking 5.5m. If a driveway is also used as both vehicular and pedestrian access to a dwelling the parking area should have a minimum width of 3.2m'*

5.27 As such, the plans were amended by changing the orientation of the footprint to provide 1no. parking space measuring 3.2m by 5.5m, meeting the requirements of PSP16, as confirmed with the transport officer. It would, again, be unreasonable to take a different view to that of the previously assessed applications, which found parking to be adequate and sufficient and with no material change to access and parking.

5.28 An assessment has also been made with regards to parking for the host dwelling at No. 45. It is noted that this property is a 2no. bedroom dwelling, therefore needs to maintain 1no. off-street parking space as a result of this application. This provision is established as shown on the plans submitted to support this application, thus according with PSP16.

5.29 Conditions have also been suggested by the transport officer, which should be attached to any grant of permission. This includes the installation of an EV charging point and cycle store which are to be provided prior to occupation and agreed with the local planning authority in writing, and that the new dwelling shall also not be occupied until the car parking space has been provided in

accordance with the approved details. The case officer considers this reasonable and has been agreed with the agent for the application.

5.30 Heritage (Archaeology)

The application site is within the core of an historic settlement. This means that there is potential for archaeology to survive. Whilst no comments were received as part of this application, the case officer notes the submission of comments attached to the previously refused applications. These suggest an appropriately worded condition to secure a programme of archaeological investigation and recording (a HC11) condition. The case officer finds this reasonable to carry forward to this application and has been agreed with the agent for the application.

5.31 Coal Mining Legacy

The site falls within the defined development high risk area, which means that within the site and surrounding area there are coal mining features and hazards which need to be considered. Paragraph 183 of the NPPF requires planning decisions to ensure that a site is suitable for the proposed use taking ground conditions into account and assessing any risk or issues arising from previous coal mining activity. PSP22 requires development proposals ensure that a site is safe, stable and suitable for the proposed use and will remain so.

5.32 The Coal Authority have reviewed this proposal, as well as the previously refused and withdrawn applications. Their stance remains consistent, in that the submission of a risk assessment under the recently refused application (P22/01381/F) is acceptable, subject to the attachment of conditions. These conditions secure, among other things, a scheme of intrusive investigation and remediation/mitigation works. These should be applied, should permission be granted, to accord with the NPPF and the requirements of PSP22. This has been agreed within the agent for the application.

5.33 Consideration of likely impact on Equalities

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

## 6. CONCLUSION

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

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

## 7. **RECOMMENDATION**

7.1 It is recommended that permission is **APPROVED**.

### **CONDITIONS**

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

#### Reason

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

2. The development/works hereby permitted shall only be implemented in accordance with the following plans:

Received by the Local Authority on 04 August 2022:

Existing Site Plan (Drawing No. 45BCR/005)

Site Location Plan (Drawing No. 45BCR/SLP)

Received by the Local Authority on 05 August 2022:

Coal Mining Report (Dated 24/10/2014)

Geo-Testing Report (Dated May 2015)

Received by the Local Authority on 06 October 2022:

Proposed Site Plan (Drawing No. 45BCR/006 - Revision A)

Site Plan (45BCR/007 - Revision A)

Section CC and North and East Elevations (Drawing No. 45BCR/009 - Revision A)

Section AA and BB, South and West Elevations (Drawing No. 45BCR/008 - Revision A)

#### Reason

To define the terms and extent of the permission.

3. Notwithstanding the provisions of Schedule 2 of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no development as specified in Part 1 (Classes A, AA, B, D and E) shall be carried out without the prior written consent of the Local Planning Authority.

#### Reason

In light of the constraints of the plot and the relationship with neighbouring properties, the Local Planning Authority would need to consider the impact of any future additional development on the neighbouring properties, including design, visual amenity, residential amenity and parking. An application would therefore need to be made for any additional development on the site and approved in writing by the Local

Planning Authority, in accordance with policies CS1 and CS5 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and PSP1 and PSP38 of the South Gloucestershire Local Plan: Policies Sites and Places Plan (Adopted) November 2017.

4. Notwithstanding the approved plans, the new dwelling shall not be occupied until the car parking space and cycle storage facilities have been completed in accordance with the submitted details.

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; and the South Gloucestershire Residential Parking Standards SPD (Adopted) December 2013.

5. The new dwelling shall not be occupied until a 7Kw 32Amp Electric Vehicle Charging Point has been provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason

To promote sustainable travel and to accord with policy CS8 of the South Gloucestershire Local Plan; Core Strategy (Adopted) December 2013 and PSP16 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan Adopted November 2017.

6. No development shall commence until;
  - A scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past shallow coal mining activity; and
  - Any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

Reason

The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable the appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 183 and 184 of the National Planning Policy Framework.

7. Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reason

The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable the appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 183 and 184 of the National Planning Policy Framework.

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

Reason

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

**Case Officer: Lucie Rozsos**  
**Authorising Officer: Marie Bath**



**CIRCULATED SCHEDULE NO. 41/22 - 14th October 2022**

<b>App No.:</b>	P22/05209/F	<b>Applicant:</b>	Mr Macquillian And Wilson
<b>Site:</b>	Unit 1400 Bristol Parkway North Newbrick Road Stoke Gifford South Gloucestershire BS34 8YU	<b>Date Reg:</b>	30th August 2022
<b>Proposal:</b>	Change of use from existing office to include a mix of office (Use Class E(g)(i)) and private hospital facility (Use Class C2 (hospital)) as defined in Town and Country planning (Use Classes) Order 1987 (as amended). Installation of services plant and associated fencing.	<b>Parish:</b>	Stoke Gifford Parish Council
<b>Map Ref:</b>	363232 179984	<b>Ward:</b>	Stoke Gifford
<b>Application Category:</b>	Minor	<b>Target Date:</b>	21st October 2022



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 100023410, 2008. **N.T.S.** **P22/05209/F**

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

## **CIRCULATED SCHEDULE**

The following report appears on the Circulated Schedule following comments from the Parish Council and due to the need for a Unilateral Undertaking for monitoring of a Travel Plan.

### **1. THE PROPOSAL**

- 1.1 The applicant seeks full planning permission for the Change of use from existing office to include a mix of office (Use Class E(g)(i)) and private hospital facility (Use Class C2 (hospital)) as defined in Town and Country planning (Use Classes) Order 1987 (as amended). Installation of services plant and associated fencing.
- 1.2 The application site relates to Unit 1400, Bristol Parkway North, Newbrick Road, Stoke Gifford, a small business park.
- 1.3 The site extends over 1.07 acres and the existing building has a current lawful use as an office (Use Class E). It is understood that the property is not currently let to a tenant and has been vacant for some time (circa 2 years).
- 1.4 The building is two-storey extending circa 13,570 sq ft (1,260 sq m) with 72 on-site car parking spaces within its wider curtilage, bordered to the north and west by further commercial development which comprises Buildings 1300, 1500 and 1600 Parkway North. Mature and semi-mature hedgerows and trees are noted on all sides with an access point into the premises from Parkway North.
- 1.5 This application proposes to remodel and refurbish the existing building as a medical facility consisting of operating theatres with the appropriate ancillary support rooms (clean preparation & dirty utility), recovery area, staff facilities, patient rooms for recovery and overnight stay, minor operations and treatment rooms, reception/office area and a food preparation room. In addition an office use is to be retained to allow the flexible use of the building to provide managerial administrative functions and commercial services (conferences and training courses).

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework  
National Planning Guidance

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1	High Quality Design
CS2	Green Infrastructure
CS4A	Presumption in Favour of Sustainable Development

CS5	Location of Development
CS6	Infrastructure and Developer Contributions
CS7	Strategic Transport Infrastructure
CS8	Improving Accessibility
CS9	Managing the Environment and Heritage
CS12	Safeguarded Areas for Economic Development
CS13	Non-Safeguarded Economic Development Sites
CS25	Communities of the North Fringe of Bristol

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

PSP1	Local Distinctiveness
PSP2	Landscape
PSP3	Trees and Woodland
PSP8	Residential Amenity
PSP9	Health Impact Assessments
PSP10	Active Travel Routes
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP17	Heritage Assets and the Historic Environment
PSP18	Statutory Wildlife Protection
PSP19	Wider Biodiversity
PSP20	Flood Risk, Surface Water, and Watercourse Management
PSP21	Environmental Pollution and Impacts
PSP26	Enterprise Areas
PSP43	Private Amenity Space Standards

2.3 Supplementary Planning Guidance

Trees on Development Sites SPG (Adopted) Nov. 2005.  
 South Gloucestershire Design Checklist (Adopted) 2007)  
 Planning Obligations Guide SPD – (Adopted) March 2015  
 South Gloucestershire Council Waste Collection: guidance for new developments SPD (Adopted) Jan 2015

**3. RELEVANT PLANNING HISTORY**

- The wider area:
- 3.1 MODT18/0002 Deed of Variation of Section 106 Legal Agreement attached to planning permission P92/2321 Approved subject to s 106 12.4.18
- 3.2 MODT16/0004 Modification of S106 Agreement attached to planning application P92/2321 to re-define the timeframe within which the Blue Land will be retained for the purposes set out in the s106 agreement. Approved 5<sup>th</sup> December 2016
- 3.3 P92/2321 Development of 39.94 hectares (98.5 acres) of land for residential, offices, retailing and open spaces. Construction of roads and associated highway works including a park and ride facility and LRT station (outline) Approved 22.12.93

- Specific to the site:
- 3.4 PT00/2163/F Erection of chiller/generator compound to unit 1300 and chiller compound to unit 1400. (Amendments to previous approval reference P94/2461 for Class B1 office development).  
Approved 31.10.00
- 3.5 P94/2461 Development of 2.611 Hectares of land (6.5 Acres) for erection of 110,000 square feet of office/buildings (Class B1 of the Town and Country Planning (Use Classes Order) 1987). Construction of associated access roads and car parking. (To be read in conjunction with P92/2321).  
Approved 16.2.95

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

##### 4.1 Stoke Gifford Parish Council

Objection Stoke Gifford Parish Council object to this application due to insufficient information to demonstrate how chemicals, medicines & hazardous substances (inevitably needed for a hospital facility) will be safely stored. This is a major concern.

We note that the application form indicates there will be no hazardous substances and that there are no trees on or adjacent to the development site. We believe this is incorrect.

Should planning permission be granted, SGPC would request the inclusion of a condition restricting the hours of working (and movement or delivery of machinery or building materials), during the period of construction, to 07:30 18:00 Monday to Friday, 08:00 13:00 Saturdays and with no working permitted on Sundays or Public Holidays.

##### **Internal Consultees**

- 4.2 Economic development  
No comment

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

- 4.3 DM Transport  
No objection: - within urban area  
Travel plan: some amendments needed and costs for monitoring fee of arrangements in the travel plan to be met.

##### **Other Representations**

- 4.4 Local Residents  
None received

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

- 5.1 This is application is for the Change of use from existing office to include a mix of office (Use Class E(g)(i)) and private hospital facility (Use Class C2

(hospital)) as defined in Town and Country planning (Use Classes) Order 1987 (as amended). Installation of services plant and associated fencing.

5.2 Principle of Development

The scheme stands to be assessed against the above listed policies and all material considerations. The site is located within a safe-guarded employment area. Policy CS12 seeks to protect identified employment sites from re-development or change of use to alternative uses that would reduce employment potential within that area. The building has been vacant for around 2 years. The merits of the scheme are assessed against the categories within this economic policy as below:

5.3 **a. the proposal would not prejudice the regeneration and retention of B Use Classes elsewhere within the defined employment area; and**

5.4 The proposal is to convert the existing office building to a hospital and retain commercial use. Given that the proposed use would still support the economic development in the area, the proposed use would not prejudice the regeneration and retention of B Use Classes (now a mix of Class E – subject to alterations to the Use Class order) elsewhere within the defined employment area. In addition, the building is separated from other office buildings within Parkway North Business Park by defined boundaries and the change of use would not be harmful the continued use of these buildings.

With regard to the comments of the Parish Council, the applicant has provided information regarding the storage of chemicals, medicines & hazardous substances. There will be internal storage of medicines at the property and these will be kept in accordance with official NHS guidance attached. This principle also refers to clinical waste that will be kept and stored securely in accordance with statutory guidelines and disposed of through a licenced waste disposal company agreed prior to commencement of the proposed hospital facility. This is not considered to raise any land use planning issues.

5.5 **b. it can be clearly demonstrated that it would contribute to a more sustainable pattern of development in the local area as a consequence of the appropriateness of the proposed use to the location; and**

5.6 The proposal would introduce an additional medical facility within the South West region, providing specialist facilities available to local and wider communities. The Site benefits from good accessibility from across the region and would help reduce longer trips to other specialist facilities further afield. As previously discussed, the additional facilities would benefit the existing National Health Service facilities in the wider Bristol and South Gloucestershire area and improve accessibility to care provision and specialist jobs. Significant improvements to the local public transport network have been made on the northern and eastern fringes of Bristol, all of which directly benefit the proposed use of the building. The type, form and scale of the existing building and surrounding employment land provide a suitable environment for the proposed use whilst also being within proximity to town and local centres. In addition, there are limited other available sites and existing buildings within the authority that provide the opportunity to deliver sustainable development patterns and

collectively the sustainable characteristics that can be demonstrated by the subject property, 1400 Parkway North. The proposal makes significant improvements to an existing building by enhancing its sustainability and securing an optimum use for the property.

**5.7 c. the proposal would improve the number or range of jobs available in the local area; and**

5.8 At full capacity, the proposal would directly employ at least 40 people, including highly skilled professionals along with administration, office and facilities management staff. Given the size of the building, it is considered that the proposed use would provide a good level of employment opportunities to the local area. Also, the proposed use would provide a wide variety of additional indirect employment opportunities to support the business and care requirements.

**5.9 d. no suitable alternative provision for the proposal has been made elsewhere in the Local Development Framework.**

5.10 The Local Development Framework has no policy which includes provisions for this type of development or use. Therefore, there is no provision made for this type of development within the Local Development Framework. Therefore, the proposed use is considered to be suitable at the proposed location given its existing designation under Policy CS12, whilst not being categorised as a Main Town Centre Use as defined by the NPPF.

5.11 The proposal is in accordance with CS12 and on this basis is acceptable in principle and can be supported.

5.12 Design:

The proposed to remodelling and refurbishment of the existing building as will require minimal works to the external areas but do include some window and door void alterations, to ensure the building can operate as proposed. The main alterations would be to the internal configuration.

5.13 A secure plant compound surrounded by high fencing is proposed on the northern corner of the site. This is to enclose such items as heat pumps/chillers, medical gas plant containers etc. Details included with the application explain the siting of the plant compound to the rear of the site has been chosen as it is sheltered from public view yet allowing connection to the existing infrastructure. Notwithstanding this, it is noted that the 'rear' is also the elevation facing the dual carriageway, so its visibility from this public domain has been considered.

5.14 The existing boundaries and dense mature planting along the dual carriageway would assist in disguising the compound from general view. However, it is considered appropriate that additional planting is provided to ensure that screening will remain, and to safeguard the exiting planting and its longevity. As such a suitably worded condition will be attached to the decision notice.

- 5.15 Given the above, the proposals are considered appropriate and accord with the adopted design policies within the development plan.
- 5.16 Transport:  
Given the site is location within the urban area, the proposal would comply with adopted policy PSP11.
- 5.17 The applicant has submitted a Transport Assessment and a Travel Plan in support of the application. These are discussed below.
- 5.18 Transport Assessment: It is noted that this document indicates that in comparison with the existing authorised use, the proposed uses would have a slightly reduced travel demand. This conclusion is based on the analysis of data extracted from the TRICS program. Although it is noted that the samples used to derive the data is small in the absence of any other readily available data, Officers accept they provide some reassurance that travel demand is unlikely to significantly change as a result of this development. As such the travel demand arising from this change of use will not have a severe or unacceptable impact on the local highway network.
- 5.19 In addition is it noted that the TRICS information was also used to carry out an examination of the demand for the car park to ensure that it would be adequate to accommodate this change of use. Consequently the Travel Statement indicates that the 58 parking spaces present on the site would provide sufficient room to accommodate the parking demand arising from the proposed uses even at the busiest times. Officers consider the analysis to be satisfactory and is accepted.
- 5.20 Travel Plan: this has been produced to encourage staff access by non-car modes. The assessment of this document has generally been well received however some amendments are required. It is considered that these can be addressed by a suitably worded condition and the details can be submitted at a later date to avoid any further delay.
- 5.21 The Travel Plan would require monitoring over its 5 year period and a fee is payable for this service. This will require an appropriate legal agreement and the applicant has agreed to this. It has further been agreed so as to create as little delay as possible for the applicant, that amendments to the Travel Plan will be conditioned and an application to discharge the Travel Plan will be made at a later date.
- 5.22 Residential amenity:  
Given its location on the corner of Parkway and Great Stoke Way and being within a small office/business area, Parkway, and screened by mature planting, the proposed change of use of the site would not have an impact on residential properties situated approximately 90 metres away. So whilst the Parish Council has requested an hours of construction condition, this is not considered to meet the tests of a reasonable condition as it is not necessary.

### 5.23 Trees:

With regard to the comments of the Parish Council, there are trees and shrubs close to the building and that these are within the ownership of the applicant who takes responsibility for their maintenance. As the proposal is for a change of use to an existing building with very little operational development required, there is no foreseen loss or damage to the treed boundary. The trees will continue to be maintained and managed as they are presently by a management company, who also maintain the other landscaped areas associated with the business park.

### 5.24 Impact on Equalities

The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society. As a result of that Act the public sector Equality Duty came into force. Among other things, the Equality Duty requires that public bodies to have due regard to the need to: eliminate discrimination; advance equality of opportunity; and, foster good relations between different groups when carrying out their activities.

5.25 Under the Equality Duty, public organisations must consider how they could positively contribute to the advancement of equality and good relations. This should be reflected in the policies of that organisation and the services it delivers.

5.26 The local planning authority is statutorily required to apply the Equality Duty to its decision taking. With regards to the Duty, the development contained within this planning application is considered to have neutral impact.

## 6. CONCLUSION

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

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

## 7. RECOMMENDATION

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

### **Travel Plan contribution**

The provision of funds for the sum of £500 per annum for the 5 year period of the Travel Plan for the purposes of a monitoring fee to be used for the review of



the Travel Information Pack, including and not limited to such matters as site visits and communication between parties.

The reason for the above obligation is to ensure that the mitigation of the impacts of the development are met.

## **CONDITIONS**

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

Reason

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

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

As received by the LPA on 26.8.22:

Location plan - SK15

Existing floor plans - SK16

Existing site and roof plan - SK17

Existing elevations - SK18

Proposed floor plan - SK19

Proposed block plan and roof plan - SK20

Proposed elevations showing services plant - SK21

Proposed elevations showing services compound - SK22 -

Reason

For the avoidance of doubt.

3. Within three months of the occupation of the private hospital hereby approved a full Travel Plan, in respect of the private hospital hereby approved, in accordance with the Framework Travel Plan submitted 26th August 2022, shall be submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be implemented as approved within 12 months of occupation and remain implemented thereafter.

Reason

To encourage means of travel other than the private car in the interests of the environment/health and to minimise use of private motor vehicles in accordance with PSP11 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan Adopted November 2017.

4. The existing landscape is to be retained on site and prior to the erection of the plant compound fencing, a landscape scheme and maintenance schedule shall be submitted to the LPA for written approval. The schedule shall include details of the arrangements for its implementation. If any of the proposed planting fails within 5 years of the date on the decision notice, the plants/trees are to be replaced by specimens of equal size. Development shall be carried out in accordance with the approved schedule.

Reason

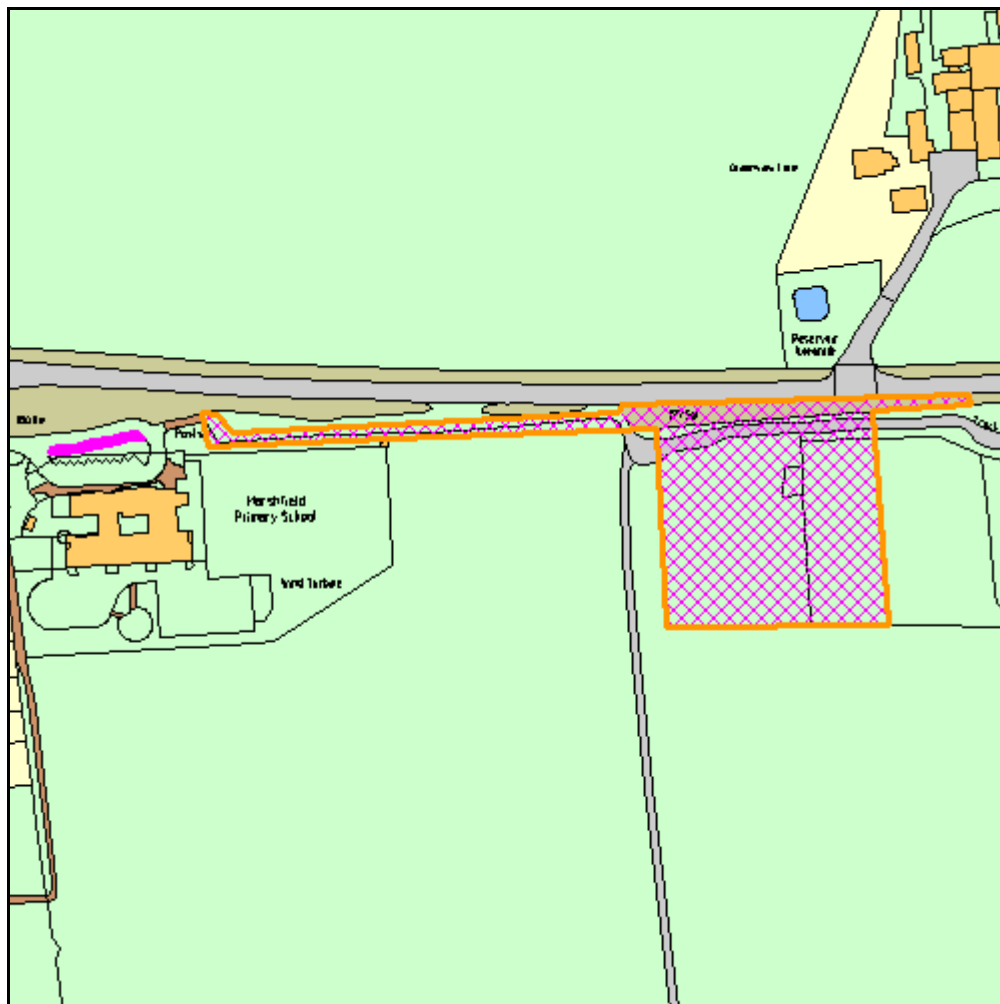
To protect the character and appearance of the area and the longevity of the trees and to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

**Case Officer: Anne Joseph**

**Authorising Officer: Helen Ainsley**

## CIRCULATED SCHEDULE NO. 41/22 - 14th October 2022

<b>App No.:</b>	P22/05288/RVC	<b>Applicant:</b>	Brighter Places
<b>Site:</b>	Land West Garston Farm Marshfield South Gloucestershire SN14 8LH	<b>Date Reg:</b>	2nd September 2022
<b>Proposal:</b>	Variation of conditions 7 and 15 attached to permission P19/19778/F, amending the approved plans under condition 7 (reflecting materials change) and condition 15 to include 3no. additional dwellings on the list of affordable dwellings. Erection of 18no. dwellings with associated landscaping and highways works including new road access to Chippenham Road (A420).	<b>Parish:</b>	Marshfield Parish Council
<b>Map Ref:</b>	379117 173825	<b>Ward:</b>	Boyd Valley
<b>Application Category:</b>	Major	<b>Target Date:</b>	1st December 2022



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100023410, 2008. N.T.S. P22/05288/RVC

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

## **INTRODUCTION**

This application is referred to the Circulated Schedule in accordance with the Constitution as it involves the requirement for a new legal agreement.

### **1. THE PROPOSAL**

1.1 This application seeks consent to vary conditions 7 and 15 attached to Planning permission P19/19778/F. This planning permission was given subject a Section 106 legal agreement and conditions on 5<sup>th</sup> May 2021. The description of development was “*Erection of 18no. dwellings with associated landscaping and highways works including new road access to Chippenham Road (A420)*”.

#### 1.2 *Condition 7*

Condition 7 read as follows, listing the approved plans for P19/19778/F

In order to change the roofing materials from fibre cement profiled sheet to fibre cement on Buildings A, B and D

- 1811(00)250 P07 Elevations Proposed Sheet 1
- 1811(00)251 P07 Site Wide Sections Proposed Sheet 1
- 1811(00)252 P06 Site Wide Sections Proposed Sheet 2
- 1811(00)360 P03 Elevations Proposed Building A Flats
- 1811(00)361 P03 Elevations Proposed Building B and D Barns
- 1811(00)370 P03 Elevations Proposed Building A Flats Colour
- 1811(00)371 P03 Elevations Proposed Building B and D Barns Colour

#### 1.3 *Condition 15*

The existing condition reads:

*The Affordable Dwellings, identified as A01, A02,A11, A12, B01,B02, B03, B04, B05, D02, D03 and D04 in the Design and Access Statement and on Drawing No. 1811(00)100 P16 GROUND FLOOR PLAN PROPOSED, shall be constructed to meet Part M of the Building Regulations accessibility standard M4(2)*

It is proposed to provide three additional units as affordable housing rather than open market dwellings. The units will be B06, D01 and D05 as identified on a revised plan and revised design and access statement. It is therefore requested that the condition is amended accordingly. The units will be of a shared ownership tenure. It is indicated that the open market housing is no longer viable. Also of note is that the applicant will change the S106 agreement to effect this change through a deed of variation.

1.4 Briefly the application is made by the Marshfield Community Land Trust and will if this proposal were accepted comprise 15 units of affordable housing (10 units being made available for Social Rent and 5 for Shared Ownership), in addition 3no. Units that will

be retained by the landowner. Access to the site is located midway on the northern elevation. Visibility splays are to be provided each side of the entrance. It is proposed to construct a new pedestrian and cycle path on the southern edge of the layby that runs alongside the A420 to give access to the village and in particular the school. 35 parking spaces are indicated, the majority of which will be located at the northern edge of the site. The development will comprise largely barn style structures which while two storey are designed to sit low in the landscape (almost appearing single storey when viewed from the wider landscape. These buildings are set around a central courtyard. In contrast a cluster of three units (those to be retained by the landowner) will be located at the south-eastern corner and these appear more in keeping with the tradition form of a rural farmhouse with their own courtyard in a farmyard style. The development therefore comprises four groups of dwellings.

- 1.5 The site is situated beyond the eastern boundary of Marshfield on 0.83 hectares of land. The site is farmland situated to the immediate south of the A420 and is surrounded to the west, south and east by further farmland. Immediately to the west of the site lies a farm track (which is a public right of way running south into the Doncombe Brook Valley), with Marshfield Primary School lying a further 100 metres away. A small Airstrip lies approx. 260 metres to the south used for limited recreational flying. To the east lies further farmland and approximately 40 metres from the site lies a hedgerow and the first farm buildings associated with Garston farm. To the north lies the A420 separated from the site at present by a low rise bund and hedgerow. A rough roadway runs parallel to the A420 between the site and the school to the west. In terms of topography the site is relatively flat albeit with a slight slope from east to west (the fall is indicated as being 2 metres).
- 1.6 The application site is situated outside of the settlement boundary of Marshfield within the Area of Outstanding Natural Beauty (AONB) and the Green Belt. The application is submitted as a Rural Affordable Housing Exception Site. There are no other constraints.

## **2. POLICY CONTEXT**

### 2.1 National Guidance

National Planning Policy Framework February 2021  
National Planning Practice Guidance

### 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design

CS4A Presumption in Favour of Sustainable Development

CS5 Location of Development

CS8 Improving Accessibility

CS9 Managing the Environment and Heritage

CS15 Distribution of Housing

CS16 Housing Density

CS17 Housing Diversity

CS18 Affordable Housing

CS19 Rural Housing Exception Sites

CS24 Green Infrastructure, sport and recreation standards  
CS34 Rural Areas

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

PSP1 Local Distinctiveness  
PSP2 Landscape  
PSP5 Undesignated Open Spaces  
PSP7 Development in the Green Belt  
PSP8 Residential Amenity  
PSP16 Parking Standards  
PSP20 Flood Risk, Surface Water, and Watercourse Management  
PSP38 Development within Existing Residential Curtilages  
PSP40 Residential Development in the Countryside  
PSP43 Private Amenity Space Standards

## 2.3 Supplementary Planning Guidance

Development in the Green Belt SPD (Adopted) June 2007  
Design Checklist SPD (Adopted) August 2007  
Residential Parking Standard SPD (Adopted) December 2013  
Landscape Character Assessment SPD (Adopted) November 2014  
CIL and S106 SPD (Adopted) March 2015  
Waste Collection SPD (Adopted) January 2015 (updated March 2017)  
Affordable Housing and Extra Care Housing SPD April 2021

## 3. **RELEVANT PLANNING HISTORY**

3.1 P19/19778/F Erection of 18no. dwellings with associated landscaping and highways works including new road access to Chippenham Road (A420). Approved subject to a S106 agreement and conditions 5<sup>th</sup> May 2021.

## 4. **CONSULTATION RESPONSES**

### 4.1 **Marshfield Parish Council**

Marshfield Parish Council strongly supports this application

### 4.2 **Other Consultees**

#### **Public Rights of Way Team**

No objection as Public Bridleway LMA/34/10 which runs north-south to the west of the site appears to be unaffected by the amendments.

#### **Sustainable Transport Team**

Variation of conditions as proposed would not adversely impact on the vehicular access or parking on site hence, we transportation development control have no objection to this application.

## **Landscape Officer**

No objection

## **Public Open Space Officer**

As this application P22/05288/RVC is to vary conditions 7 & 15 & it has now been confirmed that a sewage treatment plant is not proposed in the area of POS (Updated plan 1811(00)251 Rev: P09 Site wide sections proposed Sheet 01) we have no further comment.

## **Arts Development Officer**

No comment

## **Cotswold National Landscape**

No comment

## **Crime Prevention Design Advisor**

Having viewed the information as submitted in relation to the variation it has no bearing on the applications ability to comply appropriately with crime prevention through environmental design principles.

## **Ecologist**

No objection

## **Housing Enabling Officer (summary)**

The original application followed the CS19 policy in allowing for 3 open market homes to help subsidise the development of the Affordable Homes. Due to significant increases in scheme costs following Covid delays, the financial appraisal for this scheme demonstrates that this is no longer the case. This RVC application proposes amending the tenure of three open-market 3-bed homes to now be shared-ownership.

The Housing Enabling Team supported the community-led housing proposals within the P19/19778/F application to ensure Affordable Housing is retained in perpetuity for applicants with a local connection to Marshfield. The increase of three further Affordable Homes to this end is equally supported, meeting both local need but also with the capacity to meet district-wide need.

## **Lead Local Flood Authority**

No objection

## **Urban Design Officer**

I believe they are referring to a product such as the Marley Eternit fibre cement roof tile which is fairly widely used in modern housing developments. These products aim to replicate the appearance of slates and are generally acceptable, subject to a high-quality product being

used. A non-profiled tile is acceptable. Conditions 9 and 10 attached to the permission require the submission of materials details and physical samples of materials and that would be the stage to determine precise products.

## **Other Representations**

### 4.3 Local Residents

No responses received

## **5. ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

The proposal seeks to vary conditions as set out in Section 1 above. The principle of development has been accepted through the approval of P19/19778/F "*Erection of 18no. dwellings with associated landscaping and highways works including new road access to Chippenham Road (A420)*". There have been no policy changes since the 5<sup>th</sup> May 2021 or other material factors such as other nearby consents that would alter this judgement and require this to be re-visited.

In the light of the above, this analysis as set out below therefore only considers whether the changes to the conditions as set out in Section 1, (ie a change in roofing materials and an increase in the units allocated for affordable housing from 12 to 15 units), is acceptable.

If acceptable

As with all S73 applications there is an opportunity to vary or amend other existing conditions or if it meets the tests of a condition to add additional conditions if appropriate.

If deemed acceptable it should be noted that the change to the level of Affordable Housing will also require a revision to the signed S106 agreement.

### 5.2 Design Changes

It is proposed to vary the roofing material as set out in Section 1 of the report above. Conditions 9 and 10 will secure the exact detail for approval. It is considered that the change is acceptable and will not detract from the visual amenity of the site itself or the wider area.

### 5.3 Affordable Housing

It is proposed to vary Condition 15 to provide 5 units of Shared Ownership Tenure, an increase of three units (B06, D01 and D05 as shown on the tenure plan) from that secured in the original scheme. The ten units of socially rented units will remain unchanged.

It is understood that the delays to construction have ensured that the ability of the market homes to subsidise the Affordable Units no longer applies. The change of the Market Units to Shared Ownership units of affordable housing is supported and is in accord with development plan policy. It also ensures that the development meets the definition of a rural exception site in a more concise/enhanced way than the original approval.



Subject to the development complying with all the original design and other requirements, that were set out in the original assessment but for ease of reference are set out below again, the proposed variation to the Condition (and legal agreement) is considered acceptable.

In terms of the design the affordable units are to be built to the same high quality design standards and will be visually indistinguishable from the market units and in addition, Part M of the Building Regulations accessibility standards M4(2), Secured by Design Silver, Part Q Building Regulation standards and compliance with the RP Design Brief;

- i. All rear gardens to be turfed and generally to have 1.8m high close boarded fencing to boundaries and privacy panels;
- ii. All properties to have vinyl/tiles on floor in all ground floor rooms;
- iii. Ceiling height tiling to 3 sides of bathroom to be provided;
- iv. Provide wall mounted shower (either electric or valve and kit);
- iv. Provide gas and electric points to cooker space (where gas is available);
- v. Painted softwood curtain battens to each window (where construction is traditional as opposed to timber frame)

In terms of the delivery and phasing the applicant has confirmed that should permission be achieved, the development will proceed over one development phase.

The Council to refer potential occupants to all first lettings and 75% of subsequent lettings. As a rural exception site a local lettings policy will be agreed between SGC, and Marshfield CLT.

Affordable housing on rural exception sites will be subject to a condition or legal obligation, which limits occupancy to those with the local connection, (defined in CS19, paragraph 10.55). Should dwellings remain unoccupied for a period of time a cascade approach to widen the area of connection will come into effect.

The cascade approach will be defined in a legal agreement, together with details of how the dwellings will be reserved as affordable in perpetuity. In terms of the rent levels and affordability Social Rent homes to be let at Target Rent (Rent Standard Direction 2014). Shared Ownership homes to be sold at no more than 40% of market value, and annual rent on the equity retained by the RP should be no more than 1.5%. Service charges will be capped at £650 per annum (April 2016 base and linked to RPI) to ensure that all housing costs are affordable to future occupants.

## **6. CONCLUSION**

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

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

## **7 RECOMMENDATION**

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

### a) Affordable Housing

15 dwellings to be delivered as affordable housing, as defined by the NPPF

Tenure split as follows:

#### **Social Rent**

- 4 x 1 bed 2 person flats Min Size 50sq.m
- 4 x 2 bed 4 person houses Min Size 79 sq.m
- 2 x 3 bed 5 person houses 2 storey Min Size 93 sq.m

#### **Shared Ownership**

- 5 x 2 bed 4 person houses Min Size 79 sq.m

In all other respects the development shall comply with the requirements as set out in para 5.3 above and the

Reason:

To accord with Policy CS19 of the South Gloucestershire Core Strategy 2013 and the Affordable Housing and Extra Care SPD 2014

### b) Transportation

The construction of a new junction off the A420 Marshfield Road in accordance with the details as shown in principal on drawing title 'REVISED HIGHWAY IMPROVEMENT SCHEME' plan (i.e. drawing no. SK004 rev A) together with all associated works.

The construction of a new footway/cycleway (minimum 2m wide) link between the site and existing footway outside Marshfield Primary school off Chippenham Road together with all associated works as shown in principal on plan title 'SITE PLAN PROPOSED' ( i.e. Drawing 1811 (00) 002 rev P09.

The Council's reasonable costs towards promoting a 50 mph speed limit along the development frontage on the A420 through an application for a Traffic Regulation Order (TRO) at this location.

### c) Public Open Space

On-site Informal Recreational Open Space shall be provided as shown on Drg. No 1811 (00) 130 P01 Public Open Space Plan (for the avoidance of doubt this is 1089sq.m). This Informal Recreational Open Space shall be made accessible to the public at all times

The on-site provision of 510sq.m of Natural and Semi-natural Open Space as shown on Drg. No 1811 (00) 130 P01 Public Open Space Plan and its future maintenance by the private management entity.

The provision of 314sqm of Ancillary Space as shown on Drg. No 1811(00) 130 P01 Public Open Space Plan and its future maintenance by the private management entity.

The Council charges a fee (£52.00 per 100 sq.m plus £500 core service fee) to inspect the open spaces to ensure their compliance with the approved plans prior to transfer to the private management entity.

A contribution of £34,702.34 towards the provision of Outdoor Sports Facilities and £10,503.25 towards its future maintenance

A contribution of £15,415.86 of provision for children and young people and £16,209.90 towards its future maintenance

Reason:

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

7.2 That should the agreement not be completed within 6 months of the date of the resolution that delegated authority be given to the Executive Director - Place to refuse the application.

## **CONDITIONS**

1. The development hereby permitted shall be begun before the 5th May 2024.

Reason

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

2. Mitigation Measures (Ecology)

The development shall proceed in strict accordance with the Mitigation Measures provided in Chapter 3 of the Ecological Impact Assessment (Clarkson & Woods, December 2019) this shall include the further monitoring recommended for bats.

Reason

To protect the wildlife and the ecological interests of the site to accord with Policy CS9 of the South Gloucestershire Local Plan Core Strategy 2013 and PSP 19 of the South Gloucestershire Local Plan; Policies, Sites and Places Plan 2017.

3. External Lighting Design

Prior to commencement of above ground works, a "lighting design strategy for biodiversity" for the boundary features and any native planting shall be submitted to and approved in writing by the local planning authority. The strategy shall:

a) Identify those areas/features on site that are particularly sensitive for bats, badgers and hedgehog and that are likely to cause disturbance in or around their breeding

sites and resting places or along important routes used to access key areas of their territory, for example, for foraging;

b) Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

c) All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained/retained thereafter in accordance with the strategy (no further external lighting shall be installed without prior consent from the local planning authority)

For the avoidance of doubt the strategy/plans shall prevent light spill over bat commuting/foraging habitat created or retained as open space (European Protected Species), most particularly along the northern boundaries. The lighting plan should concord with BCT/ILP Guidance Note 08/18 'Bats and Artificial Lighting in the UK.

#### Reason

To protect the wildlife and the ecological interests of the site to accord with Policy CS9 of the South Gloucestershire Local Plan Core Strategy 2013 and PSP 19 of the South Gloucestershire Local Plan; Policies, Sites and Places Plan 2017.

A pre-commencement condition is required in order to avoid the need for remedial action.

#### 4. Landscape and Ecological Management Plan (LEMP)

A landscape and ecological management plan (LEMP) shall be submitted to and be approved in writing by the local planning authority prior to the occupation of the development. The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence managements.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organisation responsible for implementation of the plan.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason

To protect the wildlife and the ecological interests of the site to accord with Policy CS9 of the South Gloucestershire Local Plan Core Strategy 2013 and PSP 19 of the South Gloucestershire Local Plan; Policies, Sites and Places Plan 2017.

5. Ecological Enhancement Measures

Prior to first occupation of the two areas identified on Drawing No.1811 (00) 109 P02 (Proposed ecological enhancement areas received 25th February 2021) , evidence of the installation of the ecological enhancement features recommended in the Ecological Appraisal (Clarkson & Woods, December 2019) shall be submitted to the local planning authority for approval in writing. This shall include, but is not limited to, bird boxes, bat boxes, permeable fencing (hedgehog highways) and native planting

Reason

To protect the wildlife and the ecological interests of the site to accord with Policy CS9 of the South Gloucestershire Local Plan Core Strategy 2013 and PSP 19 of the South Gloucestershire Local Plan; Policies, Sites and Places Plan 2017.

6. Land Contamination

Any contamination found during the course of construction of the development shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development (or relevant phase of development) is resumed or continued.

Reason

To ensure that the development will not be affected by existing contamination and to accord with Policy PSP21 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan Nov 2017.

7. This decision relates only to the plans identified below:

Received 13th September 2022

1811(00) 251 REV P09 Sheet 1 SITE WIDE SECTIONS

Received 1st September 2022

1811(00)250 P08 ELEVATIONS\_PROPOSED SHEET 1  
1811(00)252 P07 SITE WIDE SECTIONS\_PROPOSED SHEET 2  
1811(00)360 P04 ELEVATIONS PROPOSED BUILDING A FLATS  
1811(00)361 P04 ELEVATIONS PROPOSED BUILDING B & D BARNES COLOUR  
1811(00)370 P04 ELEVATIONS PROPOSED BUILDING A FLATS  
1811(00)371 P04 ELEVATIONS PROPOSED BUILDING B & D BARNES COLOUR

Received 24th December 2019

1811(00)001 P01 SITE LOCATION PLAN

Received 10th January 2020

1811(00)050 P04 EXISTING SITE PLAN/TOPOGRAPHICAL SURVEY  
1811(00)160 P03 TYPICAL UNIT PLANS  
1811(00)362 P03 ELEVATIONS PROPOSED BUILDING C 'FARMHOUSES  
1811(00)372 P03 ELEVATIONS PROPOSED BUILDING C 'FARMHOUSES  
COLOUR

Received 12th March 2020

1811(00) 100- GATES, PERIMETER BOUNDARIES AND LOCKABLE GATES  
1811(00) 100- OVERLOOKING/PASSIVE SURVEILLANCE

Received 16th April 2020

SK004 Rev A Revised Highway Improvement Scheme

Received 30th September 2020

1811(00)002 P10 SITE PLAN PROPOSED

Received 25th February 2021

1811(00)100 P16 GROUND FLOOR PLAN PROPOSED  
1811(00)101 P11 FIRST FLOOR PLAN PROPOSED  
1811(00)102 P13 ROOF PLAN PROPOSED  
1811(00) 109 P02 PROPOSED ECOLOGICAL ENHANCEMENT ZONES  
1811(00) 130 P04 OPEN SPACE PLAN

Reason

For the avoidance of doubt

8. Prior to the commencement of development a scheme of landscaping, which shall include details of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection during the course of the development; proposed planting (and times of planting); boundary treatments and areas of hardsurfacing 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 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

A pre-commencement condition is required in order to avoid the need for remedial action.

9. Materials

Prior to the commencement of above ground works details of the following materials shall be submitted to an approved in writing by the Local Planning Authority:

Pavours  
Access Surfaces  
Kerbs

Self-bound gravel  
Window frames doors/garages  
Lintels and sills  
Fibre cement tiles/sheets  
Facing bricks  
Stone cladding  
Mortar  
Rain Water goods

The development shall be carried out in accordance with the approved details.

Reason

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

A pre-commencement condition is required in order to avoid the need for remedial action.

10. Samples

Prior to the commencement of above ground works panels of the facing materials shall be provided on site for inspection. The panels shall include the brick, stone cladding with mortar and fibre cement cladding

Reason

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

A pre-commencement condition is required in order to avoid the need for remedial action.

11. Drainage

No development shall commence until surface water and foul sewage drainage details including SUDS (Sustainable Drainage Systems e.g. soakaways if ground conditions are satisfactory), for flood prevention; pollution control and environmental protection have been submitted and approved by the Local Planning Authority.

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

A clearly labelled drainage layout plan showing the exact locations of any soakaways and new sewage package treatment plant or other method of disposal to be utilised.

A copy of the approved discharge consent from the Environment Agency (EA) in relation to treated effluent disposal from the sewage package treatment plant.

Evidence is required to confirm that the ground is suitable for soakaways. Percolation / Soakage test results in accordance with BRE Digest 365 and as described in Building Regs H - Drainage and Waste Disposal

Evidence that the soakaway is appropriately sized in accordance with BRE Digest 365 Soakaway Design.

It is important to note that Soakaways must be located 5 Metres from any structure including the Public Highway

#### Reason

To comply with South Gloucestershire Local Plan: Policies, Sites and Plans Plan (Adopted) November 2017 Policy PSP20; South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 Policy CS1 and Policy CS9; and National Planning Policy Framework 2018.

A pre-commencement condition is required in this instance in order to avoid the need for future remedial action.

### 12. Car Parking/Manoeuvring Area

Prior to the first occupation of the development the car [vehicle] parking area and manoeuvring area as shown on the approved plans shall be provided and thereafter, the area shall be kept free of obstruction and available for the parking of vehicles associated with the development.

#### Reason

To ensure the satisfactory provision of the parking facilities and manoeuvring area, 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; and the South Gloucestershire Residential Parking Standards SPD (Adopted) December 2013.

### 13. Construction Environmental Management Plan (CEMP)

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

The CEMP shall address the following matters:

- (i) Measures to control the tracking of mud off-site from vehicles.
- (ii) Measures to control dust from the demolition and construction works approved.
- (iii) Adequate provision of fuel oil storage, landing, delivery and use, and how any spillage can be dealt with and contained.
- (IV) Adequate provision for the delivery and storage of materials.
- (V) Adequate provision for contractor parking.

#### Reason

In the interests of highway safety and environmental protection, and to accord with Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted)



December 2013, PSP21 of the South Gloucestershire Local Plan Policies Sites and Places Plan 2013 and the National Planning Policy Framework.

This is required to be agreed prior to the commencement of development as it relates to the construction period.

14. Energy and Sustainability

The development hereby approved shall incorporate the energy efficiency measures, renewable energy, sustainable design principles and climate change adaptation measures into the design and construction of the development in full accordance with the Energy Statement received April 23rd 2020 (Energy Statement, Adam Sims, Energy Compliance Ltd, April 22nd 2020) prior to occupation.

In accordance with the approved Energy Statement a total 41% reduction in carbon dioxide emissions (based on the DER and TER) beyond Part L 2013 Building Regulations shall be achieved, and a 20.20% reduction in carbon dioxide emissions below residual emissions (that is regulated and unregulated emissions) through renewable technologies shall be achieved.

Reason

To ensure that the development incorporates measures to minimise the effects of, and can adapt to a changing climate in accordance with policies CS1 and PSP6, and reduces regulated and unregulated emissions in accordance with policy PSP6.

15. Accessibility

The Affordable Dwellings, identified as A01, A02,A11, A12, B01,B02, B03, B04, B05, B06, D01, D02, D03, D04, D05 in the Updated Design and Access Statement received 13th September 2022 and on Drawing No. 1811(00) P01 Tenure Diagram received 13th September 2022 shall be constructed to meet Part M of the Building Regulations accessibility standard M4(2)

Reason

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

**Case Officer: David Stockdale**  
**Authorising Officer: Marie Bath**