

# 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: 04/22**

**Date to Members: 28/01/2022**

**Member's Deadline: 03/02/2022 (5.00pm)**

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

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

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

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

## NOTES FOR COUNCILLORS

### – formal arrangements for referral to committee

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

- a) Be made in writing using the attached form by emailing [MemberReferral@southglos.gov.uk](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:**

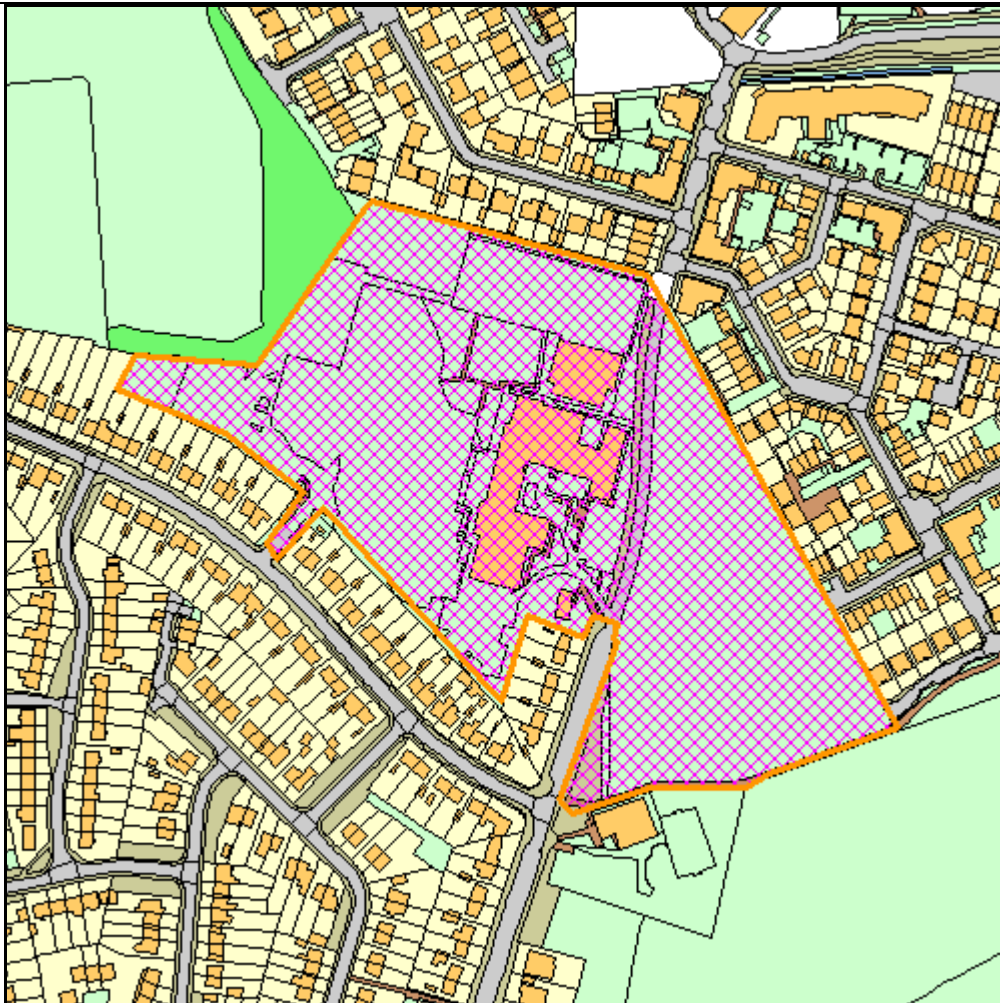
To be emailed to [MemberReferral@southglos.gov.uk](mailto:MemberReferral@southglos.gov.uk)

# CIRCULATED SCHEDULE - 28 January 2022

ITEM NO.	APPLICATION NO.	RECOMMENDATION	LOCATION	WARD	PARISH
1	<b>P20/22922/RM</b>	Approve Subject to Section 106	Romney House Romney Avenue Bristol BS7 9TB	Stoke Park And Cheswick	Stoke Gifford Parish Council
2	<b>P20/24133/RVC</b>	Approve with Conditions	Court Farm Church Lane Rangeworthy South Gloucestershire BS37 7ND	Frampton Cotterell	Rangeworthy Parish Council
3	<b>P21/00116/F</b>	Approve Subject to Section 106	Wick Quarry London Road Wick South Gloucestershire BS30 5SJ	Boyd Valley	Wick And Abson Parish Council
4	<b>P21/03236/F</b>	Approve with Conditions	Land At 168 Gloucester Road Patchway South Gloucestershire BS34 5BG	Charlton And Cribbs	Patchway Town Council
5	<b>P21/04111/F</b>	Approve with Conditions	Stonewalls Sodbury Road Acton Turville South Gloucestershire GL9 1HD	Chipping Sodbury And Cotswold Edge	Acton Turville Parish Council
6	<b>P21/04737/F</b>	Approve with Conditions	87 Park Road Staple Hill South Gloucestershire BS16 5LQ	Staple Hill And Mangotsfield	Downend And Bromley Heath Parish Council
7	<b>P21/06205/F</b>	Approve with Conditions	H M Prison Leyhill Tortworth Road Tortworth South Gloucestershire GL12 8BT	Charfield	Cromhall Parish Council
8	<b>P21/06495/F</b>	Approve Subject to Section 106	Woodlands Cribbs Causeway Almondsbury South Gloucestershire BS10 7TA	Charlton And Cribbs	Almondsbury Parish Council
9	<b>P21/06787/F</b>	Approve with Conditions	18 Braemar Avenue Filton South Gloucestershire BS7 0TB	Filton	Filton Town Council

## CIRCULATED SCHEDULE NO. 04/22 - 28th January 2022

<b>App No.:</b>	P20/22922/RM	<b>Applicant:</b>	One Lockleaze LLP
<b>Site:</b>	Romney House Romney Avenue Bristol BS7 9TB	<b>Date Reg:</b>	2nd December 2020
<b>Proposal:</b>	Demolition of existing buildings/structures and erection of 268 dwellings (Use Class C3) including affordable homes, vehicular, pedestrian and cycle access from Romney Avenue and Hogarth Avenue, car parking, public open space, landscaping and other associated works with appearance, landscaping, detailed layout and scale to be determined. THIS IS A CROSS BOUNDARY APPLICATION WITH THE LARGER ELEMENT OF LAND FALLING WITHIN THE ADMINISTRATIVE BOUNDARY OF BRISTOL CITY COUNCIL (Ref: 20/05477/M). Reserved matters application to be read in conjunction with South Gloucestershire Council Outline permission PK18/0989/O. (PK18/0989/O - Outline application with all matters reserved (save for access and layout parameters) for demolition of existing buildings/structures and comprehensive redevelopment comprising up to 268 dwellings (Use Class C3) including affordable homes, vehicular, pedestrian and cycle access from Romney Avenue and Hogarth Avenue, car parking, public open space, landscaping and other associated works. THIS WAS A CROSS BOUNDARY APPLICATION WITH THE LARGER ELEMENT OF LAND FALLING WITHIN THE ADMINISTRATIVE BOUNDARY OF BRISTOL CITY COUNCIL (Ref: 18/00703/P)).	<b>Parish:</b>	Stoke Gifford Parish Council
<b>Map Ref:</b>	361187 177451	<b>Ward:</b>	Stoke Park And Cheswick
<b>Application Category:</b>	Major	<b>Target Date:</b>	1st March 2021



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

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

This application was referred to the circulated schedule due to the following reasons: comments of objection have been received which are contrary to the officer recommendation; the grant of planning permission would be subject to legal agreement. Also, this is a cross-boundary application (as the site mostly falls within Bristol City Council, who are acting as the lead authority).

It should be noted that a reserved matters application P20/05477/M for the proposed development within city of Bristol area was referred to the Bristol City Council's Development Management Committee (B) in November 2021 where it was resolved that the application should be approved subject to a legal agreement securing appropriate financial contribution and planning obligations and planning conditions to be drafted and agreed. The Officers' report from Bristol City Council Development Management Committee is available in the South Gloucestershire Council's website.

Therefore, the decision of the Bristol City Council for their application is material consideration for this application

### **1. THE PROPOSAL**

- 1.1 This is a reserved matters application for the demolition of existing buildings and structures and erection of 268 dwellings (Class C3) including affordable homes, vehicular, pedestrian and cycle access from Romney Avenue and Hogarth Avenue, car parking, public open space, landscaping, and other associated works, with appearance, landscaping, detailed layout and scale to be determined. Outline planning permission PK18/0989/O with access and layout parameters has been granted. The overall site lies to the east of Stoke Park Estate and west of the Concorde Active Travel corridor. The triangular shaped parcel of land within the northern corner of the site, to the south of Hermitage Wood Road, lies within South Gloucestershire (SG). Within the SG area, there would be only 2 pair of semi-detached two storey dwellings (plot 132, 133, 134 and 135) and part of plot 131, 136, 137, 128 and 129, which are all semi-detached two-storey dwellings. As such, there would be a maximum of 9 dwellings within SG area backing onto houses to both the north and west.
- 1.2 The site is not situated within sensitive land-use designation, and it is within the urban area of the North Fringe of Bristol. The site is located within the administrative boundaries of both Bristol City and South Gloucestershire. Each Council is the local planning authority in its administrative area and therefore a planning application must be made to each local planning authority. The authority in which the majority of the development falls acts as the lead

authority – which in this case is Bristol City Council – however, regardless as to how the administrative boundaries are laid out, the application should be assessed as one proposal and considered in its whole. That said, under planning law, the local planning authority is obliged to determine applications against its Development Plan unless material considerations indicate otherwise. Each planning authority should consider the other authority's Development Plans as material planning considerations and a proactive approach taken.

- 1.3 It is noted that Bristol City Council is the applicant and the landowner of the site. The Committee of Bristol City Council has resolved that planning permission for the reserved matters for the proposal within their site was granted subject to the delegation to offices to secure the planning obligation / contributions and appropriate planning conditions.

## **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
CS6	Infrastructure and Developer Contributions
CS8	Improving Accessibility
CS9	Managing the Environment and Heritage
CS13	Non-Safeguarded Economic Development Sites
CS15	Distribution of Housing
CS16	Housing Density
CS17	Housing Diversity
CS18	Affordable Housing
CS24	Green Infrastructure, Sport and Recreation Standards
CS25	Communities of the North Fringe of Bristol Urban Area

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

PSP1	Local Distinctiveness
PSP5	Undesignated Open Spaces
PSP8	Residential Amenity
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP19	Wider Biodiversity
PSP20	Flood Risk, Surface Water, and Watercourse Management
PSP21	Environmental Pollution and Impacts
PSP22	Unstable Land
PSP37	Internal Space Standards
PSP43	Private Amenity Space Standards



- 2.3 Supplementary Planning Guidance  
Householders Design Guidance SPD (Adopted) March 2021  
Residential Parking Standard SPD (Adopted) December 2013  
Affordable Housing and Extra Care SPD (Adopted) May 2014  
CIL and S106 SPD (Adopted) March 2015  
Waste Collection SPD (Adopted) January 2015 (updated March 2017)
- 2.4 Other Relevant Planning Documentation  
Bristol Development Framework: Core Strategy, June 2011  
Bristol Local Plan: Site Allocations and Development Management Policies,  
July 2014

### 3. RELEVANT PLANNING HISTORY

- 3.1 The site is subject to a number of planning applications in the past, the following are the latest and most relevant to the determination of this application.

PK18/0989/O Outline application with all matters reserved (save for access and layout parameters) for demolition of existing buildings/structures and comprehensive redevelopment comprising up to 268 dwellings (Use Class C3) including affordable homes, vehicular, pedestrian and cycle access from Romney Avenue and Hogarth Avenue, car parking, public open space, landscaping and other associated works. THIS IS A CROSS BOUNDARY APPLICATION WITH THE LARGER ELEMENT OF LAND FALLING WITHIN THE ADMINISTRATIVE BOUNDARY OF BRISTOL CITY COUNCIL (Ref: 18/00703/P). Approved 22.11.2019 subject to a Grampian condition to secure S106.

DOC20/00094 Discharge of conditions 4 (demolition management plan), 6 (highway condition survey), 12 (vegetation and site clearance) and 13 (slow worm mitigation) attached to planning permission PK18/0989/O. Being considered.

DOC20/00357 Discharge of conditions 5 (Highway works) 17 (Highway Adoption) 18 (Travel Plans) 19 (Pedestrian/Cycle Links), 21 (Soft landscaping), 25 (SUDS), 26 (Bat and Bird Boxes), 33 (EV Charging), 34 (Parking management) and 41 (Public Art) attached to permission PK18/0989/O. Being considered.

DOC21/00075 Discharge of conditions 22 (Sustainability), 23 (Energy statement) and 24 (Overheating risk assessment) attached to PK18/0989/O. Being considered.

DOC21/00098 Discharge of condition 20 (Employment Opportunities) attached to planning permission PK18/0989/O. Being considered.

DOC21/00169 Discharge of Condition 8 (remediation strategy) Condition 15 (CMP) and Condition 16 (CEMP) attached to planning permission PK18/0989/O. Being considered.

DOC21/00197 Discharge of Condition 7 (Site specific ground report) attached to planning permission PK18/0989/O. Being considered.

DOC21/00402 Discharge of condition 6 (highway condition survey) and 9 (material management plan) attached to planning permission PK18/0989/O. Being considered.

### 3.2 Site to the north

PT11/1684/RVC Variation of condition 9 attached to planning ref PT04/0684/O (approved 02/11/05) to allow the submitted reserved matters application to achieve a minimum average density of 40 dwellings per hectare over the application site as a whole (as opposed to 50 dwellings originally approved). Approved 18.07.2011

### Site to the west

PT16/4781/RVC Variation of condition 23 of planning permission PT15/0510/F to allow amended house types and minor variations to the layout of the development. Approved 17.01.2017 and being in the construction phase.

## 4 **CONSULTATION RESPONSES**

### 4.1 Parish/Town Council

#### **Parish Council – Objection**

Comments on the latest scheme: Councillors do not consider the revised details address the points of objection previously raised, in regard to building heights/rooflines and the bus gate. In addition, Councillors flagged the need for an HC11 condition (if permission is granted) in regard to the possible historical context. Stoke Gifford Parish Council proposed still object to this planning application and the previous comments made still stand, but to include the HC11 condition (historic policy).

Previous comment: Stoke Gifford Parish Council objects to this Planning Application. Whilst the outline consent is noted, the reserved matters application would unacceptably affect existing nearby residents of Stoke Gifford Parish, for two main reasons. 1) The land on which the dwellings would be built varies significantly across the site in its height, and in relation to the ground level of existing dwellings. This means that some of the new houses will have roof lines significantly above the rooflines of existing houses, particularly those fronting onto Heritage Wood Road. This will have an over-bearing & dominant impact upon inhabitants of existing homes and would be contrary to the planning policies (South Gloucestershire policies CS1 & PSP8 refer). There are also other locations on the proposed site where new dwellings would be too high in relation to existing houses, partly due to the height/storeys of the new dwellings and partly because of the higher ground level on which they are being built (relative to existing dwellings) again leading to an overbearing impact. Of further comment, residents have highlighted that some existing houses, within Bristol City Council area, were built lower into the ground so that they do not appear above the treeline. It would seem appropriate that the same

is required for this application, especially near to these existing dwellings. 2) We are very concerned at the impact to the existing bus gate in Romney Avenue, potentially getting shortened in length to enable access to the new dwellings, and from construction traffic during the construction phase. This existing bus gate is considered to be an essential feature that needs to be maintained open for buses and be both enforceable and enforced to stop non bus traffic, during both the construction phase and thereafter. This is required to maintain good public transport linkages whilst avoiding a rat-run of traffic and to stop it becoming a potential cut-through for criminal activity.

### **Councillor James Arrowsmith: Objection**

Further comments on the latest scheme:

Since the start of this process residents have engaged with Vistry, Goram Homes, Bristol City Council, and other involved parties in a constructive manner, explaining and presenting many of the issues, asking for realistic alternatives and solutions. Although developers have stated they have listened to resident's concerns, and some positive changes have been made, residents have felt ignored and even mocked by this submission. That is why, following on from my comments submitted in February, I will again oppose the current submission unless the following changes can be made as we all recognise the need for housing and Lockleaze and Cheswick Village are highly sort after locations.

Availability of Information: There are many residents who still do not have the full picture for our own home and garden which is shocking, completely unacceptable and leads to concerns over why this detail is being withheld. Residents of Hogarth Walk with odd house numbers 53-75 are being told that 'no ridge height information for this area is available'. This is absolutely appalling and must be provided to them immediately. This should then be followed by a new consultation period so residents can have a full picture and rebuild trust.

Spacing of Houses: Numerous residents have raised concerns regarding the spacing between existing households and the proposed new builds. General best practice determines that housing should have a separation of approximately 21m (give or take a metre or two) to allow for the privacy of those in properties that back onto each other. However, on the eastern border of the new development this is sadly not the case. Most of the new houses back onto the new housing much closer than 21m, in fact most distances between properties are 13-14m. Unsurprising residents have not been informed on this.

Ridge Heights: It had been stated by the developers that they wished to build two storey properties to show their consideration for residents to prevent loss of light and maintain privacy. However, developers have pressed ahead with two storey homes that would tower over the existing structures at 9.5 metres high, compared to the current 7.75m housing that currently exists. 9.5m is much more typical of a three-storey build and would not adhere to the promises the developers made to residents.

Rushing Through: The developer made several changes to the application since the original submission and resubmitted many technical documents full of unclear drawings to an untrained eye and planning jargon and gave residents less than one month to submit their comments and thoughts. This is an appalling precedent to set for engagement and consultation. The people of Lockleaze and Cheswick Village are being denied the most basic opportunity to not only discuss, meet and organise their collective thoughts but also ample opportunity to challenge the council and the developers. Residents have been given a rough ride and feel rightly aggrieved. This consultation period is not fit for purpose and acts only in the interest of developers looking for a quick approval for an evidently flawed scheme.

#### Existing Problems That Still Remain:

- The land sits within the Frome Valley conservation area. Yet there is nothing within the plans acknowledging the fact.
- In the previous Aurora Springs, Cheswick Village development, the developer, Redrow, were forced to dig down several houses following a BCC planning condition, with the soil being displaced onto the Romney House playing field eastern section. This condition was required to minimise the impact of views from the Stoke Park estate due to insufficient tree coverage. Despite comments to the contrary by BCC on these reserved matters application, there is no reason why BCC would not hold this development to the same standards.
- There is insufficient parking on the planned development which will lead to an overspill in neighbouring streets and does not provide any alternative extra travel services (i.e., new segregated cycle lanes, bus routes etc.)
- The bus gate is currently sub-optimal but if reduced will be considered insufficient to maintain control - this could however be changed if one of the horseshoe shaped streets had a bike only exit, meaning cars could still access properties.
- The eastern area of the planned development suffers from soil contamination which has not been properly addressed or made public and does not meet BCC's standards.
- The development will put restrictions on the dwellings becoming HMOs. Although this on a first glance appears as a good thing and Article Four Directive should be implemented across Lockleaze to slow down the proliferation of areas of high HMO density which can cause problems with inadequate waste disposal facilities, increasing parking pressures and more. Although I have attempted to be constructive in my remarks to guide the developer into what further conditions, they should impose upon this development I am afraid I have no confidence in the developer taking these points on board and therefore I see no other course of action than to object to this planning application in the hope that the Development Management Committee will provide the necessary wake-up call the Vistry and Goram Homes partnership desperately needs.

Comments on the first scheme:

As the Councillor for the ward of Stoke Park and Cheswick I will be joining Stoke Gifford Parish Council in objecting to this application as it currently stands. In summary the application fails to address the concerns regarding the change in the length of the bus gate, ASB and criminal activity, overlooking properties, pedestrian safety, protecting Stoke Park, residential amenity amongst other concerns.

1. The shortening of the bus lane is deeply concerning. During the original proposals to build Cheswick Village, the bus gate was deemed key to preventing both Cheswick and Lockleaze becoming a rat run for the university and business park traffic, while providing an advantage for local buses to skip highly congested roads. The integrity of the existing bus gate cannot be compromised, as this opens to more through traffic as the new bus gate will be more difficult to enforce non-bus traffic entering Cheswick Village. I should also be noted that construction traffic should not be allowed to use the bus lane as this would create a precedent for non-bus traffic to use the bus lane in future.
2. Despite the proposal of a significant increase of housing in the area, the plans do not address the need for greater residential amenity. Parents and Children in Cheswick already face fierce competition for primary school places at Wallscourt Farm Academy (which serves both South Gloucestershire and Bristol). The knock-on effect of 268 extra dwellings will no doubt effect Stoke park and Scholars Chase, putting pressures on the primaries in Frenchay, which is also seeing rapid residential expansion. The secondary school problems in Cheswick have also been well highlighted by the No-Mans Land pressure group, formed by parents across Cheswick Village and BS16. Any extra housing in Cheswick Village must address how more children will be given a quality secondary school education, while parents are already considering their future in the area to move closer to secondary or to within a catchment area. There are also no banks, dentists, GPs, pharmacists, community centres, youth clubs and advice centres in Cheswick, all essentials services, and yet none of which have been addressed by the applicant. Forcing residents to take a car or lengthy public transport journeys to public would not build a stronger community and would not help the Council's Climate Emergency commitment to zero carbon by 2030.
3. Anti-Social Behaviour (ASB) and criminal activity have been on the rise in Cheswick Village, notably with motorbike crime, petty thefts and more recently ram raids on the Co-op that serves the estate. The police have previously raised concerns with the increase of corridors out of the village brings more avenues for motivated individuals with intent to cause criminal damage, theft or other, to enter or escape the estate.
4. An increase in housing will see an increase in vehicles driving around Cheswick Village, yet there are no plans to address this on the site and on Long Down Avenue, where a large primary school is situated. Failure to address this problem will increase the risk posed to pedestrians.

5. Previous and relevant applications have ensured all buildings remain below the tree line to remain out of sight in Stoke Park, to keep the park's sense of being a country park while being within one of the largest metropolitan areas in the country. It is one of the great appeals North Bristol and South Gloucestershire have as areas to live in.
6. To achieve this previously, developers have excavated earth to sink properties beneath the treeline. However, the developers have so far refused to undertake similar works. The net result will be that existing residents will have new houses towering over them, due to higher the ground the houses will be built on. This coupled with the properties being visible over the tree line would make the application totally unsuitable for prospective neighbours and protecting the historic nature of Stoke Park as well as failing to comply with South Gloucestershire Council policies CS1 & PSP8, referring to the properties backing onto Hermitage Wood Road, BS16 1BF.
7. Residents are being asked to comment on the application without the full elevation plans being published. If the plans are accepted without residents being properly consulted and overlooking properties known to influence house prices, this could leave the council open to a costly appeal when finances are so tight.
8. The current plans do not have an article 4 agreement in place yet. Although the council currently working on a Supplementary Planning Document on the matter, it is not clear if the application will be part of this, and if not the likelihood of landlords scooping up the new properties and tipping the balance of the density of HMOs in a residential area.

Although the website does clearly state that the majority of the administrative tasks fall to Bristol City Council I'm still concerned about the land at the East of the proposal, due to building on the raised land, caused by the movement of land when the Cheswick estate was originally built to keep the houses below the tree line. In previous applications in the area the sightlines and visual effect on Stoke Park has created height restrictions in the area. This seems to no longer be a priority. Has there been a change in policy on this front, or can the policy be super-seeded by concerns from the developer? The reason that's been given by the developer into why the land can't be moved is due to the feasibility study, will this just be done by BCC with input from South Glos, or will South Glos also be doing a feasibility study too? Would South Gloucestershire Council be able to feed into the discussion about the sight lines regarding Stoke Park, and the effect the raised housing would have on existing properties in both Bristol and South Gloucestershire with overlooking into houses and gardens? I have also been alerted to the fact the land falls into the Frome Valley Conservation area, which has certain restrictions on building in the area, has the council done any investigation into the impact the new estate may have on this?

**Councillor Andrew Shore:           Objection**

Whilst I am not against the principle of housing development on this site, I do not believe the current plans address all the valid concerns and I do not consider the current proposals to yet be mature enough for determination.

Principally it is too dominant and over-powering on existing dwellings and the wider landscape and it does not provide sufficient infrastructure and community facilities. Plus there are issues to address with the existing bus gate and other safety/security matters, on which the police need to be fully consulted.

1. Land and building heights, impact on nearby dwellings and community: The plot of land on which this development is proposed, is a challenging one. The land varies greatly in height across the site and also varies from some of the adjacent land on which existing properties lie. I understand the situation has also been exacerbated by the movement of soil from past developments, whereby some has been deposited onto and has further increased the base land height of part of this site. This results in an application which, whilst perhaps seeking to place lower storey dwellings around the edges of the site, is a proposal which does not adequately address the issue of land heights and the impacts other properties. Examples of this are the properties backing onto Hermitage Wood Road, also along Danby Avenue (where it is proposed to build two storey dwellings behind bungalows) and proposed properties at the south eastern part of the site (where existing properties are actually already dug down into the ground, to keep them below the tree-line – see later section also). Much more consideration needs to be given to these issues and how to address them. It could of course include removing ground from the site (as undesirable as that may be to the developer), relocating it within the site and also choosing lower level housing, or a combination of these. When I say lower level housing, this needs to be not just lower than the 3 & 4 storey dwellings, but lower level than existing nearby dwellings. Eg. near to existing two storey houses (which are dug into the ground), build single storey bungalows and then near to existing bungalows, build other bungalows (not two storey buildings). This will then enable the development to harmonise with the existing development and community, and will overcome the real issues of overshadowing, overlooking/privacy and alleviate the otherwise overbearing and dominant impact on inhabitants of adjacent & nearby properties.
2. Conservation and landscape visual impacts: This proposal does not adequately consider the effect on the Stapleton & Frome Valley Conservation area, in which part of the development site lies, with (in my view) the BCC urban design officer underplaying the impacts on the conservation area and Grade II Stoke Park registered park and garden. Furthermore, previous applications have required buildings to remain below the tree line, to remain out of sight in Stoke Park. Whilst each application is treated on its own merits and circumstances, local residents find it hard to understand how developers were previously required to set their houses down into the ground (to keep them below the tree line) yet this application proposes adjacent dwellings on high (built up) ground not to be set down. Arguably, there is even more of a need to keep the height of these dwellings (west of Long Wood Meadows) lower, as the tree screening (between the homes and Stoke Park) at that point is thinner than further east. In considering this

application, the Conservation Officer for South Gloucestershire is concerned at the potential impact upon the setting of the grade II listed Stoke Park Registered Park and Garden. His conclusions seem very informative - "As submitted the application cannot be supported as appears not only to fail to meet the requirements of the NPPF in respect of paragraph 196 but as proposed there are concerns about the potential impact of the development on the setting and character of the adjacent grade II listed Stoke Park Registered Park and Garden. The siting and scale of the development may therefore need to be rationalised, especially in light of the topography of the site which doesn't appear to have been considered in the layout of the scheme."

3. Community provision: Whilst I note some green area through the middle of the development, I cannot see much (if anything) in the way of infrastructure or provision for the community in which the residents of the new housing will live. For example, no school, no doctors or dentists or chemist, no community centre or youth provision. This is not good for future residents and could lead to additional crime (eg. with inadequate youth provision). It appears the application is solely for dwellings and the associated roads, with what appears to be an intention to maximise build density. However, good developments are ones that consider the wider needs and provide a balanced development with housing, infrastructure, community facilities and with open & green spaces.
4. Parking provision: Whilst I note the desire to promote non-vehicular means of travel for the residents, this has to be balanced with realism. People frequently need cars for at least some travel as public transport and walking are simply not always viable, so the residents will still need parking provision for their vehicles. On-street parking problems already exist in the area and I have seen problems caused by the under-provision of parking on other developments. I would urge the applicant and council to review the parking provision, to increase it from the current low level of 1.25 per dwelling.
5. Bus gate: I share residents' concerns at the proposed shortening of the bus gate along Romney Avenue. It is a concern that its usage could become compromised, due to its short length, leading to through traffic and also providing a getaway route for criminal activities. This needs to be addressed. Additionally, construction traffic should not be permitted to use the bus gate during the building works, as that would compromise the enforcement of it to other non-bus traffic.

In conclusion, this application (as currently presented) causes unacceptable impacts (principally over-bearing, too dominant and overlooking adjacent and nearby existing dwellings) and also has an unacceptable visual impact on the conservation area, park and assets (also through an overpowering design), all of which is exacerbated by the high and also built-up ground levels on parts of the development site. Residents are understandably concerned about these matters and, whilst there seems to be a plethora of revised planning



documents, there does not (yet) appear to be meaningful changes to address their concerns and these real planning issues. There are also issues with insufficient community facilities, inadequate parking provision and concerns about the impact on the existing Romney Avenue bus gate. In essence, whilst there is a need for additional housing and this piece of land has the potential to deliver some of that, it appears that dwelling numbers, build density and urban design aspects are being allowed to dominate at the expense of a balanced, community development that should better consider the topography, landscape and infrastructure. This application needs to be re-worked to address all these issues, if necessary then reducing the scale, build heights and density/yield of the site, to ensure these important wider matters are addressed and so the development assimilates with the topography, the existing nearby development and with the conservation and grade II park area/assets.

### **Councillor Heather Mack: Objection**

As a new Green councillor for Lockleaze I have many things to consider in regards to this application. A large proportion of my casework has been housing issues - we are in a state of housing emergency in Bristol, with a severe lack of affordable and social housing. I am supporting numerous families in inappropriate housing in Lockleaze, therefore I support building more affordable housing. I also support a new local lettings policy which will mean those with connections to the area will be prioritised for these new houses. I also support house building on brownfield sites - I want to protect our precious green spaces, and protect and even increase biodiversity across the city - this is a good location for a new development.

This development straddles a mass transit bus route, and is near good cycle routes. The site will be used to train local apprentices. I object to the current proposal on a couple of issues:

**Building heights.** The height of the houses adjacent to the boundaries with Cheswick and Hogarth seem to be unnecessarily high, without a good explanation given as to why these are bigger than neighbouring homes. The existing homes are 2 stories and 7.75m and the proposed homes are 9.5m.

**Ground height:** The Aurora development was obliged to dig down to reduce the height of the houses, this was due to the overlooking of Stoke Park and the Frome Valley conservation area. I understand that now the trees are more developed, these new houses will be as hidden from the park as the Aurora houses at a lower level are. But I do have concerns about the new houses towering over the adjacent homes in Cheswick and Hogarth (when lasd height and building height are both considered).

**Availability of information:** I have concerns about the accessibility and availability of local residents on this development - particularly around spot heights when the heights are so crucial to this development. I do acknowledge that the developers have been helpful giving us specific briefings and speaking to residents 1:1 to explain diagrams and give further information when necessary.

**Environmental standards of the houses:** These houses are sadly not going to be built to be carbon neutral. We are in a climate emergency and this should be considered in all aspects of our work. With so many good examples of carbon neutral homes it is a pity this hasn't been applied. I have concerns about the road access and the increased traffic and parking issues on Hogarth Road in particular.

There are a number of other features of this proposal I disagree with but were decided in outline planning, so therefore cannot be considered now, but I think it's important to mention them. The massing of the houses will impact neighbouring houses, and Stoke Park, and the gaps between new and existing houses are in some places quite small. As a local Lockleaze councillor I take representing the local community very seriously, and also various inequalities that exist that affect people's opportunities and ability to get their voice heard. We have heard from, and spoken to, residents from the Cheswick side of this development a lot, less so from the Hogarth Walk side - which has a far higher number of council tenants, who may feel less able to take part in this kind of consultation. We therefore knocked every door on Hogarth in the first week of August to ensure they have an opportunity to raise their concerns. Following that we urge for there to be particular consideration of road and traffic issues on Hogarth following the development.

<b>Enabling Team:</b>	No objection subject to s106 securing 2 no. affordable homes plots 134 & 135 (2 no. 2 bed 5 persons storey dwellings @93m2 for social rent tenure).
<b>Public Open Space:</b>	No comments
<b>Arboricultural Officer:</b>	No objection
<b>Ecology Officer:</b>	The majority of the site is within Bristol City Council land; therefore, ecology comments will default to the comments of the Bristol City Council planning ecologist comments.
<b>Police Community Officer:</b>	No objection
<b>Self-Build Officer:</b>	No comment
<b>Environmental Protection:</b>	The extent and previous Environmental Protection comments remain in place other consideration and managing the detailed Construction and Environmental Management Plan CEMP
<b>Arts and Development Officer:</b>	SGC shall be consulted equally with BCC on the plan going forward
<b>Low Carbon Project / Heat Network Consultant:</b>	Sustainability Energy Statement should be provided.
<b>Highway Officer:</b>	No highway objection. The proposed design changes (in the latest proposal) are very minor.
<b>Highway Structures:</b>	If the application includes a structure that will support the highway or support the land above a highway. No construction is to be carried out without first providing the Highway Structures team with documents in accordance with BD2/12 of the Design Manual for Roads and Bridges that will allow formal Technical Approval of the proposals to be carried out. The applicant will be required to pay the fees associated with the review of the submission whether they are accepted or rejected.

- Drainage Engineer:** To allow the proposed development to proceed without any further drainage requirement, the outstanding elements for DOC20/00357 Condition 25 are required.
- Landscape Officer:** PABS shrub code (street tree underplanting) does not appear to be included within plant schedule. Still concerned about the visual dominance of the new roofs on the skyline (a copy of officer's comments is attached)
- Conservation Officer:** The lack of assessment on the visual impact on Stoke Park is a concern. The submitted section showing an indicative belt of trees along the southern boundary is not adequate. While it will provide some screening and accordingly mitigation, it clearly will not be a consistent level across the boundary and would reduce in winter months. It is expected to see a plan to provide at least some further buffer planting. Therefore, the previous concerns are not fully addressed. ( a copy of the officer's comments is attached)
- Urban Designer:** There is very limited development within the South Gloucestershire boundary. There have been various changes to other buildings across the site, mainly due to overshadowing impacts. The site plan does not show plot numbers which makes it very difficult to check plot numbers against information in the overshadowing report.
- Archaeology Officer:** The application site is within close proximity to a Roman villa excavated in 2018. Although it is unlikely that such archaeology survives on the current project site, outlying activity associated with the villa is a possibility. As such, a condition for a programme of archaeological work should be added to any consent granted.
- Lighting Engineer:** There's no supporting lighting design or lighting strategy. Isolux contours are not shown, no chosen and achieve lighting class and no specification for the proposed street lighting. The adoptable road lighting for the whole development is to Bristol City Council's specification, to be approved and maintained by BCC.

#### **Other Representation :**

**Local Residents Objections** - 21 no. letters of objection have been received during the public consultation. Full details of residents' concerns are available in the South Gloucestershire Council's website, and the concerns are highlighted as follows:

- overlooking
- overbearing / overshadowing due to their height
- lack of information about the ridge heights and the density)
- loss of light
- poor spacing of house
- impact upon the conservation area
- overloading local facilities and amenities, (e.g. health services, school)

- insufficient car parking
- inadequate transport infrastructure,
- the shortening of bus gate is considered insufficient to maintain control
- soil contamination has not been addressed
- impacts on the views from Stoke Park, Stapleton and Frome Valley Conservation Area
- potential HMO's issues,
- proposed cut through will cross a private strip of land
- building for life policy is not being adhered to
- Hogarth Walk is not suitable point for a road offering entry / exist to the new dwelling
- The planned pedestrian / cycle access on Danby Street sits so close to the existing cycle path on Long Wood Meadows
- Increase of anti-social behaviour and opportunity for crime
- Additional planning condition should be added to seek details of the proposed shorter bus gate line of CCTV – ANPR cameras, lighting scheme, bus lane signage, and highway markings

## 5. **ANALYSIS OF PROPOSAL**

5.1 This application seeks reserved matters consent for the demolition of the existing building on the site and its redevelopment for residential development. There is no opportunity to revisit the principle of development through this RM application.

### 5.2 Principle of Development

Under policy CS5, new development of this nature is directed to the existing urban area. As the site is within the existing urban area of North Fringe, it is an appropriate location for development of this nature. The site was previously occupied by Lockleaze School up until its closure in 2004 when the site has been occupied by Bristol City Council offices. Majority of the site lies within the Bristol City Council authority boundary and only part of the northern west corner of the site is within the South Gloucestershire boundary. As the outline planning permission has been granted for the residential development within the site, there is no objection in principle to the residential development proposal.

### 5.3 Affordable Housing

This is a reserved matters application pursuant to the outline planning permission PK18/0989/O for the erection of 268 homes between Bristol City and South Gloucestershire. Most of the proposed houses falls within the boundary of Bristol City Council, and a small number of houses (approximately up to 8 houses (full or partially) within the boundary of the South Gloucestershire area. The submitted plan HTA-A\_DR\_0130 revision F has identified 2 no. affordable homes, plot 134 and plot 135, – social rent within the South Gloucestershire. It is noted that the Section 106 legal agreement has been prepared to secure this element. Therefore, subject to the completion of S106, there is no objection in this regard.

5.4 Public Open Space 'POS'

No POS sits within the part of the site that falls under South Gloucestershire Council jurisdiction, therefore, that is a matter for Bristol City Council rather than South Gloucestershire Council. Therefore, no objection is raised in this regard.

5.5 Highways and Parking

This is a reserved matters application for a large residential development on the site of Romney House (the former Lockleaze School) in Lockleaze. This development lies predominantly within the jurisdiction of Bristol City Council and only a small part of it (a maximum of 8 houses) is within South Gloucestershire. The site will be accessed from Romney Avenue and Hogarth Walk, which lie entirely within the boundary of the Bristol City, and it has been agreed at the outline stage. The South Gloucestershire's Highway Officer has reviewed the submitted details and has no highway objection. It is noted that the residents raise concerns regarding highway safety and parking issues, their concerns have been considered by the Bristol City Council during their consultation. As the reserved matters application for the majority of the development has been agreed by the Bristol City Council, there is no substantiate highway objection to the proposed development.

5.6 Contamination Land

In terms of contamination, the issues were considered at the outline stage. As the area sitting within SG is very small in size and this part of the site appears to have historically been used as a playing field, the potential for contamination within the South Gloucestershire part of the site would be low. In addition, the Contaminated Land Environmental Protection Officer of Bristol City Council has also considered the submitted details, and the application within the Bristol City's boundary has also been approved. In term of noise issue, the SG Environmental Protection Officer has considered the submitted details and raised no objection in this regard. Applications to discharge conditions (DOC21/0197, DOC21/00169) relating to the contamination and construction management plan have been submitted and the details are being reviewed. Therefore, there is no objection in this regards.

5.7 Historic Assets

The part of the site within South Gloucestershire area, is not situated within a conservation area or adjacent to any statutorily or non-statutorily listed buildings. In terms of the potential impact upon the heritage assets, the SG Council's Conservation Officer raised concerns that the residential development within the Bristol City's boundary would have potential adverse impact upon the setting and character of the adjacent grade II listed Stoke Park Registered Park and Garden. However, given the application site within the South Gloucestershire is located much further away from the above-mentioned heritage asset, therefore officers have no further objection to the scheme.

5.8 In terms of archaeology, SGC's Archaeology Officer advises that a planning condition should be imposed to seek a programme of archaeological work. However, when the outline consent was approved, both Bristol City Council and the archaeology officer considered that no conditions were needed relating to a Written Scheme of investigation. This was because previous archaeological

evidence suggested that the Roman occupation in the vicinity lies to the northwest beyond the extent of the proposed development. In addition, given the previous post-war development on the site, any potential surviving archaeology is likely to have been considerably compromised so archaeological works will not be necessary should this development receive consent. As such, there is no objection in this regard.

#### 5.9 Ecology issues

Policy CS9 of the adopted Core Strategy and PSP19 of the adopted PSPP seek to protect the wildlife habitats. An ecological appraisal, a bat and reptile survey and reptile method statement were submitted and considered at the outline stage. It is noted that most of the site is situated within the Bristol City boundary, and the area within South Gloucestershire is mainly grassed area. Officers have reviewed the submitted details and noted that no objection is raised by the BCC's ecologist. Therefore, there is no objection in this regard.

#### 5.10 Arboricultural and Landscaping consideration

A Preliminary Tree Schedule and a Tree Constraint Plan was submitted and considered at the outline stage. Given that there are no significant trees growing within the South Gloucestershire area, there is no arboricultural objection to the proposal.

5.11 The Proposed Site Plan for this application shows a group of houses lying around a hammerhead at the end of the northern access road, with 2No. semi-detached 2 storey units backing onto Hermitage Wood Road, plus part of a second pair of houses; and also, the part of another pair of semi-detached units within the southern part of the South Gloucestershire site area. One street tree is also shown. During the course of the application, detailed planting plans and 5-year Maintenance Plan were submitted. A revised section shows the ridge height of the new houses will be above that of the existing houses fronting on to Heritage Wood Road. It is due to the combination of the proposed built form and the raised ground platform. Whilst officers still mention that the proposal would result in a degree of visual dominance of the new roofs on the skyline, it is considered that such degree of dominance would not be so significant given that there would not be more than 8 dwellings given the scale of the remaining part of the development. As such, it is considered that there would not be substantiated reasons to refuse the application from the landscape perspective. Subject to conditions securing the implementation of the submitted planting plans and the 5-year landscape management plan, there is no landscape objection.

#### 5.12 Drainage

The site is situated within the urban area. A flood risk assessment and drainage strategy were submitted and considered at the outline stage. A planning condition was also imposed to the outline planning permission. To note an application to discharge drainage strategy has been submitted and the submitted are being considered. As such, there is no drainage objection to the proposal.

### 5.13 Public Art

The NPPF states that the social role of the planning system should create a high-quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being. The provision of public art is also a key indicator of good design (building for life criteria) and should be seen as an opportunity to involve the local community in support of Sustainable Community Strategy objectives. To note, a planning condition was imposed to the outline planning permission. A revised public art strategy was submitted, officers are satisfied with the submitted details, therefore no objection in this regard.

### 5.14 Design and Visual Amenity

The submitted plans shows the layout of the proposed dwellings and it follows the approved parameters of the outline planning permission. Within the South Gloucestershire's boundary, there are only 4 complete houses and other 4 houses would only be partially within the boundary. All these dwelling would be two-storey semi-detached dwellings, (3 Bed 5 Person House and 2 Bed 4 Person House), and they would have same scale, design and appearance to the new dwellings in Bristol City's boundary. Although the design and scale of the proposed dwellings would be different from the surrounding properties, the new dwellings would share some architectural features, e.g., gable roof, brickwork, as such, the new dwellings would not be completely out of character. Furthermore, these properties would comply appropriately with crime prevention through environmental design principles. Officers are therefore satisfied with the design approach as the proposal would not result in harm to the character of the locality, therefore, no objection is raised in this regard.

### 5.15 Residential Amenity

Policy PSP8 of the adopted PSPP seeks to protect amenity of residential properties near to development proposal. In addition, the Council adopted the Householders' Design Guide in March 2021, which provides more detailed guidance on how the impact upon residential amenity to be assessed. Development should not be permitted that has a prejudicial impact on residential amenity. The nearest properties near to the new dwellings would be those along Hermitage Wood Road and Shubb Leaze.

5.16 It is understood that residents and Councillors raise concerns regarding the height of the new dwellings due to their proximity to the existing neighbouring properties and the differences of the site level. To address the concerns, the applicant submitted a daylight, sunlight and overshadowing assessment report and additional drawings.

- (i) Proposed separation distance drawing, No. HTA-A\_SK\_001, shows that the separation distance between the new dwellings and the neighbouring properties along Shubb Leaze and Hermitage Wood Road.
- (ii) No. 1, 3, 7, 9 and 13 Hermitage Wood Road (with 25-degree assessment)
- (iii) Site Section JJ and KK, showing properties in Shubb Leaze (no 25 degree assessment)

(iv) Site Section 17 showing plot 132 – 147 against the backdrop of Hermitage Wood Road.

In addition, the applicant provided a table (see below), which gave more information about the ground level, ridge height and separation distance of some of the plots

Plot No/Location	Ground Level	Ridge Height	Separation Distance
132 - Romney	+80.2	+88.315	c.19.5m at an oblique angle
Variation	<b>+1.3m</b>	<b>+4.318m</b>	
25 - Cheswick	+78.9	+83.997	

Plot No/Location	Ground Level	Ridge Height	Separation Distance
134 - Romney	+80.425	+89.535	22.2m at direct angle
Variation	<b>+1.4m</b>	<b>+2.535m</b>	
17 - Cheswick	+79.1	+87.000	

Plot No/Location	Ground Level	Ridge Height	Separation Distance
131 - Romney	+80.125	+87.94	21.7m at an angle
Variation	<b>+1.3m</b>	<b>+1.9m</b>	
28 - Cheswick	+78.7	+86.040	

5.17 Regarding the site level, the BCC Officers have already noted the technical issues of the site. The east side of the site has been fixed by the existing road. On the west side of the site, the levels have been raised to keep excavations out of the mudstone layer. Earth is proposed to be distributed around the site to create the levels and give the gradients needed for roads and drainage. To achieve an appropriate drainage strategy for the site, levels throughout the site have been engineered to direct overland flows away from buildings. The road levels have been designed to retain exceedance flows within kerb lines and to direct flow down the road, where it would then find its way back into the surface water drainage network. Levels have also been designed where possible so that overland flows run towards areas of soft landscaping, with the attenuation basin situated at the low point of the site.

5.18 Overbearing, Height of New Dwellings and Site levels

Whilst the submitted sections and additional drawings provided additional information regarding the relationship of the new dwellings and the surrounding properties, officers have concerns that the new dwellings, due to their height and the existing ground level, would have an overbearing impact upon the neighbouring residents. It is however considered that the potential impact



would not be so significant to be detrimental to the amenity of the adjacent dwellings, given that there would be reasonable separation distance in place. Therefore, the potential impact need to be taken in consideration as part of the planning balance.

5.19 Loss of privacy / overlooking upon Shubb Leaze and Hermitage Wood Road

In terms of overlooking or loss of privacy, the South Gloucestershire's adopted Householder Design Guide Supplementary Document states that the back-to-back distance for two-storey dwellings should be of 20 metres. Where there is a difference in ground level between buildings, like this proposal, the separation distance may need to be increased to mitigate the increase in overlooking caused by the elevation of one building in respect to the other. In this instance, based on the submitted separation distance drawing, the proposed new dwellings at plot 131 and 133-137 would be outside '20 metres' zone, plot 132 would only be 16.5 metres of No. 25 Shubb Leaze (bungalow). However, this new dwelling is set at an oblique angle to the adjacent bungalow and would not directly overlooking it, therefore, the potential overlooking would not be so significant.

5.20 As discussed above, there would be no more than 9 no. dwellings within the SG area - only 2 pair of semi-detached dwellings would be entirely situated within the area and the remaining 5 no. dwellings would only partially sit within the area. The submitted plans shows that the new dwellings would be two-storey in height. Although these new dwellings would largely meet the standard design guidance, officers still acknowledge that these properties would result in some degree of harm due to the difference of the site level. Officers are however mindful that the proposed dwellings within the City of Bristol have been agreed and it has been noted that the issues regarding the whole site being dug down. Furthermore, the proposed dwellings within the SG area would not project beyond the new dwellings which are located within Bristol City area. Officers do not therefore considered it would be reasonable to refuse permission for the part of the development in SG. Therefore, there would no substantive reasons to refuse the application on this particular issue. As such, the potential adverse impact upon the neighbouring properties will need to be taken into considered as part of planning balance.

5.21 With regard to the provision of amenity space, Policy PSP 43 suggests a minimum of 60 square metres for 3-bedroom dwellings. From the national policy perspective, the development is required to make the most efficient use land and Policy CS16 echoes similar approach. The proposed dwellings within SG area would have 3 bedrooms, and these properties would have approximately 58 square metres as outdoor private amenity area. Although it would be slightly below the suggested size requirement, it is considered that the provision would be acceptable given its urban location. As such, it is considered that the proposal would not be contrary to Policy PSP43.

5.22 Overall Planning Balance

Although a maximum of nine properties would be within South Gloucestershire, the scheme should be addressed as a whole, with reference made to the direct impact on the district.

### *Community Infrastructure Levy (CIL)*

- 5.23 The development is CIL liable. The CIL receipt is used by the Council to fund infrastructure services, such as school places and health facilities, across the district. As the proposal is CIL liable, a proportion of funds from the development would go towards the overall provision of infrastructure within South Gloucestershire and therefore the development mitigates its impact in that regard.
- 5.24 Sustainable Development  
The principle of the development has been established at the outline stage, and this application is related to the reserved matters to the approved outline planning permission. It is clearly that the proposal would create considerable amount of job opportunities in the construction industries. From the environmental perspective, the proposed dwellings would lead to the redevelopment of brownfield land to the proximity to the existing infrastructure and services. In terms of social issues, the provision of market and affordable housing in a sustainable location would be given significant weight.
- 5.25 Nevertheless, given its high density, height of the new dwellings, difference of site level, the proposed scheme would result in some degree of adverse impact, in terms of overbearing and overlooking, upon the residential amenity of the neighbouring properties. In addition, the proposal would also lead to some impact upon the visual amenity and landscape character of the area. Such adverse impact would be given moderate weight.
- 5.26 To conclude after balanced the benefits and impact, it is considered that the social benefits due to the provision of affordable housing and market housing that are mostly need in the region, would outweigh the harms identified and planning permission should be granted subject to the conditions listed below and the applicant entering into a planning obligation.
- 5.27 Planning Obligation  
The proposal will provide 268 no. new dwellings across Bristol and South Gloucestershire area, although it is noted that most of the site will fall with Bristol area. The proposal will provide 30% of these units, i.e., 80 no. Affordable Housing units in the area, and 2 of them will be located within the South Gloucestershire area. It is understood that a legal agreement has been prepared and the details are being reviewed by both South Gloucestershire Council and Bristol City Council. Therefore, subject to the completion of legal agreement and appropriate planning conditions, the planning application can be supported.
- 5.28 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.

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

(i) **AFFORDABLE HOUSING**

The provision of 30% of the total number of the Permitted Dwellings sited on land within South Gloucestershire boundary (rounded up or down to the nearest whole dwelling) shall be identified, reserved and set aside as Affordable Housing).

- Plots 134 & 135 are provided as Affordable Housing on land within South Gloucestershire boundary
- 2 x 3 bed 5-person 2-storey dwellings @ 93m<sup>2</sup> for Social rent tenure
- Plots 134 & 135 must be delivered in accordance with the Grampian Condition attached to PK18/0989/O which requires affordable housing to be delivered as per the draft s106 agreement attached to PK18/0989/O.

Reason

To accord with policy CS6 and CS18 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the provisions of the National Planning Policy Framework.

7.2 It is recommended that that the Head of Legal and Democratic Services be authorised to check and agree the wording of the Agreement.

- 7.3 It is recommended that should the Agreement not be completed within 6 months of the date of the resolution to grant planning permission (obtained through the Circulated Schedule process), the application shall:
- (i) be returned to the Circulated Schedule for further consideration; or,
  - (ii) that delegated authority be given to the Director or Environment and Community Services to refuse the application.

## **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. Ground levels survey and Proposed Finished Floor Levels

Prior the construction of foundations, a general arrangement plan(s) indicating the existing surveyed ground levels of the site and the proposed finished floor levels of the development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be completed in accordance with the approved details.

Reason: In the interests of residential amenity and to ensure that all works associated with the proposed development are in accordance with the assessment of the Local Planning Authority and to accord with Policy PSP8 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted November 2017).

3. Air permeability

Prior to the first occupation of any of the dwellings within the jurisdiction of South Gloucestershire Council, Evidence shall be provided to show that the air permeability rate of 5m<sup>3</sup>/m<sup>2</sup>.hr @50 Pa has been achieved, including the provision of copies of the air testing certificates to be submitted and approved in writing by the Local Planning Authority, unless otherwise agreed in writing by the Local Planning Authority.

Reason: The air permeability will contribute to the overall efficiency, energy demand and emissions of greenhouse gases of the scheme. To ensure that the development achieves the level of energy efficiency specified in the Energy Statement with reference to Policy CS3 of the South Gloucestershire Local Plan Adopted December 2013 and Policy PSP6 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted November 2017).

4. Energy, Sustainability and Overheating, in accordance with statement

The development hereby approved shall incorporate the energy efficiency measures, renewable energy, sustainable design principles and climate change adaptation (overheating) measures into the design and construction of the development in full accordance with the Sustainability Statement (including Energy Strategy and Overheating Assessment prepared by HTA dated February 2021, and the Addendum

to the HTA Sustainability Statement prepared 8th July 2017) prior to occupation or use commenced.

A 2.6% reduction in carbon dioxide emissions beyond Part L 2016 Building Regulations (assuming a gas baseline) through stated energy efficiency measures in line with the energy hierarchy shall be achieved, and then a 38.52% reduction in carbon dioxide emissions below residual emissions through renewable technologies shall be achieved as stated unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the development incorporates measures to minimise the effects of, and can adapt to a changing climate as per Policies CS1, CS3 and CS4 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and Policy PSP6 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted November 2017).

5. Installation of Renewable Energy Generation in accordance with Statement (Sustainability Addendum dated July 2021 & HTA Sustainability and Energy Strategy dated February 2021)

Prior to the first occupation of the proposed development hereby approved, the following information shall be submitted to and approved in writing by the Local Planning Authority:

- Evidence of the communal and individual Air Source Heat Pump (ASHP) systems as installed including exact location, technical specification and projected annual energy yield (kWh/year) e.g. a copy of the MCS (Microgeneration Certification Service any full name) installer compliance certificates.

- A calculation showing that the projected annual yield of the installed system is sufficient to reduce residual CO<sub>2</sub> emissions by the percentage stated in the approved Energy Statement (38.52%)

The approved ASHP systems shall then be maintained in perpetuity.

Reason: To ensure that the development contributes to mitigating and adapting to climate change and to meeting targets to reduce carbon dioxide emissions to accord with Policy CS1, CS3 and CS4 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and Policy PSP6 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted November 2017).

6. Implementation/Installation of Refuse Storage and Recycling Facilities - Shown on Approved Plans (GTP-RHB\_HTA-A\_DR\_0100-Q-Proposed Site Plan)

Prior to the first occupation of any of the dwellings within the jurisdiction of South Gloucestershire Council, the refuse store and area/facilities allocated for storing of recyclable materials has been completed in accordance with the approved plans. Thereafter, all refuse and recyclable materials associated with the development shall either be stored within this dedicated store/area, as shown on the approved plans, or internally within the buildings that form part of the application site. No refuse or

recycling material shall be stored or placed for collection on the adopted highway (including the footway), except on the day of collection.

Reason: To safeguard the amenity of the occupiers of adjoining premises; protect the general environment; prevent any obstruction to pedestrian movement and to ensure that there are adequate facilities for the storage and recycling of recoverable materials in accordance with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

7. Completion of Vehicular Access - Shown on Approved Plans, GTP-RHB\_HTA-A\_DR\_0110-G Romney House\_Proposed Layout Parameters Overlay-Access and 19271-101 Proposed General Arrangement A5

Prior to the first occupation of any of the dwellings within the jurisdiction of South Gloucestershire Council, the means of vehicular access must have been constructed and completed in accordance with the approved plans and the said means of vehicular access shall thereafter be retained for access purposes only for the lifetime of the development. Any access point opening onto the adopted highway shall include suitable drainage provision within the curtilage of the site, to prevent the discharge of any surface water onto the adopted highway.

Reason: To ensure that the vehicular access point is safe and includes adequate drainage in accordance with Policy CS8 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted November 2013) and Policy PSP11 and PSP20 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted November 2017).

8. Completion of Pedestrians/Cyclists Access - Shown on approved plans, 19271-101 Proposed General Arrangement A5

No building or use within the jurisdiction of South Gloucestershire hereby permitted shall be occupied or the use commenced until the means of access for pedestrians and/or cyclists have been constructed in accordance with the approved plans and shall thereafter be retained for access purposes only.

Reason: In the interests of highway safety in accordance with Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and Policy PSP11 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted November 2017).

9. Management and Maintenance of Private Streets

Within the jurisdiction of South Gloucestershire Council, no building or use hereby permitted shall be occupied or use commenced until details of arrangements for the future management and maintenance of proposed carriageways, footways, footpaths and landscaped areas not put forward for adoption within the site has been submitted to and approved in writing by the Local Planning Authority. Following occupation of the first dwelling on the site, the streets shall be maintained in accordance with the approved management and maintenance details.

Reason: To ensure that all private streets and landscaped areas are appropriately managed and maintained to ensure the safety of all users and to accord with Policy CS1 and CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and Policy PSP2 and PSP11 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted November 2017).

10. Large scale details (houses and FOGs)

Detailed drawings of the proposed houses including plans, sections and elevations at a relevant scale between 1:5 and 1:20 of the following shall be submitted to and approved in writing by the Local Planning Authority before the relevant part of work is begun. The works shall be carried out in accordance with that approval.

- a) Typical brick details including coursing, bonding, pointing and other decorative features.
- b) Typical details of all types of doors and window opening including sills, lintels, surrounds, reveals and design of external doors and windows.
- c) Typical details of eaves, soffits, overhangs, ridge, parapets, coping
- d) Typical details of rainwater goods
- e) Typical details of junctions between materials
- f) Typical FOG garage doors

Details of all external materials, including hard landscaping, shall be submitted to and approved in writing by the Local Planning Authority before the relevant part of work is begun. An agreed sample reference panel to include external facing materials and construction details shall be erected on site and approved in writing by the Local Planning Authority. The approved reference sample panel shall be retained on site until the completion of the development. The development shall be carried out in accordance with the approved materials and panel.

Reason: To ensure the quality of the design and external appearance of the building is of high quality, in accordance with quality expectations set out within the approved plans and Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and Policy PSP1 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted November 2017).

11. Large scale details (flats)

Detailed drawings of the proposed flats, including plans, sections and elevations at a relevant scale between 1:5 and 1:20 of the following shall be submitted to and approved in writing by the Local Planning Authority before the relevant part of work is begun. The works shall be carried out in accordance with that approval.

- a) Typical brick details including coursing, bonding, pointing and other decorative features.
- b) Typical details of all types of doors and window opening including sills, lintels, surrounds, reveals and design of external doors and windows.
- c) Typical details of all balcony treatments
- d) Typical details of eaves, soffits, overhangs, ridge, parapets, coping
- e) Typical details of rainwater goods
- f) Typical details of junctions between materials

Details of all external materials, including hard landscaping, shall be submitted to and approved in writing by the Local Planning Authority before the relevant part of work is begun. An agreed sample reference panel to include external facing materials and construction details shall be erected on site and approved in writing by the Local Planning Authority. The approved reference sample panel shall be retained on site until the completion of the development. The development shall be carried out in accordance with the approved materials and panel.

Reason: To ensure the quality of the design and external appearance of the building is of high quality, in accordance with quality expectations set out within the approved plans and Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and Policy PSP1 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted November 2017).

## 12. Site-Wide Ownership & Management Plan (of the adopted highway )

No building or use hereby permitted shall be occupied or use commenced until an Ownership & Management Plan clearly highlighting those parts of site to be adopted by Bristol City Council / South Gloucestershire Council Highways, those to be taken on by a private management company (or the name of the management company) and those that will be the responsibility of individual home occupiers.

In this regard, the following parts of the site shall come under the maintenance responsibility of a site-wide Management Company:

- The central Park and SUDS pond feature;
- All incidental tree and low level street planting;
- Shared private parking courts;
- Any planting to house plot flank/corner street edges and, preferably, house plot frontage hedge planting;
- All shared private external space, threshold planting, bin and bike storage facilities serving apartment building;
- Shared rear access lanes;
- Non-adopted carriageways, footways and steps;
- Any allocated & non-adopted on-street parking bays.

Development shall be carried out in accordance with the approved details and shall be maintained as such thereafter.

Reason: To ensure that all private streets and landscaped areas are appropriately managed and maintained to ensure the safety of all users and to accord with Policy CS1 and CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and Policy PSP2 and PSP11 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted November 2017).

## 13. Landscape Details

Detailed drawings including plans, sections and elevations at a relevant scale between 1:5 and 1:20 of the following shall be submitted to and approved in writing by the Local Planning Authority before the relevant part of work is begun. The works shall be carried out in accordance with the approved details.



-Full details of tree pit construction in highway and soft landscape areas showing relationship to the surrounding highway and footway paving, tree grills where used, nature of growing medium, size of pits, tree support, method of anchoring and means of irrigation to ensure the provision of optimum growing conditions for newly planted trees.

-Construction details for junctions between i) paving materials (showing changes of level ) and ii) between areas of hard and soft landscape treatments.

-Construction details of boundary treatments, retaining walls and front boundary treatments to house plots

-Details of street furniture including seating, lamps.

Reason: In order to ensure the quality of the design and external appearance is of high quality, in accordance with quality expectations set out within the approved plans and Policy CS2 of the South Gloucestershire Council Core Strategy (Adopted December 2013) and Policy PSP2 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted November 2017).

#### 14. Landscape Sample Panel

Sample panels of all external surfacing materials including paving, kerbs, edging, showing jointing details shall be erected at an appropriate location on site and approved in writing by the Local Planning Authority before the relevant parts of the work are commenced. The development shall be completed in accordance with the approved sample before the relevant phase is occupied in accordance with the phasing plan submitted. The approved sample should be retained until the completion of works.

Reason: To ensure the quality of the design and external appearance of the building is of high quality, in accordance with quality expectations set out within the approved plans and Policy BCS21 of the Bristol City Council Core Strategy / Policy CS2 of the South Gloucestershire Council Core Strategy.

#### 15. Artificial Lighting (external)

No building or use hereby permitted shall be occupied or use commenced until details of the external lighting scheme at the development has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out to accord with the approved details.

Artificial lighting to the development must meet the Obtrusive Light Limitations for Exterior Lighting Installations in table 2 of the Institute of Light Engineers Guidance Notes for the Reduction of Obtrusive Lighting, GN01:2011.

Reason: To limit the impact of light pollution from artificial light on local amenity and to accord with Policy CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013), and Policy PSP?? of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted November 2017).

#### 16. Details of air source heat pump (Not Block D)

There shall be no commencement of use of the air source heat pump until details including noise levels and any noise mitigation measures have been submitted to and been approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the submitted details.

Reason: To safeguard the amenity and living conditions of neighbouring occupiers from noise pollution which may result from the development in accordance with Policies CS1, CS3 and CS4 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and Policy PSP6 of the South Gloucestershire Local Plan: Policies, Sites and Places (Adopted December 2017).

17. Implementation and Maintenance of Landscaping

The development shall incorporate all landscaping and tree planting proposals as detailed within the supplied landscape strategy (GTP-RHB\_HTA-L\_DR\_2902-B Planting Plan; GTP-RHB\_HTA-L\_DR\_2903-B Planting Plan; GTP-RHB\_HTA-L\_DR\_8900\_typical tree pits; and GTP-RHB-HTA-L-XX-XX-SC-1700 Landscape Management Plan - 5 Year Maintenance Plan). All living habitat including bird and bat boxes shall be implemented prior to commencement of use of the buildings. All planting proposals shall be implemented at the latest within the first planting season following the completion of the construction / prior to the first occupation of any part of the development or in accordance with a programme agreed in writing by the Local Planning Authority. All planted materials shall be maintained for five years and any plants removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with others of similar size and species to those originally required to be planted unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to mitigate the loss of habitat and green infrastructure at the site, ensure an acceptable appearance for the development and maintain the integrity and connectivity of the strategic green infrastructure network in accordance with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and Policy PSP2 and PSP11 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017.

18. Secured by Design (New Homes 2019) Silver Standard

No building or use hereby permitted shall be occupied until a certification of Silver Standard of the Security by Design New Homes 2019 has been submitted and approved in writing, by the Local Planning Authority.

Reason: To ensure that the appropriate physical security standards will be met and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and Policy PSP1 of the South Gloucestershire Local Plan: Policies, Sites, Places Plan (Adopted November 2017).

19. Security and Access Plan

No part of the development shall be occupied until a detailed management plan to include details of security and access and the maintenance of public and semi-private areas has been submitted to and approved in writing by the Local Planning Authority.

The approved management plan shall be carried out to accord with the approved details and shall be maintained as such thereafter.

Reason: To ensure that the appropriate physical security standards will be met and to accord with the Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and Policy PSP1 of South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017.

20. Permitted Development Rights Removed (No further extensions)

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order) no extension or enlargement (including additions to roofs) shall be made to the dwellinghouse(s) hereby permitted, or any detached building erected, without the express permission in writing of the council.

Reason: The further extension of this (these) dwelling(s) or erection of detached building requires detailed consideration to safeguard the amenities of the surrounding area and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and Policy PSP1 and PSP38 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017.

21. Non opening and obscured glazed windows

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order) the proposed windows within the side (south) elevation of units 47 and 48 facing onto the rear of houses on Hogarth Walk shall be non-opening and glazed with obscure glass to a specification to be agreed with the Local Planning Authority and shall be permanently maintained thereafter as non-opening and obscure glazed.

Reason: To safeguard the amenities of the adjoining premises from overlooking and loss of privacy and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and Policy PSP38 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017.

22. Walls/Fences

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order) no fences, gates or walls shall be erected within the curtilage of the dwellinghouse(s) hereby permitted forward of any wall of the dwellinghouse(s) which fronts onto a road.

Reason: In the interests of visual amenity and the character of the area, and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and Policy PSP1 of the South Gloucestershire Local Plan: Policies, Sites and Places (Adopted) November 2017.

23. Completion and Maintenance of Sustainable Drainage System (SuDS) - Shown on Approved Plans

The SUDS scheme shall be implemented out in accordance with the agreed management and maintenance plan (Drainage Strategy ref. BZ508-19271-JUB-XX-XX-DR-C-90-0 500 REV T2).

Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal and that the principles of sustainable drainage are incorporated into this proposal and maintained for the lifetime of the proposal, and to accord with Policy BCS16 of the Bristol City Council Core Strategy / and Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and Policy PSP20 of the Policies, Sites and Places Plan (Adopted November 2017).

24. Development shall be carried out in accordance with the following plans, which are related to proposed residential development with South Gloucestershire boundary:

GTP-RHB\_HTA-A\_DR\_0001-C-Site Location Plan, received on 24 November 2020  
GTP-RHB\_HTA-A\_DR\_0003-D-Topographical Site Survey, received on 12 April 2021  
HTA-A DR\_0004 -C Tree Site Survey, received on 24 November 2020  
GTP-RHB\_HTA-A\_DR\_0005-C-Constraints Plan, received on 24 November 2020  
GTP-RHB\_HTA-A\_DR\_0006-B-Council Jurisdiction Plan, received on 24 November 2020

GTP-RHB\_HTA-A\_DR\_0050-C-Existing Site Section AA & BB, received on 24 November 2020

GTP-RHB\_HTA-A\_DR\_0051-C-Existing Site Section CC1 & CC2, received on 24 November 2020

GTP-RHB\_HTA-A\_DR\_0052-D-Existing Site Section DD, received on 24 November 2020

GTP-RHB\_HTA-A\_DR\_0100-Q-Proposed Site Plan, received on 9 July 2021

GTP-RHB\_HTA-A\_DR\_0105-H-Proposed Plan - Roof Plan, received on 9 July 2021

GTP-RHB\_HTA-A\_DR\_0110-G Romney House\_Proposed Layout Parameters Overlay-Access, received on 1 April 2021

GTP-RHB\_HTA-A\_DR\_0111-F Romney House\_Proposed Layout Parameters Overlay-Land Use, received on 1 April 2021

GTP-RHB\_HTA-A\_DR\_0112-F Romney House\_Proposed Layout Parameters Overlay-Layout, received on 1 April 2021

GTP-RHB\_HTA-A\_DR\_0113-F Romney House\_Proposed Layout Parameters Overlay-Heights, received on 1 April 2021

GTP-RHB\_HTA-A\_DR\_0120-H Proposed Unit Type Plan - Level 00, received on 9 July 2021

GTP-RHB\_HTA-A\_DR\_0121-G Proposed Unit Type Plan - Level 01, received on 9 July 2021

GTP-RHB\_HTA-A\_DR\_0122-G Proposed Unit Type Plan - Level 02, received on 9 July 2021

GTP-RHB\_HTA-A\_DR\_0123-G Proposed Unit Type Plan - Level 03, received on 9 July 2021

GTP-RHB\_HTA-A\_DR\_0130-F Proposed Unit Type and Tenure Plan, received on 10 August 2021

Accommodation Schedule - Tenure Breakdown, GTP-RHB\_HTA-A\_SC\_810, revision M, received on 10 August 2021

GTP-RHB\_HTA-A\_DR\_0151-D Proposed Site Section CC1 & CC2, received on 9 July 2021

GTP-RHB\_HTA-A\_DR\_0153-E Proposed Site Section EE & FF, received on 9 July 2021

GTP-RHB\_HTA-A\_DR\_0154-C Proposed Site Section GG & HH, received on 9 July 2021

GTP-RHB\_HTA-A\_DR\_0155-E Proposed Site Section JJ KK & LL, received on 8 October 2021

GTP-RHB\_HTA-A\_DR\_0156-C Proposed Site Section MM & NN

GTP-RHB\_HTA-A\_DR\_0160 Proposed Site Sections, received on 9 July 2021

GTP-RHB\_HTA-A\_DR\_0161-B Proposed Site Section, received on 8 October 2021

GTP-RHB\_HTA-A\_DR\_0251-B-Proposed Street Elevations BB & CC, received on 24 November 2020

GTP-RHB\_HTA-A\_DR\_0252-C-Proposed Street Elevations DD1 & 2, received on 9 July

GTP-RHB\_HTA-A\_DR\_0261-B-3B6P 2 Storey Houses Street Typology, received on 24 November 2020

GTP-RHB\_HTA-A\_DR\_0300-E-2B4P Flat Over Garage Plan

GTP-RHB\_HTA-A\_DR\_0301-F-2B4P Flat Over Garage Elevation

GTP-RHB\_HTA-A\_DR\_0304-E-2B4PH - 2 Storey Plan

GTP-RHB\_HTA-A\_DR\_0305-E-2B4PH - 2 Storey Elevation, received on 24 August 2021

GTP-RHB\_HTA-A\_DR\_0306-E-2B4PH - 2 Storey Facing Gable Elevation

GTP-RHB\_HTA-A\_DR\_0307-E-3B5PH - 2 Storey Plan

GTP-RHB\_HTA-A\_DR\_0308-E-3B5PH - 2 Storey Elevation, received on 24 August 2021

GTP-RHB\_HTA-A\_DR\_0309-E-3B5PH - 2 Storey Facing Gable Elevation

GTP-RHB\_HTA-A\_DR\_0310-E-3B5PH Townhouse - 3 Storey Plan

GTP-RHB\_HTA-A\_DR\_0311-E-Romney House\_3B5PH Townhouse - 3 Storey

GTP-RHB\_HTA-A\_DR\_0312-E-3B5PH Townhouse - 3 Storey Zinc Dormer

GTP-RHB\_HTA-A\_DR\_0313-F-4B6PH - 2 Storey Plan

GTP-RHB\_HTA-A\_DR\_0314-E-4B6PH - 2 Storey Elevation

GTP-RHB\_HTA-A\_DR\_0315-E-4B6PH Side Entrance - 2 Storey Plan

GTP-RHB\_HTA-A\_DR\_0316-E-4B6PH Side Entrance - 2 Storey Elevation

GTP-RHB\_HTA-A\_DR\_0317\_Romney House\_2B4P WCH - 2 Storey Plan and

GTP-RHB\_HTA-A\_DR\_0318\_Romney House\_2B4P WCH - 2 Storey Elevation, received on 2 March 2021

19271-101 Proposed General Arrangement A5, received on 13 April 2021

19271-102 Refuse Vehicle Tracking A5, received on 13 April 2021

19271-103 Proposed Adoption Plan A4, received on 13 April 2021

19271-700 Proposed Pavement Construction A5, received on 13 April 2021

19271-500 Drainage Strategy A4, received on 31 March 2021

19271-501 Exceedance Plan A3, received on 31 March 2021  
19271-1200 Proposed Signage A2, received on 14 May 2021  
19271-100 A1 Proposed Finished Levels, received on 3 February 2021

Landscape plans (condition details)

GTP-RHB\_HTA-L\_DR\_2902-B Planting Plan, received on 15 April 2021  
GTP-RHB\_HTA-L\_DR\_2903-B Planting Plan, received on 15 April 2021  
GTP-RHB\_HTA-L\_DR\_8900\_typical tree pits, received on 15 February 2021  
GTP-RHB-HTA-L-XX-XX-SC-1700 Issued C April 2021 Landscape Management Plan  
- 5 Year Maintenance Plan , received on 19 April 2021

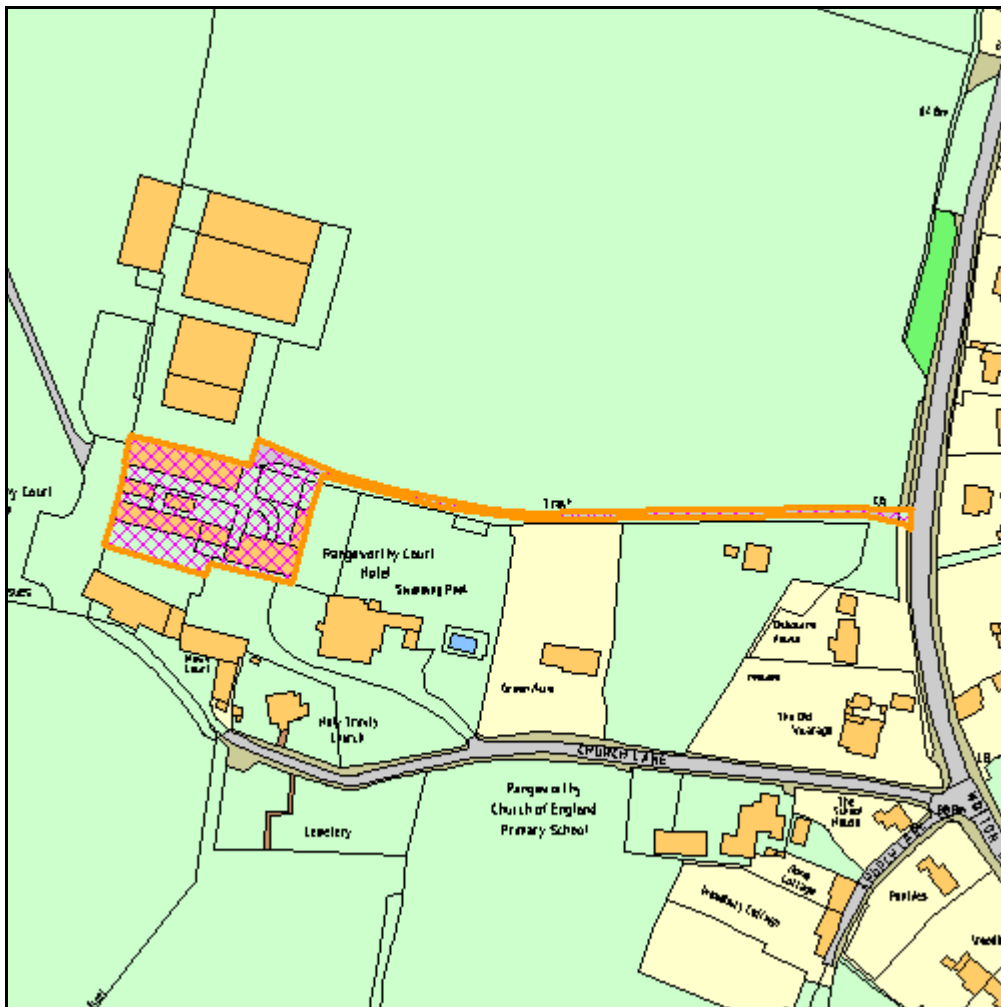
Proposed Garden Depths along boundaries GTP-RHB, received on 9 July 2021  
Proposed Separation Distance HTA-A\_SK\_001, received on 9 July 2021  
Proposed Ridge Heights GTP-RHB, received on 9 July 2021  
Design and Access Report - Design Compliant Statement, dated March 2021  
Design & Access Report - Addendum dated July 2021,

Reason: To define the approved development in planning terms.

**Case Officer: Olivia Tresise**  
**Authorising Officer: Marie Bath**

**CIRCULATED SCHEDULE NO. 04/22 - 28th January 2022**

<b>App No.:</b>	P20/24133/RVC	<b>Applicant:</b>	Mrs Pauline Howes
<b>Site:</b>	Court Farm Church Lane Rangeworthy South Gloucestershire BS37 7ND	<b>Date Reg:</b>	3rd January 2021
<b>Proposal:</b>	Variation of condition 2 (listed plans) attached to planning permission PT18/4838/F to substitute approved plan no's 04, 05, 07, 08, 11A, 12A, 13B, 14B, 23 and 24 with plan no's 04A, 05A, 07A, 08A, 11B, 12B, 13C, 14C, 23A and 24A - Alterations and extensions to 3no existing agricultural buildings to facilitate conversion to 3no dwellings with landscaping and associated works.	<b>Parish:</b>	Rangeworthy Parish Council
<b>Map Ref:</b>	368686 186276	<b>Ward:</b>	Frampton Cotterell
<b>Application Category:</b>	Minor	<b>Target Date:</b>	16th February 2021



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 100023410, 2008. **N.T.S.** **P20/24133/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 as an objection has been made by the Parish Council that is contrary to the Case Officer recommendation.

### **1. THE PROPOSAL**

- 1.1 The applicant seeks permission for Variation of condition 2 (listed plans) attached to planning permission PT18/4838/F to substitute approved plan no's 04, 05, 07, 08, 11A, 12A, 13B, 14B, 23 and 24 with plan no's 04A, 05A, 07A, 08A, 11B, 12B, 13C, 14C, 23A and 24A - Alterations and extensions to 3no existing agricultural buildings to facilitate conversion to 3no dwellings with landscaping and associated works.
- 1.2 The application site relates to Court Farm, Church Lane, Rangeworthy. The site is outside the settlement boundary. The buildings are not listed nor curtilage listed, but do contribute to the setting of the nearby Grade II\* Rangeworthy Court and the Grade II\* 11<sup>th</sup> century Holy Trinity Church.
- 1.3 The alterations from the original consent relate to the buildings only, there is no alteration to the access or site layout. In detail therefore the changes are as follows:

Alteration to Roof height of Barn C (shown on both existing and proposed plans) from approx. 5.75m to 5.4m

Removal of two rooflights on north elevation

Addition of small flue to main roof

Removal of door on south elevation and replacement with window

Removal of rooflight on south elevation

The effect of the changes are to make Barn C, single rather than two storey. The changes to plans reflect the above changes.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework 2021  
National Planning Guidance  
Planning (Listed Buildings and Conservation Areas) Act 1990  
Planning (Listed Buildings and Conservation Areas) Regulations 1990 (as amended)  
National Planning Practice Guidance – Conserving and Enhancing the Historic Environment;



Historic England's Good Practice Advice in Planning Note 2 "Managing Significance in Decision-Taking in the Historic Environment".

Historic England's Good Practice Advice in Planning Note 3 "The Setting of Heritage Assets (2<sup>nd</sup> Edition)".

## 2.2 Development Plans

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

CS1	High Quality Design
CS2	Green Infrastructure
CS4A	Presumption in Favour of Sustainable Development
CS5	Location of Development
CS8	Improving Accessibility
CS9	Managing the Environment and Heritage
CS15	Distribution of Housing
CS16	Housing Density
CS17	Housing Diversity
CS18	Affordable Housing
CS34	Rural Areas

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

PSP1	Local Distinctiveness
PSP2	Landscape
PSP7	Development in the Green Belt
PSP8	Residential Amenity
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
PSP21	Environmental Pollution and Impacts
PSP28	Rural Economy
PSP40	Residential Development in the Countryside
PSP43	Private Amenity Space Standards

## 2.3 Supplementary Planning Guidance

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

SPD: Development in the Green Belt (Adopted) 2007

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

## 3. RELEVANT PLANNING HISTORY

There is a long planning history attached to the Court Farm site. The most recent are listed below:

- |     |                |   |
|-----|----------------|---|
| 3.1 | P19/16232/F    | Conversion of existing barn to form 1no dwelling with landscaping and associated works.<br>Pending consideration  |
| 3.2 | P19/7456/F     | Conversion of Barn to form 2 no. dwellings with associated works.<br>Approved 13.3.20   |
| 3.3 | PT18/4838/F    | Alterations and extensions to 3no existing agricultural buildings to facilitate conversion to 3no dwellings with landscaping and associated works<br>Approved 23.5.19   |
| 3.4 | PT18/4380/PNGR | Prior notification of a change of use from Agricultural Building to 2 no. residential dwellings (Class C3) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended).<br>Refused 21.11.18 |
| 3.5 | PT14/1356/F    | Erection of Agricultural building for livestock<br>Approved 25.6.14   |
| 3.6 | PT14/1362/F    | Erection of Agricultural building for livestock.<br>Approved 25.6.14  |
| 3.7 | PT14/4962/F    | Conversion of 4no. agricultural buildings to 4no. dwellings with landscaping and associated works (Resubmission of withdrawn PT14/2191/F)<br>Refused 26.2.15<br>Appeal dismissed.                                 |
| 3.8 | PT13/4060/PNA  | Prior notification of the intention to erect an extension to an existing agricultural building for the storage of machinery and fodder.<br>No objection 27.11.13  |

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

- 4.1 Rangeworthy Parish Council  
The Parish Council remains extremely concerned about the location of the proposed access bearing in mind the recent serious road traffic accident on Sunday 6th December 2020, and would ask that SGC Highways Officers consider additional visibility/safety measures. Rangeworthy Parish Council strongly objected to the original application and were perplexed at its subsequent approval. Rangeworthy Parish Council remains opposed to this development

#### **Internal Consultees**

- 4.2 Ecology  
No objection

4.3 Highway Structures

No comment

4.4 Conservation officer:

Clarity sought initially as to the extent of the works, unclear which plans relevant. This has now been clarified and no objection subject to conditions is raised

**Statutory / External Consultees**

4.5 Flood and Risk Management Team

No objection

4.6 Sustainable Transport

Summary – no objection but clarification of the parking provision required

**Other Representations**

4.7 Local Residents

None received

**5. ANALYSIS OF PROPOSAL**

5.1 The application is to vary plans associated with the approved scheme PT18/4838/F. The changes proposed relate to building C and are set out in Section 1 above.

5.2 Principle of Development

Applications made under s73 of the Act seek permission for the development of land without compliance with conditions subject to which a previous planning permission was granted. With applications made under s73, the Local Planning Authority shall consider only the conditions subject to which planning permission was granted; the principle of development is therefore established by extant consent PT18/4838/F which subject to the discharge of previous conditions would be a fall-back position.

5.3 If the Local Planning Authority decides that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, the Authority should grant permission accordingly.

5.4 If the Authority decides that planning permission should be granted subject to the same conditions, then the application should be refused.

5.5 In assessing this application it is necessary to assess whether the relevant condition, or any variations satisfy the requirements of planning conditions as set out in the National Planning Policy Framework (NPPF). The NPPF requires all planning conditions to pass three tests – that conditions should be:

- i. Necessary to make the development acceptable
  - ii. Directly related to the development
  - iii. Fairly and reasonably related in scale and kind
- 5.6 Given the nature of the changes which as set out above relate to alterations to one of the consented units namely unit C, the material issues for consideration are design/visual amenity, impact upon heritage assets and residential amenity, these are discussed below.
- 5.7 Design/Heritage Assets
- 5.8 The NPPF declares that when determining applications the LPA should take into account the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal. The LPA is required to take into account:
  - a. The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation
  - b. The positive contribution that conservation of heritage assets can make to sustainable communities and
  - c. The desirability of new development making a positive contribution to local character and distinctiveness
- 5.9 Where development will lead to less than substantial harm to the significance of a designated heritage asset this harm should be weighed against the public benefit including, where appropriate, securing its optimum viable use.
- 5.10 Historic cartographic evidence conforms that the complex of what is Court Farm once formed part of the Rangeworthy Court estate. The Rangeworthy Court is now in use as a hotel and from a chronology of ownership and use (as set out within a supporting statement), it appears that the house and farm buildings were subdivided sometime in the 1950s. With the house listed in 1952, at least two of the structures subject to this application could therefore have been potentially curtilage listed. However, as this issue was not pursued as part of an application in 2014 to convert these buildings nor the subsequent 2019 decision this matter will not be considered any further.
- 5.11 The issue to consider is whether the proposal will harm the setting/significance of the listed buildings. In the earlier consent it was deemed that the three barns that are to be converted vary in scale, character and form. The contrasting scales, construction and characters help create a clear hierarchy of building uses, forms and functions. Along with Rangeworthy Court and the church, these buildings can be considered to form what is part of an attractive and historic group of buildings. Focusing on the current proposal it is considered that the reduction in height and simplification through the removal of opening is actual beneficial in emphasising further this hierarchy and making the building more subordinate to its neighbours, both those part of the scheme and the listed elements nearby.
- 5.12 It is concluded that subject to conditions the proposal would preserve the setting of the Grade II Rangeworthy Court and the Grade II\* Church and would furthermore, provide an additional 3 new homes to the housing supply. There are therefore no objections in heritage terms.

### 5.13 Residential Amenity

The changes proposed will not result in any additional significant impact upon neighbouring occupiers over and above the consented scheme nor would there be any impact upon the amenity space provision for the future occupiers.

### 5.14 Conditions

All the previous conditions applied to PT18/4838/F are still applicable and are set out below this report.

### 5.15 Other Issues

The concerns raised by the Parish Council are noted however the current proposal does not propose an alteration to the site layout or access. It is not considered that this is material to the determination of this application given that the consented scheme could be implemented as approved. No objection to the access is raised by Transportation Officers and the current proposal does not involve a change to the consented layout or access previously deemed acceptable.

The Highway officer has requested confirmation of the parking provision, including cycle spaces in particular given that the changes to barn c indicate an additional bedroom. Seven spaces will be required. The applicant has indicated that the site layout will not be changing from that previously approved and that ten spaces can and will be provided. The Highway Officer has noted this response and notes that cycle parking was not raised as an issue previously. In the light of this no objection is raised.

### 5.16 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.

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.

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 Condition 2 is varied.

## **CONDITIONS**

1. The development hereby permitted shall be begun before the expiration of three years from the date of permission PT18/4838/F (7th June 2019).

Reason

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

2. The application shall be carried out in accordance with the following plans:

Received 22nd October 2018

LDC2141\_01 LOCATION PLAN  
LDC2141\_02 EXISTING SITE PLAN  
LDC2141\_03 EXISTING SITE LAYOUT PLAN  
LDC2141\_06 BARN C EXISTING PLAN  
LDC2141\_09 BARN D EXISTING ELEVATIONS  
LDC2141\_10 BARN D EXISTING ELEVATIONS  
LDC2141\_17 BARN D PROPOSED ELEVATIONS

Received 16th April 2019

LDC2141\_15A BARN D PROPOSED GROUND FLOOR PLAN  
LDC2141\_16A BARN D PROPOSED FIRST FLOOR  
LDC2141\_19A PROPOSED SITE PLAN  
LDC2141\_21 INDICATIVE WALL DETAIL  
LDC2141\_25 PROPOSED ECOLOGY MITIGATION

Received 10th May 2019

LDC2141\_22A PROPOSED LANDSCAPING

Received 21st May 2019

LDC2141\_18B BARN D PROPOSED ELEVATIONS

Reason  
For the avoidance of doubt

### 3. Details of design

Prior to the commencement of the relevant works, the detailed design of the following items shall be submitted and approved in writing by the local planning authority.

- a. All new windows and fixed glazing (including cill, head, reveal and glass details)
- b. All new rooflights
- c. All new doors (including frames and furniture)
- d. All new vents and flues
- e. Eaves (including rainwater goods), verges and ridges

The details shall be submitted via elevation and section drawings at a scale of 1:10, and the development shall be completed strictly in accordance with the agreed details

Reason

In order that the development serves to preserve the architectural and historic interest of the building(s) and the setting of the listed buildings, in accordance with section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out in the NPPF, Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) 2013 and Policy PSP17 of the South Gloucestershire Policies Sites and Places Plan (Adopted) 2017.

### 4. Retention of stone slates

The lower course of stone slates to south and north facing roofs to Barn B are to be retained and reused as part of any conversion and retained insitu thereafter.

Reason

In order that the development serves to preserve the architectural and historic interest of the building(s) and the setting of the listed buildings, in accordance with section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out in the NPPF, Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) 2013 and Policy PSP17 of the South Gloucestershire Policies Sites and Places Plan (Adopted) 2017.

### 5. Samples

Notwithstanding the details indicated on the submitted elevations, representative sample panels of natural stonework (for both building and boundary walls) of at least one metre square demonstrating the stone, coursing, mortar and pointing (and in the case of the boundary walls the coping) are to be erected on site and approved in writing by the Local Planning Authority before the relevant parts of the work are commenced. The approved sample panel shall be kept on site for reference until the stonework is complete. Development shall be carried out in accordance with the agreed sample.

#### Reason

In order that the development serves to preserve the architectural and historic interest of the building(s) and the setting of the listed buildings, in accordance with section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out in the NPPF, Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) 2013 and Policy PSP17 of the South Gloucestershire Policies Sites and Places Plan (Adopted) 2017.

#### 6. Details of repairs

Prior to the commencement of the relevant works on site, a detailed specification for the repairs, including any stonework repairs, any proposed structural works (in respect of which approval is expressly reserved), shall be submitted to the council for approval. The specification shall include details of the extent of proposed replacement of historic fabric, and all new materials to be used. All work shall take place in accordance with the submitted details.

#### Reason

In order that the development serves to preserve the architectural and historic interest of the building(s) and the setting of the listed buildings, in accordance with section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out in the NPPF, Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) 2013 and Policy PSP17 of the South Gloucestershire Policies Sites and Places Plan (Adopted) 2017.

#### 7. Details of floors, walls and ceiling finishes

Prior to commencement of the relevant part of the development, full details of the proposed floors, wall and ceiling finishes for Barns B and D shall be submitted and agreed in writing by the local planning authority. The development shall thereafter be carried out strictly in accordance with the agreed details. For the avoidance of doubt, in light of their solid masonry construction and character, the objective should be a specification of floor construction, insulation and internal finishes that are breathable but also provide for an aesthetically appropriate finish. Therefore, battened off dry-lining with skimmed plaster finish won't be acceptable for the main walls of the building. Where the floors are to be (re)constructed, then a limecrete or glasscrete floor could be considered. All work shall take place in accordance with the submitted details.

#### Reason

In order that the development serves to preserve the architectural and historic interest of the building(s) and the setting of the listed buildings, in accordance with section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out in the NPPF, Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) 2013 and Policy PSP17 of the South Gloucestershire Policies Sites and Places Plan (Adopted) 2017.

#### 8. Timber cladding

Prior to the commencement of that part of the development [details/samples] of the timber cladding proposed to be used shall be submitted to and approved in writing by



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

Reason

In order that the development serves to preserve the architectural and historic interest of the building(s) and the setting of the listed buildings, in accordance with section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out in the NPPF, Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) 2013 and Policy PSP17 of the South Gloucestershire Policies Sites and Places Plan (Adopted) 2017.

9. Tile sample

Prior to the commencement of that part of the development [details/samples] of the roofing tile proposed to be used shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

In order that the development serves to preserve the architectural and historic interest of the building(s) and the setting of the listed buildings, in accordance with section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out in the NPPF, Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) 2013 and Policy PSP17 of the South Gloucestershire Policies Sites and Places Plan (Adopted) 2017.

10. Landscape

Prior to the first occupation, a scheme of landscaping, shall be carried out as per Proposed Landscape Scheme drawing 22a received on 13.5.19.

Reason

In order that the development serves to preserve the architectural and historic interest of the building(s) and the setting of the listed buildings, in accordance with section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out in the NPPF, Policy CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) 2013 and Policy PSP17 of the South Gloucestershire Policies Sites and Places Plan (Adopted) 2017.

11. Ecology

The development shall proceed in strict accordance with the Mitigation Measures provided in Chapter 5 of the Day and Night Time Bat Surveys Report (CTM Wildlife, December 2018).

Reason

In order that the development serves to preserve the architectural and historic interest of the building(s) and the setting of the listed buildings, in accordance with section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out in the NPPF, Policy CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) 2013 and Policy PSP17 of the South Gloucestershire Policies Sites and Places Plan (Adopted) 2017.

12. Mitigation

Prior to first occupation, a plan showing the location and specification of bat boxes, bird boxes and new planting recommended in the Day and Night Time Bat Surveys Report (CTM Wildlife, December 2018) and evidence of their installation, erection and/or planting has been submitted to the local authority for approval in writing. All work shall take place in accordance with the submitted details.

Reason

In order that the development serves to preserve the architectural and historic interest of the building(s) and the setting of the listed buildings, in accordance with section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out in the NPPF, Policy CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) 2013 and Policy PSP17 of the South Gloucestershire Policies Sites and Places Plan (Adopted) 2017.

13. Demolish

Prior to the first occupation the two buildings to the north of Barn B and Barn C as identified on Site Plan 02 shall be demolished.

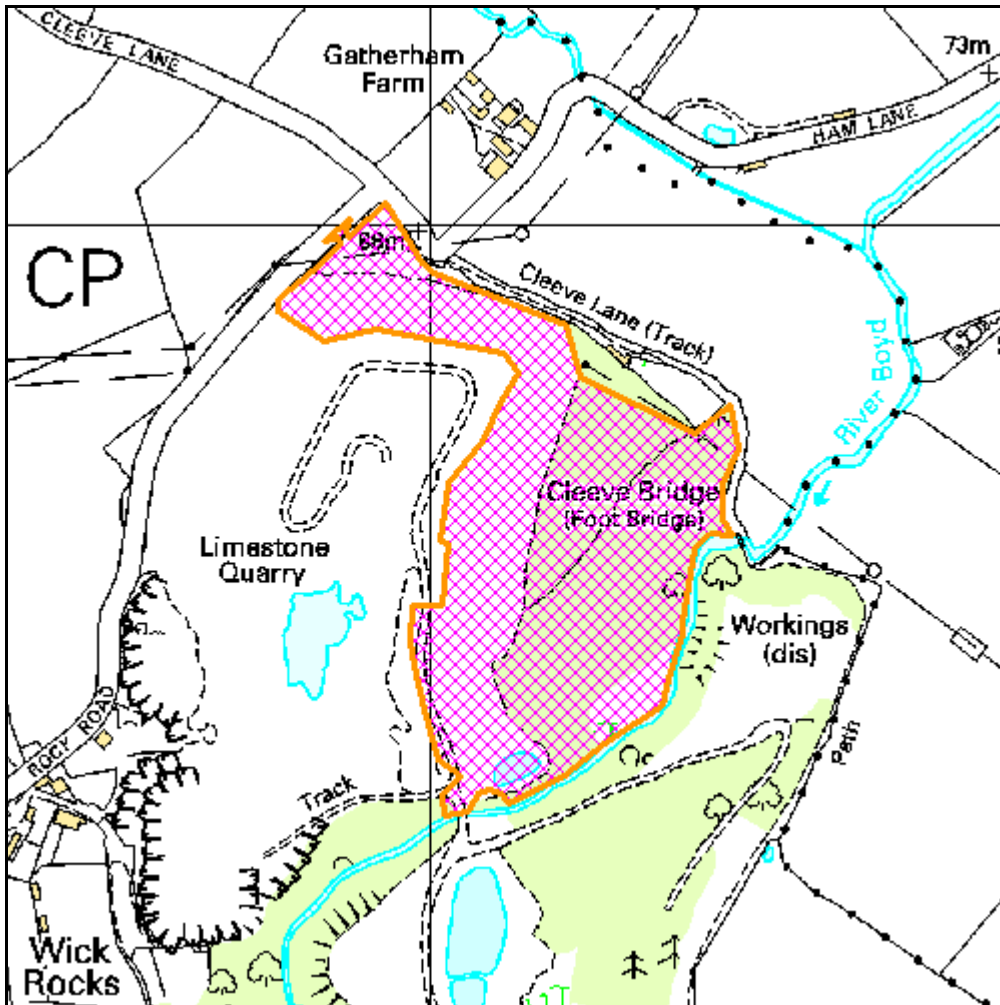
Reason

In order that the development serves to preserve the architectural and historic interest of the building(s) and the setting of the listed buildings, in accordance with section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out in the NPPF, Policy CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) 2013 and Policy PSP17 of the South Gloucestershire Policies Sites and Places Plan (Adopted) 2017.

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

**CIRCULATED SCHEDULE NO. 04/22 - 28th January 2022**

<b>App No.:</b>	P21/00116/F	<b>Applicant:</b>	UK Active Outdoors Ltd
<b>Site:</b>	Wick Quarry London Road Wick South Gloucestershire BS30 5SJ	<b>Date Reg:</b>	26th January 2021
<b>Proposal:</b>	Change of use, for a temporary period of 15 years, of nature reserve (Sui Generis) to nature reserve and outdoor activity centre and recreation space (Sui Generis) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended). Installation of 2 no. Storage units and 5 no. converted shipping containers to form office, cafe, and meeting rooms.	<b>Parish:</b>	Wick And Abson Parish Council
<b>Map Ref:</b>	370894 172717	<b>Ward:</b>	Boyd Valley
<b>Application Category:</b>	Major	<b>Target Date:</b>	23rd April 2021



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 100023410, 2008. **N.T.S.** **P21/00116/F**

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

## **INTRODUCTION**

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

### **1. THE PROPOSAL**

- 1.1 The application seeks permission for the change of use of a nature reserve (Sui Generis) to nature reserve and outdoor activity centre and recreation space (Sui Generis) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended). The change of use would incorporate the installation of 2 no. Storage units and 5 no. converted shipping containers to form office, cafe, and meeting rooms. The activities provided on site would include swimming, stand-up paddle boarding, kayaking, axe throwing, Archery, target sports, bushcraft, wild art, and Conservation classes.
- 1.2 The site itself consists of part of the Wick Quarry complex. The site as whole is a limestone quarry which has been operational for decades. The quarry complex as a whole covers a total of approximately 42 hectares and consists of two main voids areas, steep benches from previous historic working of the site, haul roads, planting areas and hardstanding towards the frontage of the site where much of the quarry infrastructure, processing plant and ancillary development existed. Permission to work the quarry existed until 2042 but this was effectively cut short by the restoration proposals contained in the most recent application highlighted in the planning history section, below, that seek to restore the whole site on a phased basis.
- 1.3 Whilst the main quarry entrance is located off London Road on the south of the site. This proposal concerns an area to the north of the quarry, which would be accessed via Rock Road. The closest residential properties to this part of the existing quarry are located along Rock Road to the west of the existing and worked out quarry void area, and Gatherham Farm lies to the north of the site, along Ham Lane. The site is located within the designated Green Belt and is outside of the identified Wick settlement boundary.

### **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  
CS5 Location of Development  
CS9 Managing the Environment and Heritage  
CS10 Minerals  
CS34 Rural Areas

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

PSP1 Local Distinctiveness

PSP2 Landscape

PSP7 – Development in the Green Belt

PSP9 – Residential Amenity

PSP12 – Development Related Transport Impact Management

PSP17 – Parking Standards

PSP20 – Wider Biodiversity

PSP23 Mineral Working and Restoration

PSP28 Rural Economy

PSP48 – Outdoor Sport and Recreation Outside Settlement Boundaries

2.3 Supplementary Planning Guidance  
South Gloucestershire Green Belt SPD

3. **RELEVANT PLANNING HISTORY**

3.1 There are many consents for individual aspects of quarry plant, workshops office blocks and other development ancillary to the use of the site as a quarry, the permissions below reflect the main consents allowing quarrying, and as such ancillary activities across the site as a whole:

3.2 SG233 – Use of land for surface working of minerals. Permitted 1<sup>st</sup> November 1948

3.3 SG1520 – Extension of quarry workings. Permitted 29<sup>th</sup> April 1950

3.4 SG9862 – Extension to limestone quarry. Permitted 19<sup>th</sup> November 1969.

3.5 N467 – Quarrying on partly excavated land. Permitted 18<sup>th</sup> December 1974.

3.6 NA/IDO/011 – Working of existing quarry and adjoining land. Registered 11<sup>th</sup> December 1992.

3.7 NA/IDO/012 – Surface working of minerals. Registered 11<sup>th</sup> December 1992.

3.8 NA/IDO/013 – Surface working of minerals. Registered 11<sup>th</sup> December 1992.

3.9 NA/IDO/014 – Continued and extended surface working of minerals. Registered 11<sup>th</sup> December 1992.

3.10 NA/IDO/011A – Scheme of conditions for Wick Quarry North. Approved 2<sup>nd</sup> April 1997.

3.11 NA/IDO/012A – Scheme of conditions for Wick Quarry North. Approved 2<sup>nd</sup> April 1997.

3.12 NA/IDO/14A – Scheme of conditions for Wick Main Quarry. Approved 2<sup>nd</sup> April 1997.

3.13 P97/4685/MR – Scheme of Conditions for Wick Main Quarry. Approved 2<sup>nd</sup> April 1997.

- 3.14 P98/4131 – Extension of existing Wick Quarry complex in a north-westerly direction into land at Gatherham Farm. Approved 20<sup>th</sup> November 2000.
- 3.15 PK15/1959/F - Restoration of quarry to a nature reserve and outline permission of a wardens lodge (dwelling), greenhouse, poly tunnel, barns, machinery shed, workshop and office with welfare facilities, education centre and business and office units. Approved 10<sup>th</sup> November 2015.
- 3.16 PK18/0222/F- Restoration of quarry to a nature reserve and outline permission of a wardens lodge (dwelling), greenhouse, poly tunnel, barns, machinery shed, workshop and office with welfare facilities, education centre and business and office units (resubmission - PK15/1959/F). Approved 08<sup>th</sup> November 2018.
- 3.17 PK18/5037/RM - Approval of 'appearance' in relation to the erection of wardens lodge (dwelling), greenhouse, poly tunnel, barns, machinery shed, workshop and office with welfare facilities, education centre and business and office units, boat facilities and associated infrastructure (Approval of Reserved Matters to be read in conjunction with hybrid Outline Planning Permission PK15/1959/F). Approved 15.03.2019.

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

##### 4.1 Wick and Abson Parish Council

At this stage Wick and Abson Parish Council in principle are not against the idea of the activity centre however we have concerns about the proposed access routes and parking given the high volume of traffic which will traverse the single track roads to and from the site and its impact on local residents and the parish in general. We also have concerns about the position of the car park on a ridge above a valley adjoining an area of Cotswold Natural beauty. Please can we request this application be included on the Circulated Schedule.

##### Doynton Parish Council

Make the following comments on the proposed planned development.

1. The potential for additional traffic through the Doynton Parish lanes is a concern.
2. Poor road access to the proposed site entrance via Rock Rd.
3. Impact to traffic levels on Rock Rd.

##### 4.2 Other Consultees:

##### Landscape Officer

There is no landscape objection in principle, but assurance is required that the proposed development is fully integrated with the approved quarry restoration and sufficient screening for the new car-park can be achieved.

##### Tree Officer

The proposals would see some direct and indirect impact on retained trees on site. Whilst on face value the proposal looks to be on the acceptable side of that, it has not been demonstrated through the submission of a formal report that trees will be afforded adequate protection. Due to the lack of supporting arboricultural information demonstrating how trees on the site will be afforded adequate level of protection, the tree officers are unable to recommend supporting this application on arboricultural

grounds at this time. If further arboricultural information is submitted please re-consult.

#### Ecology Officer

The ecological survey was undertaken in 2017 and we would require updated surveys prior to determination to inform the planning application.

The existing reports do not make reference to the proposed development / use of the site as these were submitted for the enhancement of the quarry. The surveys will need to assess the impacts of the proposed works and continuous use of the site on all protected species and habitats including GCN, reptiles, nesting birds, bats, otters, water voles, white clawed crayfish and if any impacts are likely to the SNCI and LNR close to the site. The new report will include habitat assessment on all suitable waterbodies within 500m of the site.

Due to the ongoing use of the site which could disturb foraging and commuting bats, activity surveys will be required as light sensitive species are within the local proximity of the site. Foraging potential will need to be established within the updated ecological survey which will dictate the survey effort to be carried out, please refer to BCT guidelines. The report should also aim to achieve biodiversity net gain.

If sufficient data and mitigation has been submitted and the planning application has been agreed it is likely that an updated landscape and ecology management plan (LEMP) will be required.

#### Sustainable Transportation

In respect of the initial submission and transport information submitted, it was considered that there was insufficient information. Clarification was therefore sought on a number of points including:

- any remedial works necessary in order to make the northern lake site area suitable for its proposed use
- any details construction traffic, quarry traffic and the routing for such traffic.
- proposed fencing arrangement between the two sides of the Wick quarry.
- how quarry traffic would be prevented from using Rock Road if a new access is to be created on Rock Road
- details of the new site entrance with visibility splays onto the public highway in line with the visibility standards
- clarification on the potential reduction of attendees using private cars.
- Any traffic data available from other sites in applicant's control
- more details relating to passing places along Rock Road and Cleeve lane and a composite plan showing the location of the existing and the proposed passing places
- any mini bus parking space proposed on site
- greater clarity on potential use of any local car park or business use associated with this.
- any cycle parking provision

#### Highways Structures

Details of excavations and the temporary support that is to be provided during construction of the vehicle access are to be submitted to satisfy the highway authority that support to the highway is provided at all times.

#### Public Rights of Way

The proposed change of use from Nature reserve to activity centre may affect the nearest public rights of way as it is in close proximity. The PROW Officer advise a number of limits and factors that must be taken into account.

#### Public Open Space

No comments to make

#### Lead Local Flood Authority

No objection in principle

#### Arts and Development

No comment

#### Avon and Somerset Constabulary

Having viewed the information as submitted I find the design to be in order and complies appropriately with the crime prevention through environmental design principles. No objection or comments

#### On behalf of the British Horse Society

I have no objection to the development of a leisure centre but I object to the use of Rock Road as an access point. The extra traffic would cause more danger on the network of lanes and a bridleway much used by horse riders, walkers and cyclists. If this application succeeds, Rock Road needs improvement and access via Cleeve Lane and Ham Lane needs to be restricted to non-motorised traffic.

Other Representations:

#### 4.3 Local Residents

Summary:

Approximately 350 responses have been received to the planning application. Of these there was a greater number in support of the proposals. It should be noted that, as well as support coming from the immediate local area, responses were also received from further afield and the wider Bristol/Bath area in support of the principle of the proposals. In terms of local objections, it may also be noted that a number of them were not necessarily in objection to the principle of the site, however had concerns around/were objecting to the volumes of traffic and the proposed access to the site.

The objections are summarised as follows:

Highways concerns:

- increased traffic through the surrounding lanes
- the rural lanes are used for walking, cycling and horse-riding and would be unsuitable for such vehicle increase
- the local road network is incompatible and cause a danger with the increased traffic associated with the proposed use
- concern over the acceptability of the proposed access into the site and sufficient parking availability
- single lanes/narrow roads would not be sufficient for such use, there would not be sufficient passing points and a one way system would not work/is not wanted



Other concerns included:

- anti social behaviour has been experienced at the quarry and this would be increased
- noise pollution/disturbance resulting from the use and the hours of operation proposed
- visual amenity impact upon the area and the Green Belt
- ecological appraisal is out of date and further ecological survey is required
- detriment to local flora and fauna

Support is summarised as follows:

- will provide a beneficial facility for the area
- traffic can be managed
- good for mental health
- good for physical fitness and wellbeing
- good for the local economy
- will provide local people opportunities to experience outdoor activities
- good use of a local resource
- there is a lack of suitable or similar facilities in the region
- it is a much needed outdoor facility

## **5. ANALYSIS OF PROPOSAL**

### **5.1 Principle of Development**

The proposals seek permission for the change of use of a nature reserve (Sui Generis) to nature reserve and outdoor activity centre and recreation space (Sui Generis) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended), incorporating the installation of 2 no. Storage units and 5 no. converted shipping containers to form office, cafe, and meeting rooms. The site would facilitate the use of part of the existing northern sector, and northern quarry void for the purposes of outdoor recreation, including

5.2 The site is located within the designated Green Belt. The principle of the site as a quarry and subsequently its restoration to a to a nature reserve and associated facilities and infrastructure, as described in the relevant section above, is established and has been approved. The issues for consideration are therefore whether the proposed change of use and associated infrastructure, the subject of this application, are acceptable and compatible with the approved use, and the wider objectives for the site, currently being implemented, and which is stated would remain a combined use with this proposal, and whether the proposed use would be acceptable and appropriate at this Green Belt location.

5.3 PSP48 states that proposals for the development, expansion or improvement of outdoor sports and recreation (including water related recreation, motorised and noisy sports and golf facilities) outside the existing urban area and the boundaries of settlements, will be permitted provided that the development would be acceptable in transportation, highway safety and environmental terms, would not unacceptably prejudice residential amenities or any external lighting would give rise to loss of amenity or become a safety hazard. New buildings will only be permitted where the conversion or re-use of existing buildings is not practical and where they are essential for and proportionate to the use of the land for outdoor sport and recreation.

- 5.4 Policy PSP23 seeks the beneficial after use of quarries. Restoration and aftercare of mineral development should be in keeping with the character and setting of the local area and should contribute to the delivery of uses of, amongst other things, biodiversity and habitat, native woodland and/or recreation.
- 5.5 Compatibility with Existing and Previously Approved aims of the site as a Nature Reserve:  
As highlighted in the planning history above, the site benefits from permissions to secure the quarries restoration for use as a nature reserve. It is stated that the proposals are for a temporary period, however this period could be for 10-15 years. It is also stated that the proposals will not prevent the wider and previously approved aims of the quarry complex to become a nature reserve and that this project would run alongside those aims.
- 5.6 It is stated that the Quarry Operators have been involved in the formulation of the scheme to ensure the restoration scheme to a nature reserve is not affected in the long term. In the shorter term, the proposals provide a presence and some security to issues in the northern area of the quarry. The quarry operators will restore both northern and southern voids over the next 20-25 years in phases to the approved scheme and this scheme should not impact its wider aspirations. The application is for a temporary change of the northern sector with agreements in place with the quarry owners and applicants which can be reviewed pending progress. It is stated that this planning application is not intended to supersede the current restoration scheme but to work alongside the ongoing phased restoration. The low impact activities will work in conjunction with the site. Any construction materials are already on site i.e. gravel for surfacing, and all structures are portable, temporary and designed and located to integrate. Access to certain areas by the public will be blocked, to ensure those areas are not disturbed whilst conservation work to develop and maintain these areas continues whilst the owners/operators continue on their restoration plans in other areas of the site until such time as work progresses to areas of the site occupied by these activities.
- 5.7 In the above respects the proposals are considered to be in accordance with policy and the broad principles and aims of wider policy guidance. They can also, in broad terms, be considered satisfactorily alongside the approved and ongoing phased restoration of the quarry as a whole. However this would be subject to further specific consideration in terms of the sites appropriateness in its Green Belt location, discussed in more detail below.
- 5.8 The main issues to consider are any impacts upon local amenity, environment and conservation, highways impact and consideration of the proposals against Green Belt policy presumption. The main policy requirements are referred to in the relevant section above, the main areas for consideration are highlighted below:
- 5.9 Green Belt  
The site is located within the designated Green Belt. The issue for consideration is whether or not the proposed development is appropriate in the Green Belt and if not, whether very special circumstances exist such as to outweigh any policy presumption.

5.10 National Planning Policy Framework clearly states that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

Green Belt serves five purposes:

- To check the unrestricted sprawl of large built-up areas
- To prevent neighbouring towns merging into one another
- To assist in safeguarding the countryside from encroachment
- To preserve the setting and special character of historic towns, and
- To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

5.11 The NPPF states that Local Planning Authorities should plan positively to enhance the beneficial use of Green Belt, such as looking at ways to provide access and to provide opportunities for outdoor sport and recreation. The proposals the subject of this application meet these tests.

5.12 Further to the above consideration, development in the Green Belt is inappropriate except in certain specifically identified circumstances. The NPPF identifies these criteria where development may be considered appropriate in the Green Belt. Amongst these criteria is the *provision of appropriate facilities (in connection with the existing use of land or change of use) for outdoor sport and outdoor recreation, as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it*. Further to this the material change of use (such as changes of use for outdoor sport or recreation) are also considered appropriate provided they preserve its openness. The NPPF also states that limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use can be appropriate where it does not have a greater impact upon the openness of the Green Belt than the existing development.

5.13 The proposals are for outdoor recreational use which is considered acceptable in this respect. There will be some structures/temporary storage units and containers utilised for facilities which are considered appropriate to the change of use. In addition to these there will be relatively low level, low key, temporary and removable. In this respect the development can therefore be considered appropriate, the purpose of the land included in the Green Belt retained and the openness of the Green Belt can be considered to be preserved.

Such use as proposed would generally require a rural location, accessible to the population, and given that the Green Belt designation largely exists between the urban area of Bristol and the rest of South Gloucestershire, it is of great likelihood that suitable land for such use would by necessity be within designated Green Belt in order to provide such outdoor recreation activity opportunities for the areas it serves. The outdoor swimming element is provided for by one of the quarry voids itself, creating the waterbody to be used. This reflects the locational aspirations of the NPPF, and also reflects the criteria that states that the provision of appropriate facilities for outdoor sport and recreation are appropriate.

In providing such a facility for recreational use in the Green Belt, a certain amount of parking provision would inevitably be required to be provided and this is compatible with the use being proposed and considered. This would be considered as part of the appropriate facilities for outdoor recreation in this instance associated with the sites proposed use, and would not therefore conflict with the purposes of including land within the Green Belt, and would satisfactorily preserve the openness and open field nature that the proposals would retain across the majority of the site. In addition to this the suitable positioning of parking provision, and landscape screening can further address impact upon openness. This issue is considered under *Landscaping* below; the impact on Green belt openness is considered to be limited.

- 5.14 Whilst the proposals are stated as temporary, it is also stated that this would be a potentially lengthy period at 10-15 years. This would also be dependent upon the timescales for the ongoing restoration of the quarry to a nature reserve, which includes this area of the site. Full restoration of the whole quarry complex is a large and lengthy project. On this basis a condition is recommended limiting the permission to that specified and securing restoration, in accordance with the overarching approved restoration scheme/masterplan thereafter.
- 5.15 Given the above points, it is considered that the proposal can be considered and appropriate with the context of its Green Belt location.
- 5.16 Landscape/Trees  
The majority of the elements proposed are contained within the quarry itself, which is considered to represent limited change to the previously assessed landscape and visual impacts. The introduction of the car-park within the north-western corner of the site, introduces a new element into the existing scrub vegetated boundary of the quarry site and the landscape and visual impacts therefore has been assessed separately. The car-park is to be accessed via a new entrance created within the boundary security fence and will be gated. No landscape mitigation proposals are included on the layout, relying on the existing vegetation outside the site boundary, to screen development. The carpark site is elevated from the surrounding lanes, which should limit views and potential glint and glare from parked cars, when viewed from the adjacent AONB. Notwithstanding this, in view of the previous vegetation removal around the site perimeter, to erect the security fence, landscape mitigation is required to screen the new car-park from wider Green Belt views.
- 5.17 A full tree survey has not been submitted as there is no vegetation removal proposed, other than some Ash trees subject to Ash Dieback located close to the access path, which will need to be felled for health and safety reasons, and no permanent development or structure are proposed.
- 5.18 It is considered that the proposed development should fully integrate with the approved quarry restoration and sufficient screening for the new car-park can be achieved. A condition is recommended securing additional planting to provide peripheral screening.
- 5.19 Given the Green Belt considerations in respect of the proposed buildings, i.e. relatively low level removable and located within the quarry, it is considered that their scale, design, positioning and materials used would be acceptable. The use of the remainder site is considered acceptable in this rural location. Additional landscape mitigation

would be secured through recommended conditions securing tree protection, additional planting and details of boundary treatment. On this basis it is considered that the proposals would integrate acceptably within the local landscape environment and there are no landscape objections in principle to the proposals. Structures would generally be away from the periphery boundaries.

#### 5.20 Highways

It is noted that neither the existing site access nor the existing car parking area associated with the main quarry, off London Road, are to be utilised. Instead, the applicant is now proposing to construct a new access off Rock Road with a new parking area near the northern lake of the quarry. In accordance with the original restoration plans for Wick quarry there is already travel plan in place which has been approved for their restoration project, whereby quarry vehicles cannot use the access on Rock Road

5.21 Rock lane is a single track with limited passing places and it is well used by a number of local walkers, cyclists and horse riders. Traffic approaching the development site entrance from north direction is likely use Cleeve Lane. This is a single carriageway rural road which runs on an east to west alignment, spanning from the junction with Abson Road to the High Street near the settlement of Doynton.

5.22 In order to provide some context on the anticipated trip generation from the site, the applicant has provided an indication of the number of people expecting and range of capacity for each elements that the outdoor centre provides. Based on maximum estimation number of people expected on site, the applicant estimates the trip generation to the site to be around 314 on weekday and around 562 at weekends - these are based on the applicant's assumption that 50% of attendees would drive to site. Taking the higher traffic figures of 562 and assuming that such traffic would be spread over the course of opening hours of the site (say 10 hours during summer period) then, the resulting development traffic would mean one additional car trip each minutes. The Methodology is considered broadly acceptable, however further clarification on the potential reduction of private car use was sought. The transport statement figures provided indicate that this is the maximum, i.e. worst case scenario, in terms of vehicle trips. The applicants indicate, from current experience with other centres, that realistically there is often 2-5 people per vehicle between family and friends. Sustainable travel to the site will also be a factor of travel to the site. Many of the active users of the sites may typically cycle or run to the site as an integral part of triathlon training. Alternatively car sharing is also common practice. The number of vehicles generated in these respects is therefore likely to be lower than the maximum capacities reviewed in the transport statement. Attendances will be known and can be controlled by the booking system which would be required for the activities available.

5.23 The proposals will provide a dedicated car park at the entrance from Rock Road, the car park will have provision for 40 car parking spaces. Mini bus space would be available on request and areas of the car park set aside for this. There will also be sufficient space to provide for cycle parking.

5.24 In terms of site access and visibility, the visions splays for vehicles from the north appear acceptable. From the south however, more information/details are required to ensure that visibility distance for the access conforms with the Design Manual for Roads and Bridges (DMRB). If the applicant considers that the visibility guidance as

contained in 'Manual for Streets' (MfS) document is more applicable at this location, then it would be appropriate to provide speed readings to justify this.

- 5.25 Some highway works, is likely to be required on the public highway in order to provide access and the vision splays. It should be noted by the applicants that any works necessary on the public highways works on the public highway may have to be secured under an appropriate legal agreement.
- 5.26 Based upon the information provided in the Transport Statement, incorporating the maximum, worst case scenario figures, the available parking and the necessity to book, the site can spread the sessions and classes over a whole day and allocate the limited parking spaces for those who have booked and not just arrive on the day. This will allow traffic to arrive and depart at different times, and attendance can be controlled. Overall, given the nature of the proposed development and the bookable only nature to get access to the site, the officer is satisfied that many people may choose to travel to the site in groups including with families rather than drive individually. While the proposal would increase traffic movement in the area it is considered that it can be adequately accommodated within the local highway network, and this alone would not be sufficient in its own right to be used as reason to refuse the application. Further details on visibility splays are however required, which would need to be submitted to the Council and a Travel Plan would also be required, the later could be secured by condition.
- 5.27 Local Amenity  
There will be ongoing activity associated with the proposed site in terms of usage and vehicle movements. The nearest residential properties are located to the north and to the west of the site. The main areas of land-use associated with the proposals would be to the north and east of the existing quarry void. This area itself is relatively remote from residential properties. The main uses are located well within the quarry complex, with buffers to the boundaries and beyond. Vehicle movements are referred to in the relevant section below. The issue for consideration is the level of amenity impact arising from the use of the site upon the nearest residential properties, whether this impact is significant and material and whether any impact can be mitigated.
- 5.28 The use of the site itself is unlikely to give rise to any significant or material amenity impacts, given their nature, location and relationship with the immediate surrounding area, and is considered compatible with the location and nature of the site. Hours of operation are proposed and recommend as conditions of consent. It is not therefore considered that given the location of the site and the nature of the proposed use, that use of the site as proposed at this location, would give rise to a significant or material impact such as to warrant objection and sustain refusal of the planning application on this basis.
- 5.29 Public Rights Of Way  
Public Rights of Way exist in and around the site, their routes would not be directly affected. Limitations on development in proximity to public footpaths is specified and can be provided as an informative.
- 5.30 Ecology  
An Ecological Assessment has been provided with the application to try and demonstrate the current level of ecological interest within the site. The data relied

upon however is from 2017 and appears relative to previous development proposals for the site as the nature reserve, and not taking into account the uses proposed under this application. The issue for consideration is therefore whether and what changes have occurred since that time, how the proposals integrate with the wider aims of the site for establishing a nature reserve, the level of any impact and whether any mitigation measures are possible or indeed necessary when assessing the change of use proposals, any built form and any impact upon habitat, trees and hedgerows.

5.31 The surveys will need to assess the impacts of the proposed works and continuous use of the site on all protected species and habitats including GCN, reptiles, nesting birds, bats, otters, water voles, white clawed crayfish and if any impacts are likely to the SNCI and LNR close to the site. The new report will include habitat assessment on all suitable waterbodies within 500m of the site. As the ecological details submitted and relied upon by the applicants is old, further updated ecological details will be required. This, by law, will be required prior to full determination – see recommendation 1. below. It is also recommended that a Landscape and Ecological Management Plan is required. This can be secured by condition

#### 5.32 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 planning permission has been taken having regard to the policies and proposals in the South Gloucestershire Development Plan, set out above, and to all the relevant material considerations set out in the report.

### 7. RECOMMENDATION

7.1 That authority be delegated to the Director of Environment, and Community Services to grant planning permission, subject to the conditions set out below and:

1. Subject to receipt of additional up to date Ecological Assessment details, to the written satisfaction of the Council's Ecology Officer.

2. Subject to receipt of additional details providing/demonstrating satisfactory visibility to the access, to the written satisfaction of the Council's Highways Officer.

3. If necessary, having regard to 2. above, the applicants first voluntarily entering into an appropriate legal agreement to secure any works deemed necessary on the highway in the provision of access and visibility to the entrance of the site.

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

Should the Section 106 not be completed within 6 months of the date of this Circulated Schedule report that delegated authority be given to the Director of Planning, Transport and Strategic Environment to refuse the application if an extension of time to complete the agreement is not sought.

## **CONDITIONS**

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

Reason

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

2. The development/works hereby permitted shall only be implemented in accordance with the plans as set out in the plans list below:  
Location Plan, Block Plan and Existing and Proposed Plans and Elevations (Refs 00A, 01A, 02A, 03, 04, 05, 06, 07, 08A, 09, 10, 11 and 12), received by the Council on the 22nd January 2021.

Reason

To define the terms and extent of the permission.

3. Upon cessation of the use hereby permitted, or within 15 years from the date of this permission, whichever is sooner, the site shall be cleared and shall be restored in accordance with the details of the approved restoration scheme for the site agreed pursuant to planning permission PK18/0222/F.

Reason

In the interests of the satisfactory restoration of the site, in accordance with the approved plans and details, and to accord with CS1 of the South Gloucestershire Local Plan Core Strategy Adopted December 2013 and PSP23 of the South Gloucestershire Local Plan: Policies, Sites and Places (PSP) Plan Adopted November 2017.

4. Prior to the commencement of the development hereby permitted a landscaping scheme illustrating additional peripheral screening around the car parking area shall be submitted to the Local Planning Authority for written approval and thereafter implemented as approved in the next available planting season.



Reason

In the interests of the visual amenity of the area and to accord with CS1 and CS9 of the South Gloucestershire Local Plan Core Strategy Adopted December 2013 and PSP1, PSP2 and PSP7 of the South Gloucestershire Local Plan: Policies, Sites and Places (PSP) Plan Adopted November 2017.

5. Prior to the commencement of the development hereby approved a Landscape and Ecological Management Plan shall be submitted to the Council for written approval and thereafter implemented as approved.

Reason

In the interests of the ecology and visual amenity of the area and to accord with CS1 and CS9 of the South Gloucestershire Local Plan Core Strategy Adopted December 2013 and PSP1, PSP2, PSP7, PSP20 of the South Gloucestershire Local Plan: Policies, Sites and Places (PSP) Plan Adopted November 2017.

6. The use hereby permitted shall not be open to the public outside the hours of 0900 to 2000, Mondays to Sundays.

Reason

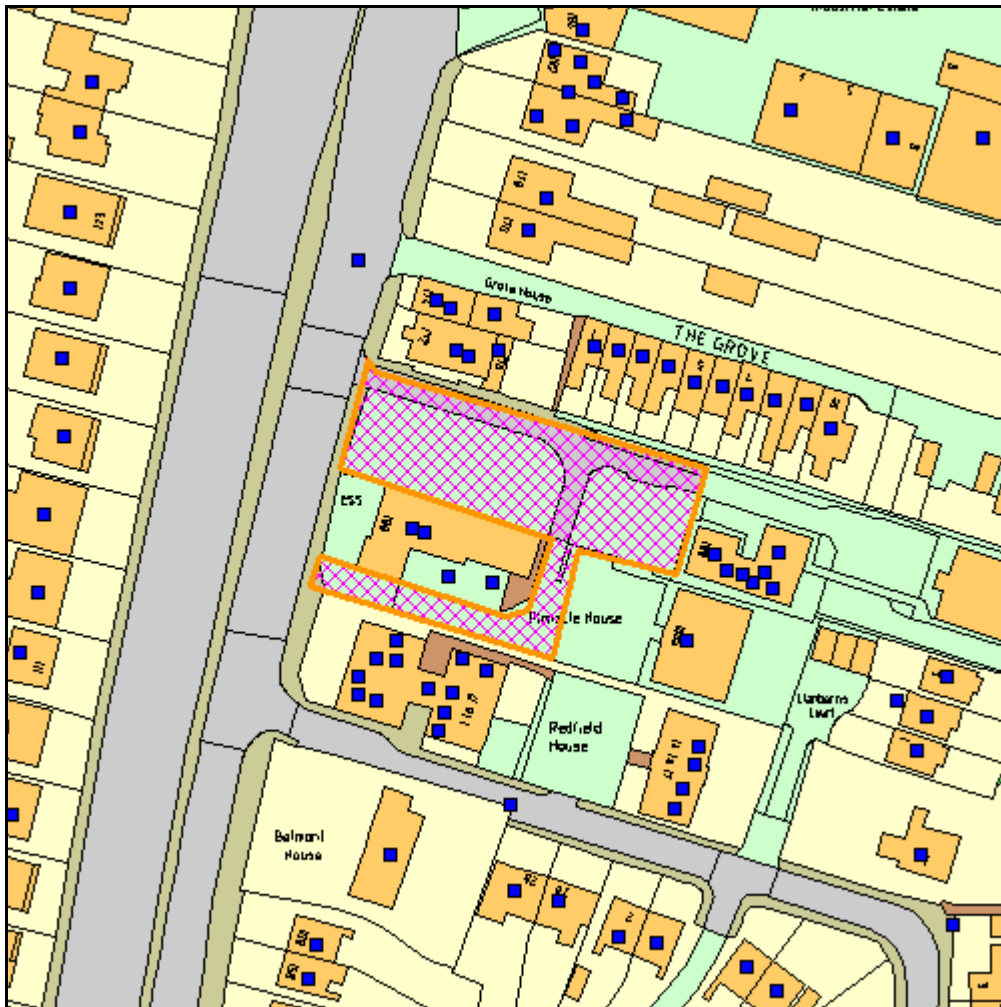
In the interests of local amenity, in accordance with the details submitted and to accord with CS1 and CS9 of the South Gloucestershire Local Plan Core Strategy Adopted December 2013 and PSP9 and PSP48 of the South Gloucestershire Local Plan: Policies, Sites and Places (PSP) Plan Adopted November 2017.

**Case Officer: Simon Ford**

**Authorising Officer: Helen Ainsley**

**CIRCULATED SCHEDULE NO. 04/22 - 28th January 2022**

<b>App No.:</b>	P21/03236/F	<b>Applicant:</b>	Company 168 Ltd
<b>Site:</b>	Land At 168 Gloucester Road Patchway South Gloucestershire BS34 5BG	<b>Date Reg:</b>	18th May 2021
<b>Proposal:</b>	Erection of 2 no. buildings to form 8 no. flats (Class C3) with other associated works (Resubmission of P20/07852/F).	<b>Parish:</b>	Patchway Town Council
<b>Map Ref:</b>	360656 181422	<b>Ward:</b>	Charlton And Cribbs
<b>Application Category:</b>	Minor	<b>Target Date:</b>	8th July 2021



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 100023410, 2008. **N.T.S.** **P21/03236/F**

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

### **REASON FOR REFERRAL TO CIRCULATED SCHEDULE**

This application appears on the Circulated Schedule due to the receipt of 4 letters of objection contrary to the officer recommendation.

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

- 1.1 The application seeks full planning permission for the erection of 8 flats on two vacant parcels of land facing onto Gloucester Road, Patchway. The site is currently overgrown and surrounded by hoarding to the front. At the time of the officer site visit it was noted that the rear parcel appears to be used informally for parking associated with the care home to the rear of the site.
- 1.2 The application site is surrounded by a variety of land uses predominantly residential and a care home. The application site is located in the North Fringe of Bristol and is within the settlement boundary. The site is not affected by any designated or non-designated heritage assets.
- 1.3 The 8 flats will be created in two blocks. The block to the front of the site will contain 6 units, and the smaller block to the rear of the site will contain 2 units.
- 1.4 This is the resubmission of a previously refused application reference P20/07852/F. This previously refused application was for the erection of 9 flats whereas the current approval is only for 8 flats. The previous application was refused for the following reasons:
  - 1) The development of Block A if allowed, would allow for direct intervisibility from the projecting balcony and primary room windows into the windows of No's 172 and 172A Gloucester Road. Furthermore, Block A sits immediately to the south of No/s 172 and 172A and as a result of its height and proximity, would result in unacceptable levels of overshadowing and have an overbearing impact on these properties. The application is therefore contrary to the requirements of PSP8 of the South Gloucestershire Local Plan (Adopted).
  - 2) By virtue of the layout of the site, the application fails to provide functional, safe and suitably orientated amenity space to meet the needs of the future residents of Block A. The application is therefore contrary to the requirements of Policy PSP43 of the South Gloucestershire Local Plan (Adopted).
  - 3) The application fails to provide for cycle storage on site. In accordance with Policy PSP16, each flat should be provided with 1 secure and undercover cycle space. No such provision is made. Furthermore, given the very constrained site, officers are not satisfied that such provisions could be satisfactorily made without needing to alter the proposed layout or building design. The application therefore fails to provide secure and undercover cycle storage required to satisfy the requirements of PSP16.

- 4) When considered in conjunction with No 166 Gloucester Road, given the ownership and planning history this scheme is considered to represent artificial subdivision to avoid the requirement for an Affordable Housing contribution. In the absence of a S106 agreement to secure 35% affordable housing across the two sites, the application fails to secure affordable housing as required by Policy CS18 and the South Gloucestershire Council Affordable Housing and Extra Care Housing SPD.
- 1.5 During the course of the application negotiations have been undertaken to address the previous reasons for refusal and address concerns raised by neighbours and officer.

## **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework 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
CS16	Housing Density
CS18	Affordable Housing
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
PSP20	Flood Risk, Surface Water, and Watercourse Management

- 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**

This site has a long history. The most recent applications being as follows:

- 3.1 P20/07852/F Erection of 2no. buildings to form 9no. residential units and associated works.

Refused February 2021 for the reasons listed in paragraph 1.4 above

- 3.1 P19/4761/F Erection of two storey building to form Dental Surgery at ground level and 3 No. flats at first floor level and associated works.  
Withdrawn June 2019
- 3.2 PT15/5413/F Erection of two storey building to form Dental Surgery at ground level and 3 No. flats at first floor level and associated works.  
Withdrawn June 2016
- 3.3 PT11/1009/F Retrospective amendments to previously approved scheme PT07/2611/F to increase bedrooms from 4 to 5 on ground floor and various elevational changes to House 3.  
Approved May 2011

Relevant applications on adjacent site 166 Gloucester Road

- 3.4 P20/09958/F Erection of first floor extension to form 1no. residential flat (Class C3), with associated works.  
Approved November 2020
- 3.5 P19/4771/F Erection of first and second floor rear extension to form additional 6no. flats (use class C3) to include partial change of use of the existing second floor. Alterations to ground floor windows and associated works.  
Withdrawn 17.09.2019:
- 3.6 P19/1298/PNOR Prior notification of a change of use from offices (Class B1a) to residential (Class C3) to create 8no. flats as defined in the Town and Country Planning (General Permitted Development) (England) Order 2015.  
Approved with conditions 01.04.2019:
- 3.7 Whilst details of pre-application advice requests are not public, officers confirm that a pre-app covering both 166 and 168 was submitted to the Council in November 2019. This is material to the assessment below

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

- 4.1 Patchway Town Council  
No objection providing sufficient parking is provided
- 4.2 Sustainable Transport  
Raise no objection subject to conditions
- 4.3 Lead Local Flood Authority  
No objection following the submission of additional information
- 4.4 Highway Structures  
No comment
- 4.5 Archaeology  
No comment

4.6 Housing Enabling  
Object as no provision for affordable housing has been made.

4.7 Police  
No objection

4.8 Local Residents  
4 no. objection comments have been received for this application, which are summarised as follows:

- Don't need any more flats
- Parking is an issue for existing residents who do not have driveways or garages
- It is illegal to park on double yellow lines
- Infringe on privacy into gardens and upstairs windows
- Will impact on the safety of residents walking and accessing neighbouring businesses
- Add to existing congestion
- Loss of privacy and light
- Amenity space is insufficient
- Will impact on the adjacent children's day nursery

## 5. ANALYSIS OF PROPOSAL

5.1 The proposed development seeks to construct two buildings that will cumulatively contain 8 flats.

5.2 Principle Of Development  
Policy CS5 of the Core Strategy directs new residential development in the first instance to the Northern and Eastern fringes of Bristol, and then to within settlement boundaries as designated on the policies map. The site falls within the North Fringe of Bristol Urban Area and so purely on a locational basis, residential development is acceptable in principle at this location.

5.3 The adjacent site (166) also has a complex history. Application P20/09958/F granted permission to create 1no. Residential flat by extending the office roof to the rear. There is also an extant permission at the adjacent site for the creation of 8 flats through application P19/1298/PNOR. Should both schemes be implemented, this would resulting in a total of 9no. flats on the neighbouring site.

5.4 Design and Layout  
The site is currently vacant and is starting to look a little unkempt. The proposal is to erect 2 separate blocks on the site. The block to the front of the site (Block A) will be 2 storeys in height and will accommodate 6 flats Each of the flats will have one bedroom. Each of the flats will be provided either with a small garden bar flat 5 which will have a small balcony. A communal bin store is provided to the front of the site.

5.5 As initially submitted, your officer raised a number of concerns relating to the design of block A. The concerns focused primarily on the balcony for flat 5

being surrounded by a 2m high timber screen, the fenestration to the front of block not match that of the adjacent building, queries over the treatment of the front of the site. In response to the concerns raised a revised set of plans were received. Changes were made to the layout of the site, amendments to the amenity space provision, provision of landscaping along the site frontage, a significant reduction in the height of the ridge along the northern boundary, changes to the fenestration and changes to bin and cycle storage. Following the receipt of the amended plans, purely in design terms, the appearance of the building A is appropriate for its location.

5.6 Block B will be located to the rear of the site. It will be 2 storeys in height and will accommodate 2 flats – one on the ground floor and one the first floor. Each of the flats will have one bedroom and will also have a small garden space. Again, the design of the building B is considered to be appropriate for its location.

5.7 It cannot be disputed that this is a high density proposal at 70dph. However, this fits well with the location of the site – on a busy main road surrounded by a combination of residential and commercial property. The proposal provides a number of small one bed flats that could provide first time homes or help accommodate the workforce of the substantial business in the North Fringe area. No objection is therefore raised to the design or density of the proposed development.

5.8 Residential Amenity

PSP8 sets out to protect the occupiers of neighbouring properties and of a development itself from adverse impacts on residential amenities caused by unacceptable impacts. Such unacceptable impacts include (but are not limited to) loss of privacy/overlooking; overbearing/dominant impacts; loss of light/outlook and; noise, fumes and vibration. One of the refusal reasons attached to the previous refusal related to the impact of the development on the amenity of the occupiers to the North (172 and 172A). Significant changes have been made to the proposal to address the impact on these neighbours.

*Neighbouring occupiers*

5.9 Immediately to the north of the application site lies the former Patchway Gospel Hall which gained permission to be converted to 2 maisonettes in 2005 (PT05/2296/F). No's 172 and 172a in the former Gospel Hall have primary room windows directly facing the application site. As a result of the amended plans, all projecting balconies have been removed from the Northern elevation of flat block A. Only one balcony remains and that balcony is inset rather than projecting. Furthermore, the detailed drawings for the Northern elevation of block A show that all first floor side windows and the two front ground floor windows will be fitted with obscure glazing and top hung opening only. Subject to a condition to this effect, the impact on 172 and 172a by way of overlooking and intervisibility is deemed to be acceptable.

5.10 With the previous refusal, concern was raised that as Block A sits

immediately to the south of No/s 172 and 172A, because of its height and proximity, Block A would result in unacceptable levels of overshadowing and have an overbearing impact on these properties. The amended design shows block A to be significantly lower than that previously refused – both at eaves and ridge height. Valleys are introduced that will allow light to pass over the roof of Block A and into the windows of 172 and 172A. Whilst, by virtue of its proximity, Block A will have some impact on the level of amenity afforded to 172 and 172A, the level of impact is considered to be acceptable for the reasons as explained above. Refusal reason 1 attached to the previous permission therefore falls away.

- 5.11 Immediately to the east of the application site lies a residential care home. The rear of block B would sit only 8 metres from the side of the care home. Whilst there are windows in this elevation of the care home, they are not understood to serve bedrooms. No specific objection is therefore raised in this respect. Furthermore, the impact on 166 and the Banana Moon children's day nursery have also been assessed and found to be acceptable.

#### *Future Occupiers*

- 5.12 Policy PSP43 sets out the Council's private amenity space standards. In accordance with the standards, a one bed flat should be provided with 5m<sup>2</sup> of amenity space. 7 of the flats will be provided with garden space with the remaining one being provided with a projecting balcony.
- 5.13 The amended plans show how each flat will be provided with ample amenity space sufficient to meet the needs arising from the development. The plans show that the wall along the site frontage with Gloucester Road will be built up to 1.5m and a hedge will be planted behind. Subject to the attachment of a condition to secure the increase in height of this wall, it is considered that an appropriate level of residential amenity will be provided to each flat.
- 5.14 For the avoidance of doubt, the level of amenity space to be afforded to block B is also considered to be acceptable.
- 5.15 Highways  
The principle issues to consider in terms of highways are the location, access and parking provision. Given the urban location, officers are satisfied that the proposed flats will be within a sustainable location and fully complies with PSP11, in terms of strategic location and access by all travel modes.
- 5.16 A 1 bed flat requires 1no. parking space to accord with policy PSP16. The site plan includes 10 parking spaces – that is one space per flat plus one visitor space. The amount of car parking being provided is therefore policy compliant.
- 5.17 Unlike the previously refused scheme, the submitted plans show that a secure bike locker will be provided for each flat. The level of parking provision is therefore policy compliant. Subject to conditions to ensure the provision of the car and cycle parking prior to the first occupation of the flats, there is no objection to the scheme on highway grounds.
- 5.18 Affordable Housing



One of the previous refusal reasons related to possible artificial site splitting (given the planning history as detailed at para 3.4 to 3.7). This current application is supported by legal information to articulate why, a refusal reason on the grounds of artificial subdivision cannot be argued. Upon closer reflection, your case officer agrees with the legal opinion submitted. The reason for this is because the flats approved at the adjacent site were approved as a Prior Notification. Para 23b-009-20190315 of the NPPF clarifies that 'by its nature, permitted development should already be acceptable in planning terms and therefore planning obligations would not ordinarily be necessary. Any planning obligations entered into should be limited only to matters requiring prior approval and should not for instance seek contributions for affordable housing'.

- 5.19 Given this very clear instruction in the NPPF, it is reluctantly agreed that the Council cannot retrospectively seek to agree Affordable Housing on a site that was approved under the Prior Approval process. Whilst this may be a technicality, it still is the case. For the avoidance of doubt, had the flats on the adjacent site been granted permission by virtue of a full planning application, an argument for site splitting would still be made.

### **Impact on Equalities**

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

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

## **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 **APPROVED** subject to the conditions 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 hereby permitted shall take place in accordance with the following plans:

Received by the Council on 23rd September 2021

Location and Site Plan

Proposed Block A Plans and Elevations

Proposed Block B Plans and Elevations

Reason

To clarify and define the permission

3. The off-street parking facilities for all vehicles, including cycles and the bin storage facilities, shown on the plan hereby approved shall be provided before any part of either building is first occupied, and thereafter retained for that purpose.

Reason

To ensure the satisfactory provision of parking and waste facilities and in the interest of highway safety and the amenity of the area, and to accord with Policies CS1 and CS8 of the South Gloucestershire Local Plan; Core Strategy (Adopted) December 2013; and the South Gloucestershire Residential Parking Standards SPD (Adopted) December 2013.

4. All first floor windows in the Northern (side) elevation of block A and the two front ground floor windows in the Northern elevation (side) of block A shall be fitted with obscure glazing to a minimum level 3 and top hung opening only.

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; and the National Planning Policy Framework.

5. Prior to the first occupation of any of the flats hereby permitted, the landscaping shall be implemented as per the proposed site plan. For the avoidance of doubt, this includes the increase in height of the front boundary wall and the installation of 15.5m high fencing between the respective garden areas. The existing wall along the frontage of Gloucester Road shall be increased in height to 1.5m using natural stone to match the existing wall.

Reason

To ensure that each unit is provided with an adequate degree of outside amenity space in a manner that does not harm the visual amenity of the area. To comply with the requirements of Policy CS1 of the Core Strategy and Policies PSP1 and PSP38 of the Policies Sites and Places Plan (Adopted)

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

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

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

No working shall take place on Sundays or Public Holidays.

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

Reason

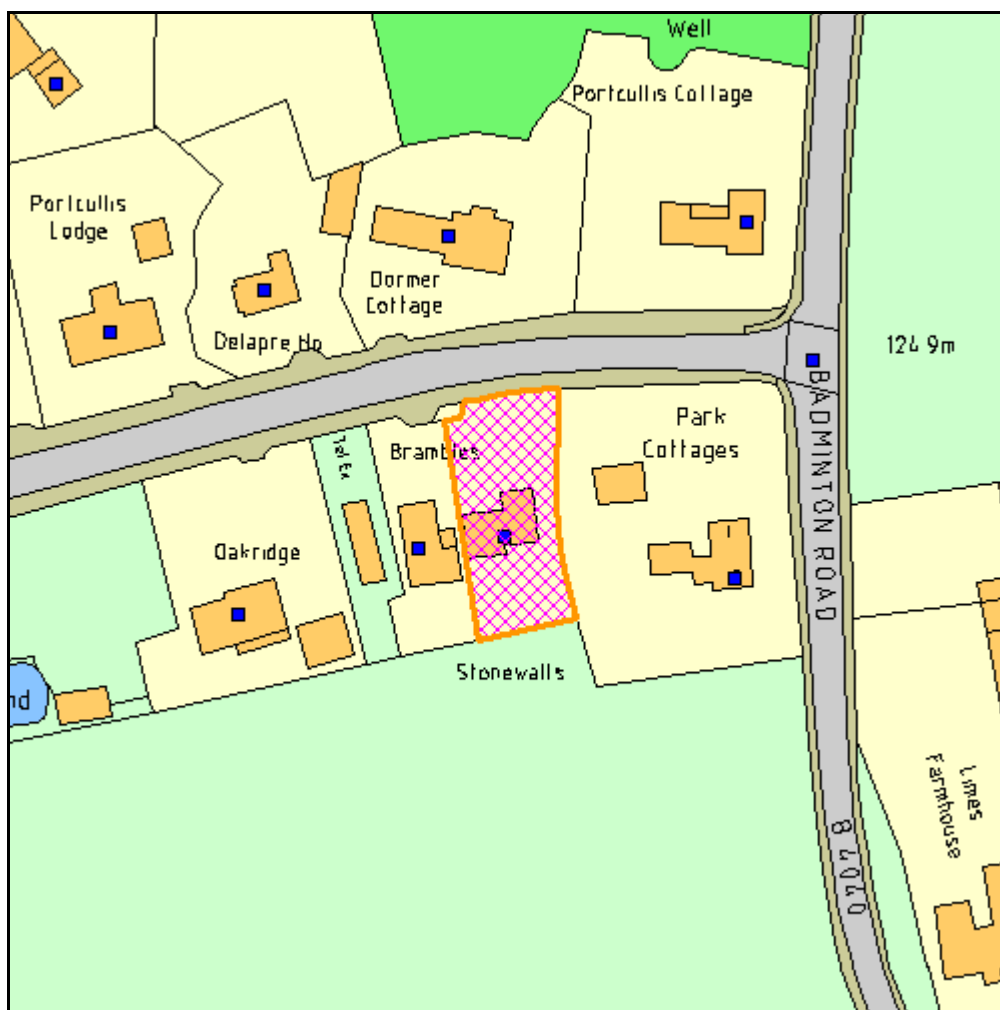
To protect the residential amenity of the neighbouring occupiers and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and the National Planning Policy Framework.

**Case Officer: Marie Bath**

**Authorising Officer: Suzanne D'Arcy**

**CIRCULATED SCHEDULE NO. 04/22 - 28th January 2022**

<b>App No.:</b>	P21/04111/F	<b>Applicant:</b>	Mrs Debra Godsell
<b>Site:</b>	Stonewalls Sodbury Road Acton Turville South Gloucestershire GL9 1HD	<b>Date Reg:</b>	8th June 2021
<b>Proposal:</b>	Erection of single storey rear extension to form ancillary annexe. Erection of 1 no. detached outbuilding.	<b>Parish:</b>	Acton Turville Parish Council
<b>Map Ref:</b>	380839 181071	<b>Ward:</b>	Chipping Sodbury And Cotswold Edge
<b>Application Category:</b>	Householder	<b>Target Date:</b>	2nd August 2021



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 100023410, 2008. **N.T.S.** **P21/04111/F**

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

## **INTRODUCTION**

This application appears on the Circulated Schedule as a result of consultation responses received from local residents and the Parish Council, contrary to Officer recommendation

### **1. THE PROPOSAL**

- 1.1 This application seeks planning permission for the erection of a single storey rear extension to form ancillary annexe and the erection of 1 no. detached outbuilding.
- 1.2 The application site comprises a detached dwelling, within the defined settlement boundary of Acton Turville. Acton Turville is within the Cotswold Area of Outstanding Natural Beauty. The site is immediately adjacent to but just outside of the Acton Turville Conservation Area.
- 1.3 Design changes have been sought during the course of the application. Revised plans have been received and these have reduced the length of the extension by 1.5 metres, pulling the extension away from the rear boundary by 3 metres. The rear extension remains partially dug into the ground to retain its lower level with partial flat roof. The front storage building has also been reduced in size and the roof is to be dual pitch rather than mono pitched and the oil tank store is to be removed.
- 1.4 An Arboricultural Report has also been submitted with the application.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework  
National Planning Policy Guidance
- 2.2 South Gloucestershire Local Plan Core Strategy Adopted December 2013  
CS1 High Quality Design  
CS5 Location of Development  
  
South Gloucestershire Policies, Sites and Places Plan (Adopted) November 2017  
PSP1 Local Distinctiveness  
PSP2 Landscape  
PSP3 Trees  
PSP8 Residential amenity  
PSP17 The Historic Environment
- 2.3 Supplementary Planning Guidance  
The South Gloucestershire Design Checklist SPD (adopted)  
South Gloucestershire Parking Standards  
South Gloucestershire Household Design Guidance 2021

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

3.1 P19/1270/F - Demolition of existing garage and erection of external store. Erection of single storey front and side extensions to form additional living accommodation (Amendment to a previously approved scheme PK18/4080/F). Approved 29/3/19. The front and side extensions have been added implemented.

PK18/4080/F - Demolition of existing garage and erection of new garage. Erection of single storey side, front and rear extensions to provide additional living accommodation. Approved 12/12/18

### **4. CONSULTATION RESPONSES**

#### 4.1 Acton Turville Parish Council

Councillors have made a detailed review of the above application. I have been instructed to advise the Parish Council wish to give their response as a formal objection on the following grounds:

##### Overdevelopment of the Stonewalls Site:

The Stonewalls property underwent major redevelopment in 2019/20 (Application P19/1270/F refers) which saw the footprint of the property increase significantly. This latest application, if approved, will effectively double the footprint of the original property. The Parish Council considers the cumulative reduction in private amenity space to be excessive and represents a clear over-development of the Stonewalls site.

##### Impact on Residential Amenity:

In considering the previous proposals to redevelop Stonewalls, the planning officer concluded that the residential amenity of neighbouring properties would not be materially harmed by the proposed extensions “due to levels of separation”. The latest application sees that level of separation with the adjacent Grade II listed Park Cottages all but removed, greatly increasing the impact upon the residential amenity enjoyed by Park Cottages and other neighbouring properties.

##### Impact on the Acton Turville Conservation Area:

Whilst the previous extension to the Stonewalls property significantly increased its footprint, it did not materially impact on the visual contribution the building made to the Acton Turville Conservation Area. The proposed development will see a major expansion of Stonewalls in the direction of the Conservation Area, leaving it very close to the boundary. The Parish Council considers the consequential impact to be unacceptable due to the scale, design and location of the proposed development.

##### Impact on the Open Frontage:

The previously-approved development included the erection of a garage at the front of the property. At the time, Acton Turville Parish Council objected to this element due to the negative impact it would have on Stonewalls open frontage and because it was forward of the building line of other properties on the Sodbury Road. The Parish Council believes its concerns were realised when

the garage was erected in 2019/20, and would urge the South Glos Planning Department to view the current arrangement before considering the erection of any buildings on this part of the site.

Listed Building/Conservation Officer

No objections

Sustainable Transportation

No objections

Tree Officer

Given the presence of trees growing within the adjacent property and with root protection areas likely to conflict with the proposal, the applicant will be required to submit an Arboricultural report in accordance with BS:5837:2012 and prepared by an Arboricultural consultant.

**Other Representations**

4.2 Local Residents

Five letters of objection have been received, , including correspondence from agents acting on behalf of a neighbour, raising the following points:

*-The rear of the property can already be seen from Badminton Road. There is also a footpath that crosses the field to the rear of the property from Badminton Road to the local church*

*-The building line to rear extends significantly beyond existing building line of adjacent dwellings.*

*-The proposal will occupy large proportion of existing property curtilage*

*-If granted the ratio of property footprint to plot area will be much greater than any equivalent property in the immediately adjacent locality.*

*-Significant alterations/large extension have already made to Stonewalls from which highly obnoxious LED lights are fitted and left on being intrusive to neighbours' amenity.*

*-Acton Turville is a spread-out village in a conservation area which typically has lots of green space between houses.*

*-The plans would represent an overdevelopment of the site which has already seen a large extension, on a plot which has previously been divided into two.*

*-The new permanent structure and parking at the front will take up most of the front garden and be detrimental to nearby listed buildings.'*

*-The erection of an external store would be an eye sore and not in keeping with the surrounding much older residences*

*-The 'garden store' to be erected at the front of the building seems excessively large and is well forward of the building line of the property.*

*-Despite the assurance that the building will be constructed in sympathy with the main house, this will be unsightly and overbearing for the rural area*

*-The current proposals would double the property in size in just over two years.*

*-The proposals are totally out of proportion with the overall plot*

*-The proposed extension would be built on the rear garden. This would reduce the amount of amenity space for residents considerably*

*- Previous planning applications within the village have been turned down partly on the grounds of insufficient amenity space for the property.*

- From the plans, it appears that the easterly wall of the proposed extension would be extremely close to the wall of the neighbouring property - Park Cottages (Listed Building) - which is, along with all garden walls in the area a dry-stone wall.
- Building work carried out so close to a dry-stone wall is likely to cause damage to the wall.
- There are mature trees very close to this boundary wall. The roots of these trees would certainly be damaged by digging foundations.
- Illustrations produced in support of the application show views from Park Cottages with thick mature hedging and trees. I do not believe these accurately reflect the view and to achieve this would involve the owner of Park cottages carrying out planting to form the screening
- it is likely that additional flood lighting will be installed causing further light pollution, more distraction for drivers and a greater detriment to the rural character of the area.
- Due to the location of the extension, it is considered that its erection would materially harm the residential amenity upon neighbours.
- The plans show a layout which places the extension at the back of the site, which is over double the length of the existing house.
- The elevations show windows which directly overlook the adjacent property at the Brambles, causing a loss of privacy.
- The bi folding double height window is likely to be particularly invasive
- Notably there is a lack of drawings showing the site in its wider context, in particular analysing its potential impact on surrounding properties.
- Wherever the extensions were to be located on the site the proposal is likely to cause overlooking and overbearing impacts on neighbouring properties.
- The proposals fail to relate satisfactorily to the existing surrounding residential environment
- The proposed rear extension and outbuilding at the front of the building, together with the already erected extensions on the site, are disproportionate to the host dwelling and do not appear in keeping with the domestic character of the building.
- The large outbuilding to the front is particularly visible from the street and visually obtrusive, presenting an unattractive elevation to the street scene.
- The site is located on the edge of the Conservation Area, in the AONB and is next to a listed building.
- There are trees and hedges around the periphery of the site but no Arboricultural Impact Assessment (AIA) has been submitted with the planning application.
- the proposals could adversely impact the roots and canopy of these trees.
- The proposal would very likely to result in the loss of trees and the planning application should be refused on this basis.

Revised Plans and an Arb have been submitted and the application reconsulted, as described above. Upon reconsultation:

- no objections were withdrawn and reasons for objection therefore remain.

Tree Officer

No objections



Listed Building and Conservation Officer

No further comments

One letter of support was also received:

*'This extension is to the rear of the building therefore barely visible from the front. Looking through the reports and revised plan it states how they are using original stone work to protect the trees.'*

**5. ANALYSIS OF PROPOSAL**

5.1 Principle of Development

Extensions to dwellings within residential curtilages are acceptable in principle subject to detailed development control considerations in respect of local amenity, design and transportation; as set out in policy PSP38. The issues for consideration in this respect therefore are whether the proposals can reasonably be considered accommodation/an annexe for use associated with the main dwelling, whether they have an adverse impact on the amenities of nearby occupiers, whether the design of the proposal is sufficiently in keeping with the site and surroundings not prejudice highway safety nor the retention of an acceptable level of parking provision or prejudice the retention of adequate amenity space. The application is also located within the AONB so additional consideration will also need to be given in this respect and PSP2.

5.2 Officers did raise certain reservations with regards to the length of the single storey flat roof extension to the rear and its relationship with the site and curtilage, private amenity space and layout of the area. Revised plans were subsequently received reducing this element.

5.3 The depth of the extension has been reduced by 1.5m (by reducing the depth of the living room/kitchen and the bedroom). A small additional width has been added to the bedroom to continue to provide an appropriate sized double bedroom. The extension is being partly buried into the ground and a proportion of the rear roof will be a flat green sedum finished roof.

5.4 Annex Test

For a proposal to be an annex it should only contain ancillary accommodation to the main dwelling and have some form of functional and physical reliance upon the main dwelling. The proposal would consist of one bedroom, a living room and a bathroom. The proposals would be relatively modest in comparison to the main dwelling and as such, subservient to it. The proposals do therefore appear to represent a relatively modest ancillary living accommodation, akin to an attached outbuilding within the existing residential curtilage, when compared to the existing dwelling and is of a size and scale in comparison which remain subservient. The proposed annexe would be attached and associated with the main dwelling, and given its relationship would clearly share the curtilage and access. The proposals would therefore be reliant on the host property and would also share amenity space and parking/access.

5.5

Amenity Space:

In accordance with the Councils adopted private amenity space standards a property with four bedrooms or more would normally be required to demonstrate a minimum of 70m<sup>2</sup> of amenity space. It is considered that the remaining garden space will comfortably meet these requirements. Sufficient garden space would therefore remain to serve the property, as extended. Given the size, location and facilities it would be associated with and linked to the host dwelling, and within the private curtilage of it. Therefore, given the relationship and location to the main house, its use as an annex to provide ancillary accommodation associated with the existing residential premises, is acceptable.

- 5.6 As such, officers are satisfied that the proposals would be ancillary to the main house in planning terms. Notwithstanding this use as a separate and individual residential unit would require separate further planning permission, which would need to take matters such as amenity, parking layout and siting into account separately. A condition is also recommended restricting the use of the annex as ancillary to the main dwelling, for clarity.

5.7 Residential Amenity

The proposals are at single storey level. All windows and doors on the extension area would be inward facing across the rear private curtilage of the application property towards the boundary treatment. Patio doors in particular would open out and look onto the rear patio area associated with the existing dwelling. To the east of the site the rear extension commences nearly 10 metres away from the shared boundary across the application rear garden. The properties are detached and the extension would not be overbearing to this elevation. To the west the extension would be approximately 8 metres from the nearest part of any neighbouring building, at single storey level, set into the ground, beyond the existing boundary treatment and boundary hedgerow/vegetation. Given the detached nature and surrounding curtilages of the relative properties it is not considered that the extension could reasonably be considered to be overbearing or impact materially upon adequate levels of natural light. In this respect the proposals are considered to allow for acceptable amenity standards and accord with the guidance and provisions of the Householder Design Guidance SPD. At single storey level therefore, and given the distance, orientation and outlook, across their own private amenity space it is not considered that would give rise to material additional overbearing or overlooking impact.

- 5.8 The revised plans have reduced the scale of the extension and further reduce any potential impact. To the east elevation as a window is lost to the rear bedroom as a result of the extension, an additional window is proposed on the east elevation, although there will also be a skylight window to provide additional light. The window is at single storey only but relatively high level to provide light to the room. The boundary treatment on this elevation would be a mix of mature hedgerow and a wall/fence combination. The extension is being partly buried into the ground and a proportion of the rear roof will be a flat green sedum finished roof. The lower ground level that the property and the new extension will sit in further reduces the impact upon either of the neighbours plots. Given the low level of the proposals, the boundary treatments and the

reduction in size, it is not considered that they would give rise to material overbearing or overlooking impact on this elevation. Given therefore, the overall scale and design of the proposals and their relationship with the existing dwelling and surrounding properties, it is not considered that they would give rise to a significant or material additional amenity impact upon neighbouring properties such as to warrant objection and sustain a refusal of the application on this basis. It is considered therefore that the proposals would be acceptable in terms of residential amenity.

5.9 The size of the front storage outbuilding that is part of the application has also been reduced as part of the amendments. The roof is to be a dual pitch roof rather than a mono pitched roof and it will therefore be very similar to the outbuilding that was previously approved under application P19/1270/F, and in the same location. It is also stated that the oil tank store is to be removed.

5.10 Design

Part of the proposed rear extension will follow the single pitch roofing design of much of the remainder of the dwelling. This is considered to integrate acceptably with the existing dwelling. The depth of the extension has been reduced by 1.5m (by reducing the depth of the living room/kitchen and the bedroom) by the applicants to what is considered by the applicants a reasonable amount in order to address the concerns whilst provide what is required by the application. A small additional width has been added to the bedroom to continue to provide an appropriate sized double bedroom and this also provides a break in the length of the extension and softens the appearance to an extent. The extension is being partly buried into the ground and a proportion of the rear roof will be a flat green sedum finished roof reducing the visibility and any potential impact of the flat roofed rear element and integrating the proposals with the site and surrounding in terms of views from either side or the field to the rear.

5.11 There is now a 3m distance from the rear of the new extension to the rear boundary position that gives a more appropriate layout and scale to the proposals. Whilst relatively long, the amenity impacts are discussed in more detail above, the proposals is relatively narrow and does not dominate the plot. The partial single pitch into flat roof design helps it to integrate adequately with the existing dwelling, whilst reducing its impact at the rear most part. As per design guidance of the SPD, the depth of any rear extension is a key consideration when assessing the visual impact upon its host, the nature of the host building is however also an important consideration, as the impact will differ dependent upon the nature of the host dwelling. Taking the above into account, the design principle are on balance in this instance considered acceptable. It is not considered that they would give rise to a significant or material visual amenity impact such as to warrant objection and sustain a refusal of the application on this basis.

5.12 The size of the front storage outbuilding that is part of the application has also been reduced as part of the amendments. The roof is to be a dual pitch roof rather than a mono pitched roof and it will therefore be very similar to the outbuilding that was previously approved under application P19/1270/F and in

the same location. It is also stated that the oil tank store is to be removed.

5.13 In terms of the plot size, the dwelling size, and any concerns regarding overdevelopment, this must be judged on the individual merits of each application. The site is not in the Green Belt and is within the settlement boundary. In this respect, and in particular how the proposals integrate with the existing dwelling and surrounding area, whether there are any material amenity impacts, whether suitable amenity space and parking remain available are considerations. The amenity issues are discussed above, sufficient levels of private amenity space remain and the extension integrates acceptably within the existing building and within the plot. On this basis the proposals are acceptable to the plot and the plot is large enough for the proposals to be satisfactorily accommodated within it.

5.14 It is not considered that the proposals are materially out of keeping with the site or surroundings such as to warrant objection and sustain a refusal of the application. On the basis of the above considerations, the proposals are considered to be of an appropriate standard in design and are not out of keeping with the character of the main dwelling house. The extension is of an acceptable size in comparison to the existing dwelling and the site and surroundings. Materials would match those of the existing dwelling.

5.15 Listed Building/Conservation Area

The proposed rear extension will not impact on the setting or significance of the neighbouring listed Park Cottage and there are no objections on this basis from the Councils Conservation Officer. In terms of the store to the front of the building, various schemes have been previously approved. The original proposal sought to build on these earlier permissions and changed the roof form from a dual pitch to a mono-pitch to reflect the design of the main dwelling, and moving the structure closer to the front boundary. This would have made the structure more prominent in the front of the site, compared to the approved scheme. The above referred revisions and amendments to the scheme have reverted to a dual pitch roof and design of similar scale and design to that previously approved. On this basis the proposals are considered acceptable in this respect.

5.16 Trees

The comments above are noted. An Arboricultural Report was subsequently received. The proposals are using the existing Stonewall as the Tree protection fencing for the boundary trees and erecting fencing for the trees on the southern part of the garden. This is considered acceptable provided all works are in accordance with the submitted Arboricultural Report and accords with BS:5837:2012. The report should be added to the list of approved documents. On this basis there are no objections to the proposals on tree grounds.

5.17 Sustainable Transportation

The planning application seeks to construct an attached annexe to Stonewalls which is situated on Sodbury Road, Acton Turville. It also seeks to construct a small outbuilding within the property's curtilage. The site is located within an existing village, and it therefore broadly complies with the locational requirements of the Local Plan. The attached annexe adds an additional

bedroom. The site can provide for at least 3 off-street parking spaces, and conforms to the Councils adopted minimum domestic car parking requirements. These parking spaces conform to the dimensional requirements for parking standards and space is available on the existing hardstanding for vehicles to turn before leaving the site. The sites parking provision is therefore considered to be satisfactory.

#### 5.18 AONB

The site is located within the AONB. PSP2 in respect of the AONB, seeks to ensure the conservation and enhancement of the natural and scenic beauty of the landscape, whilst taking account of the bio-diversity interest and the historic and cultural heritage. The proposals are set amongst existing housing, attached to an existing dwelling, within residential curtilage. The application has been considered acceptable in design terms, as discussed above. As an acceptable extension to an existing dwelling, it is not considered that the proposals would affect the setting of the AONB or its requirements and aims, set out above.

#### 5.19 Equalities

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

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

### 6. CONCLUSION

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

### 7. RECOMMENDATION

- 7.1 Planning permission is 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:  
Existing Site Plan, Block Plan and Plans and Elevations (Refs E1, E2 and BP1), received by the Council on the 7th June 2021, Arboricultural Report, received on the 21st September 2021 and Proposed Plans and Elevations (Refs P1C Rev C, P2B Rev B, and P3B Rev B), received by the Council on the 16th October 2021.

Reason

To define the terms and extent of the permission.

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

Reason

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

4. The development hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Stonewalls.

Reason

The development has been permitted on the particular circumstances of the case and the development would require further assessment to be used as a separate residential dwelling with regard to internal dimensions of the annex, amenity, access, and private amenity space, to accord with policies CS1 and CS8 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013; policies PSP8, PSP16, PSP38, and PSP43 of the South Gloucestershire Local Plan Policies, Sites and Places Plan (Adopted) November 2017; and the NPPF.

5. The development shall be implemented in accordance with the details of the Arboricultural Report (Silverback: September 2021).

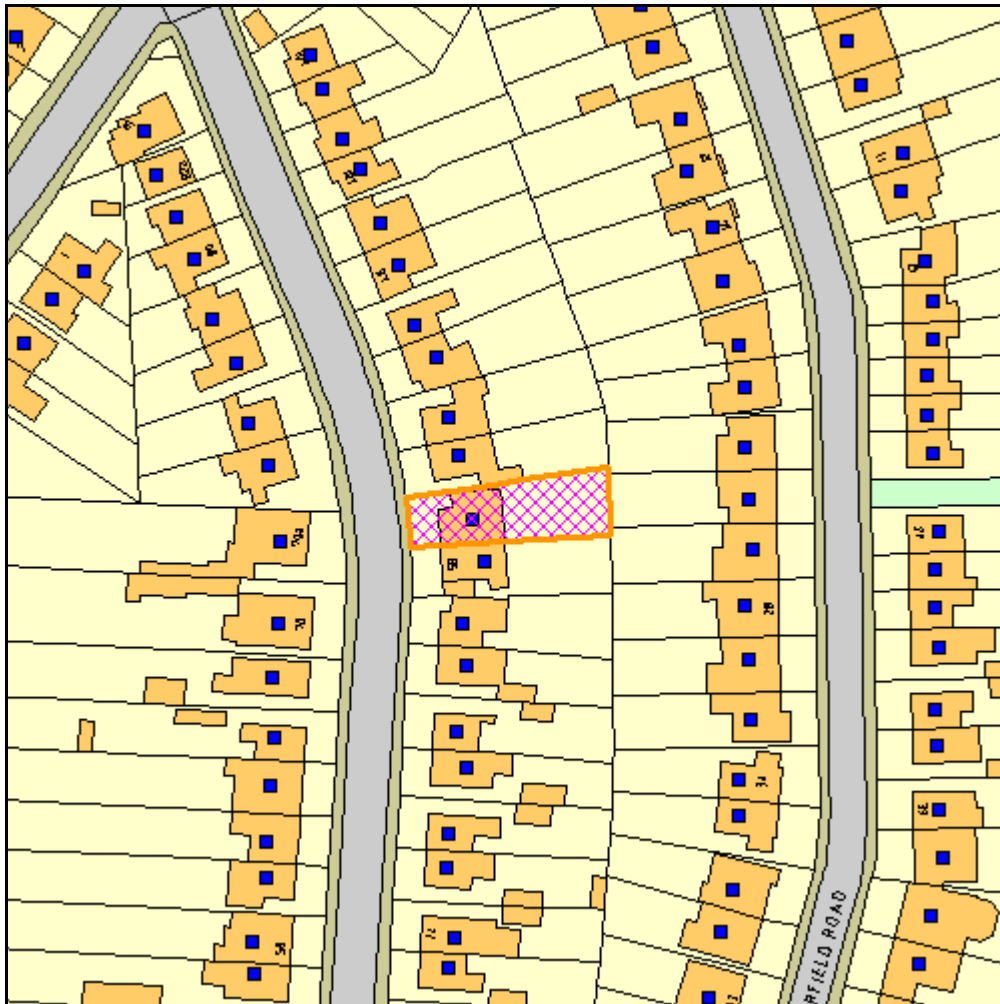
Reason

In the interests of the trees and in accordance with CS1 of the South Gloucestershire Local Plan Core Strategy and PSP2 and PSP3 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan.

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

**CIRCULATED SCHEDULE NO. 04/22 - 28th January 2022**

<b>App No.:</b>	P21/04737/F	<b>Applicant:</b>	Mr James Matthews
<b>Site:</b>	87 Park Road Staple Hill South Gloucestershire BS16 5LQ	<b>Date Reg:</b>	7th July 2021
<b>Proposal:</b>	Erection of a single storey rear extension to form additional living accommodation. Installation of rooflight to the existing single storey ground floor roof.	<b>Parish:</b>	Downend And Bromley Heath Parish Council
<b>Map Ref:</b>	365352 176447	<b>Ward:</b>	Staple Hill And Mangotsfield
<b>Application Category:</b>	Householder	<b>Target Date:</b>	31st August 2021



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

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

Contrary view of Downend and Bromley Heath Parish Council.

### **1. THE PROPOSAL**

- 1.1 Planning permission is sought for the erection of a single storey rear extension to form additional living accommodation and installation of rooflights to existing ground floor roof at 87 Park Road, Staple Hill.
- 1.2 The application site comprises a two storey semi-detached dwelling that has been previously extended with a single and two storey side and rear extension. The application site is located within the defined Bristol eastern fringe settlement boundary.
- 1.3 Revised plans were received for the application to reduce the depth of the proposed extension. As the proposal was reduced in size it was not considered necessary to carry out a re-consultation.

### **2. POLICY CONTEXT**

#### 2.1 National Guidance

National Planning Policy Framework July 2021  
National Planning Practice Guidance

#### 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

##### 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

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 P98/4744  
Erection of two storey side and rear extension  
Approval Full Planning (18/11/1998)

### **4. CONSULTATION RESPONSES**

- 4.1 Downend and Bromley Heath Parish Council  
Objection - Overdevelopment.
- 4.2 Local Residents  
No responses received.

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

- 5.1 Principle of Development  
The application seeks permission for a single storey rear extension 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 single storey rear extension would have a depth of 3.8 metres. When added to the existing single storey rear extension this would extend 6.5 metres past the rear elevation of the original dwelling. Whilst this is 0.5 metres further than recommended in the Household Design Guide SPD it is not considered that what is proposed would have a detrimental impact on the visual amenity of the dwelling, site or its context.
- 5.4 The proposed extension would have a modern flat roof design and would be finished larch vertical cladding. This design would positively contrast with the existing dwelling therefore being viewed as a subservient modern addition to the property.
- 5.5 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.
- 5.6 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.

- 5.7 When considering the impact of the development on the residential amenity of neighbouring residents, the neighbouring property which is most likely to be affected is the adjoining property to the south at 85 Park Road.
- 5.8 In respect of the adjoining property to the south, it is noted that the neighbouring property has also been extended to the rear so whilst the proposed extension would extend further along the shared boundary this would only be a modest addition past the rear elevation of the neighbouring property.
- 5.9 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.
- 5.10 Highway Safety and Transport  
Policy PSP16 of the Policies, Sites and Places Plan sets out the Council's parking standards. The proposed development would not increase the number of bedrooms in the property and would not remove any on-site parking spaces.
- 5.11 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 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. 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 (Received 02/07/2021)

01 - Existing Site Plan (Received 06/07/2021)

02 - Existing Ground Floor Plan (Received 02/07/2021)

03 - Existing North Elevation (Received 02/07/2021)

04 - Existing East Elevation (Received 02/07/2021)

05 - Existing South Elevation (Received 02/07/2021)

06 - Existing West Elevation (Received 02/07/2021)

07 PL1 - Proposed Site Plan (Received 14/01/2022)

08 PL2 - Proposed Ground Floor Plan (Received 14/01/2022)

09 PL2 - Proposed North Elevation (Received 14/01/2022)

10 PL1 - Proposed East Elevation (Received 14/01/2022)

11 PL1 - Proposed South Elevation (Received 14/01/2022)

12 - Proposed West Elevation (Received 02/07/2021)

13 PL1 - Proposed Section AA (Received 14/01/2022)

14 PL1 - Proposed Section BB (Received 14/01/2022)

Reason

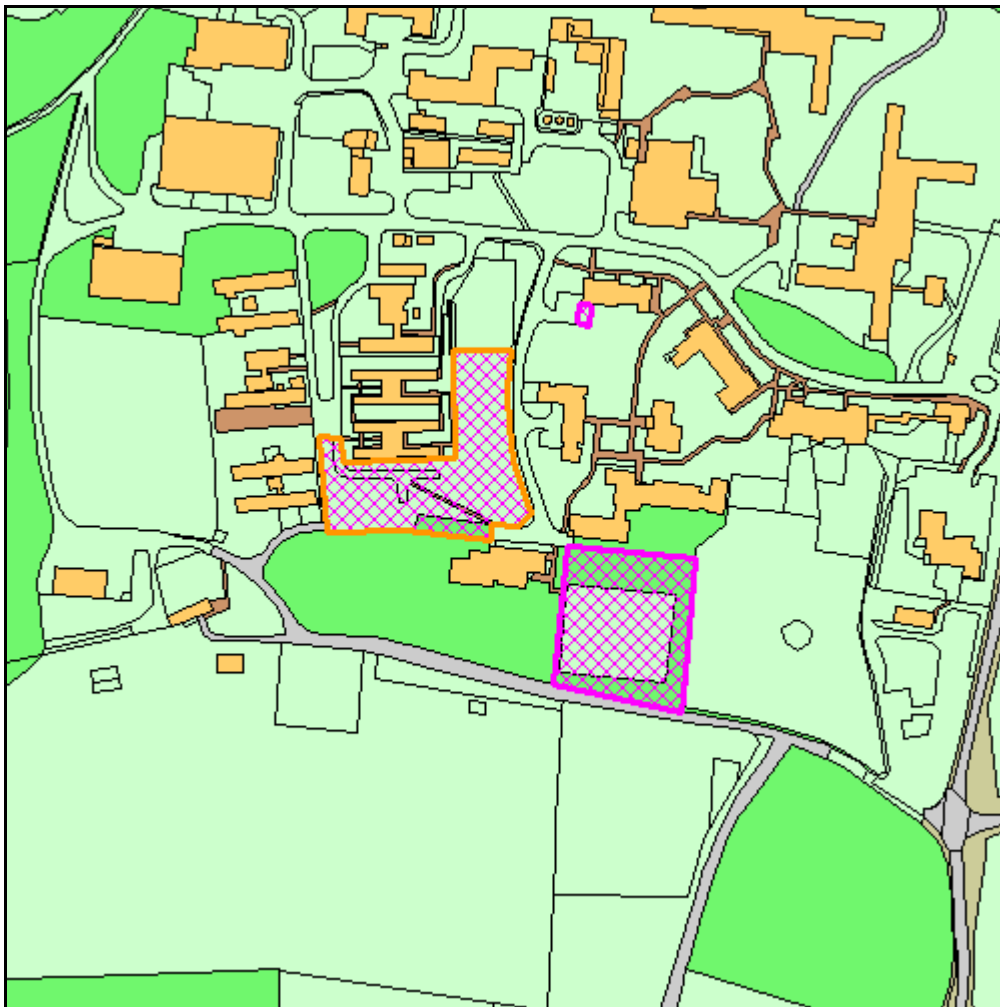
To define the terms and extent of the permission.

**Case Officer: Oliver Phippen**

**Authorising Officer: Marie Bath**

**CIRCULATED SCHEDULE NO. 04/22 - 28th January 2022**

<b>App No.:</b>	P21/06205/F	<b>Applicant:</b>	HM Prison And Probation Service
<b>Site:</b>	H M Prison Leyhill Tortworth Road Tortworth South Gloucestershire GL12 8BT	<b>Date Reg:</b>	11th October 2021
<b>Proposal:</b>	Erection of 2no. accommodation blocks, associated storage portacabin and weather shelter over existing tennis courts.	<b>Parish:</b>	Cromhall Parish Council
<b>Map Ref:</b>	369863 192226	<b>Ward:</b>	Charfield
<b>Application Category:</b>	Minor	<b>Target Date:</b>	6th December 2021



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

## **INTRODUCTION**

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

### **1. THE PROPOSAL**

- 1.1 The proposal is to erect 2 no. accommodation blocks (60 beds per block) and associated storage portacabin, and to erect a weather shelter over the existing tennis courts at HMP Leyhill. HMP Leyhill is a Category D male open prison located close to the Tortworth Court estate and approximately 2.5km west of Charfield. The main entrance to the prison complex is on Tortworth Road, around 700m south of the B4509/Tortworth Road junction.
- 1.2 The prison neighbours Tortworth Court, a designated Park and Garden (Grade II\*) within which are several listed heritage assets, the principal building being Tortworth Court (Grade II\* listed). The site is situated outside settlement boundaries and within the open countryside.

### **2. POLICY CONTEXT**

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

- 2.2 Development Plans

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

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

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

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

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

- 3.1 PT02/1435/C84 Erection of prisoner living accommodation in two, 2- storey units to provide 80 additional places. No objection 15.05.2002

N4292/1 Erection of buildings to provide accommodation for reception and discharge, visits, works services, education, sports hall, hospital chapel and vegetable preparation/bacon store; provision of accommodation for farms and gardens. No objection 26.01.1984

N4292 Proposed packing shed and machinery and general purpose store. No objection 15.05.1978

### **4. CONSULTATION RESPONSES**

- 4.1 Cllr John O'Neill

The application forms part of the Government expansion of prisons programme and I understand the pre-application advice was that the development was acceptable in principle.

As part of the community engagement process concerns were raised. It was requested that their community engagement was expanded to also meet with the other parishes in the ward, Charfield, Falfield and Tortworth

The concerns that were raised are unlikely to impact on the planning process that could be conditioned but would like to see these made as recommendations if not conditions.

The nature of open prisons is that those accommodated there are D category low risk and there is always going to be absconds, those who abscond tend to leave the local area quickly, however there have been two particularly bad absconds in recent years of which details are given.

The recommendations that I made at the meeting were that there must be greater liaison with the prison and the community in the form of a liaison officer who informs the community and attends parish council meetings to update the community on current situations.

There also has to be a better way of informing the local community when there has been an abscond, currently when there is an abscond the responsibility of the prison is absolved when the absconder leaves the prison grounds and it becomes a police matter, it is often the case that the community learns of the abscond from the press that can be days later, the school incident highlights the need for this.

The application is seeking to push through the proposals without regard to the serious incidents that have occurred in the local area, there is a case here for the prison to meet its responsibilities for the safety of the community.

A link to the latest scrutiny inspection for the Leyhill was provided.

### Cromhall Parish Council

Whilst the proposals within the prison estate may meet planning requirements for sustainable development, the parish council objects to this application as there is insufficient assessment and consideration of the impact on the wider community outside the prison estate.

The wider implications are increased traffic and congestion within the area leading to increased air pollution. Not only is this bad for the health of residents the increase in traffic will indirectly further impact community health and wellbeing as it will discourage walking and cycling as the local roads are rural and not built for high volumes of traffic and will be deemed too dangerous. These roads do not provide an environment which is attractive to cyclists.- Planning statement document para 7.10 & 7.11 and 2.7 of the Transport Statement.

Whilst the development may provide better facilities for inmates, it does nothing to ensure the protection of the wider community outside the prison estate or address public concerns over inadequate warning procedures relating to absconders. Increasing numbers will increase the problem leaving the local community at greater risk - Planning statement document para 7.11 Ensure public protection obligations are met.

The council challenges the assertions made about sustainable travel. There is very limited opportunity for future staff and visitors to travel to and from the development using sustainable modes of travel in accordance with local and national planning policy. The proposals are not a true reflection of the reality of travel to and from the prison estate and will not meet CS8 – Planning statement document para 7.14. 7.40 & 7.4 and transport statement appendix c.

The prison is served by buses but cannot be classed as 'well served' - services 84, 85 & 626. Importantly there are no service on a Sunday which is a visiting day. Visitors are often not local and will travel by car. Furthermore, employees are often not local and again with shift work they will only travel by car. There is little evidence to suggest new recruits will live locally and be able to walk/cycle. The submitted travel data for this application itself demonstrates how poor engagement is with sustainable transport and clearly shows there will be increases in journeys by car. There is no consideration of the impact of increased vehicular movements needed to service the increased capacity prison.

The local highway network already struggles with excessive HGV traffic and high volumes of traffic. Tortworth Road, in particular is used as a short cut to access the motorway junction, which is itself at capacity. There has been no consideration of the large number of new and further proposed developments occurring in the Charfield and Falfield areas including Charfield Station which it is already acknowledged will increase road traffic. There may be a lack of Police data, but this is because accidents are often minor or near misses and do not get reported. Speeding and road safety concerns are the number one issue within the parish. Indeed, it has taken three years working with South Gloucestershire to get village gates installed to address speeding. South Gloucestershire Streetcare are very familiar with the range of traffic concerns

raised. The parish council is aware of at least one local resident being hit by a car whilst walking up Tortworth Road. Avon and Somerset Police has recently been asked to increase its presence in the area and recent roadside monitoring by South Gloucestershire Council in Cromhall has shown speeding is a serious problem in the locale and further traffic will simply exacerbate the speeding problem.

There is important to note that there is no footpath or pedestrian network from the prison estate to Cromhall so accessing any local services will be by car, not as a pedestrian as suggested in 2.7 of the Transport Statement.

Although it is unclear which part of the public sewer system the estate is linked to although the council believes it is to the treatment works next to M5 downhill from the prison, it is important to note that Cromhall already suffers from the Home Office decision to prevent the adjacent hotel accessing the prison sewer facility meaning the hotel has to pump all their waste to join the Wessex sewer at Bibstone. As a consequence, Cromhall has regular sewage outages with effluent overflowing into the land, a problem which is well known by Wessex Water and is yet to be addressed. Any additional pressures or impact from this proposal on the system serving Cromhall will cause serious problems.

#### Charfield Parish Council

Charfield Parish Council felt that Prison was not working as it was designed and recent absconding by high category prisoners highlighted this weakness - monitoring and security measures need to be made more robust.

#### Falfield Parish Council

The Parish Council wishes to object to this application for the following reasons:

The current rate of absconds is considered to be unacceptable and we note that in recent years that a number of serious absconds have occurred. With a rise in prisoner population resulting from this application, if approved, it would result in an increase to the risk of local inhabitants unless the prison fails to apply more robust measures to reduce this rate.

The Parish Council understands that once an abscond occurs this then becomes the responsibility of the Police. Currently Police resources are such that they are not able to respond quickly enough to a situation which could become serious in nature.

You may feel that none of the above have a direct bearing of this application, however if this application were approved these are the issues that the local community would face. We therefore request a planning condition that requires an improved prisoner monitoring and public safeguarding system to be put in place prior to the occupation of the new accommodation blocks.

The Parish Council have concerns that the local highway network around the prison and in particular junction 14 of the M5 and the junction of the B4509/A38 already struggles at times which would further increase given that the additional



capacity planned for the prison would result in increased traffic movements from additional staff, services, and visitors.

The Parish Council would also request that Prison be more pro-active in liaising with the Parish Councils of Tortworth, Cromhall, Charfield and Falfield in order that there was better understanding on the issues that affect all parties.

#### Tortworth Parish Committee

I make no comment on the proposed development itself but I want to raise concerns about the wider impact of increased capacity at HMP Leyhill. There is a history of absconds from the prison and an increased number of prisoners will very likely lead to an increased number of absconds. I recognise that the majority of those prisoners who abscond leave the local area immediately, but that is not always the case. In recent years there have been serious incidents within the parish, including at the local primary school, which is a concern given the nature of the offences committed by the majority of the prisoners at HMP Leyhill.

The existing notification system is unreliable and needs addressing. The safety and security of people living and working in the local parishes should be addressed as part of any approval.

I request that conditions be added to include (1) an adequate and reliable warning system to promptly alert the local parishes of an abscond and (2) greater liaison by HMP Leyhill with local parishes, including attendance at parish meetings.

Increased capacity at the prison will lead to increased traffic, particularly from Junction 14 of the M5 which is already under pressure. The vast majority of journeys to and from the prison will be by car and increased deliveries to the prison will increase HGV traffic in the area bringing additional pollution. The rural location means that the prison is not well served by public transport and the road and footpath infrastructure will not easily support the increased movement of people. This detrimental impact on the local community should be considered when assessing the application.

#### Conservation Officer

No objections

#### Sustainable Transportation

No objection

#### Ecology Officer

No objection. Conditions recommended

#### Tree Officer

No objection. Conditions recommended

#### Drainage

The positive outfall of the existing surface water drainage should be clarified, as either to nearby watercourse or a Wessex Water surface water sewer

## Highways Structures

No comment

### 4.2 Other Consultees

#### HSE

HSE does not advise, on safety grounds, against the granting of planning permission in this case.

#### The Tortworth Estate Company

Object to the application

- Concern is raised over absconds, and the ramifications of an increased capacity at the prison in relation to this. Increased capacity will increase the likelihood of further absconds.
- this is of particular concern due to the proximity of primary schools, isolated rural office premises and local rural housing and types of prisoner being housed there has been raised with the local Member of Parliament
- there is concern over the lack of local community engagement and absconders, this situation appears to be improving, however it is felt that staff should be supported with the resources necessary to enable community engagement.
  
- an increase in capacity will increase the volume of traffic on the roads, both through construction and in the increased capacity of the prison which will result in increased staff, services and visitors
- it is not clear whether any assessment of this and the local road network has been made
- there have been serious incidents along the Tortworth Road
  
- the application fails to address some material heritage landscape issues
- the documents fail to note the significance of the heritage assets
- the application shows no intent to enhance the conservation management of those parts of the designated landscape which survive their ownership, nor intent to reduce the impacts of the prison on the wider setting of the registered park and listed Court
- the proposals incorporate two substantial buildings, infilling green spaces
- screening may be relatively good particularly in summer, however some views are likely and this may be increased in the event of storm damage, diseases and the thinning out of screening vegetation
- most of the prison buildings are at present low
- intensification of building at the prison will erode the openness associated with the adjacent park and the trees within the site as a whole
- it is considered that some mitigation of heritage impact generated by this development could be achieved by improvements to other parts of the registered park which remain in Home Office ownership
  
- the biodiversity net gain for the application is stated at 6.73%, the Planning Statement notes the Ministry of Justice commitment to at least 10%, the MoJ should take a lead on delivering at least the minimum required
  
- there is concern over the capacity at Leyhill Treatment Works, for foul

drainage

-there is related concern to how this will impact the phosphate levels in Tortworth Brook

-there have been previously raised concerns with regards to issues of odour from Leyhill Treatment Works. Additional loads from the prison is likely to further exasperate the situation.

Avon Gardens Trust

No comments to make

## **Other Representations**

### 4.3 Local Residents

One letter of objection has been received, summarised as follows:

-concern over nature of prisoners and absconders and the impact upon the local community

-serious events have recently occurred with absconders

-lax penal system and unsatisfactory reports does not ensure the safety of the community

-Until and unless the prison is able to significantly and strategically improve their operation I object to this application.

## **5. ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

The proposal is to erect 2 no accommodation blocks, a portacabin storage and to erect a weather shelter over the existing tennis courts. As the proposed structures would be located within the Prison complex, given that this is the established use of the site, there is no in-principle objection to the proposal, subject to detailed development management considerations. The issues for consideration are therefore any additional impacts, in planning terms, associated with the proposals for development within the existing site.

### 5.2 Heritage consideration

HMP Leyhill is bound to the north, west and south by Torthworth Park, which is a Grade II\* nationally registered garden. Due to the low-rise nature of the buildings on the site, views of the park are also achieved from the east across the site with the skyline dominated by the mature trees that form the eastern boundary of the registered park. The Grade II\* Torthworth Court also lies to the north-west and its associated building group also contains a number of designated heritage assets.

5.3 The proposed 2-storey accommodation blocks would be located to the southern part of the estate. The views of the 2no. proposed structures are largely enclosed or contained within the site by the existing structures. Therefore, while the 2no. accommodation blocks may represent a consolidation of the site, it would not result in a material change in character or landscape impact.

- 5.4 The proposed portacabin accommodation would be located in the centre of the existing estate, in light of its modest scale, it is considered that it would not have adverse impact.
- 5.5 It is not considered that the enclosure of the tennis courts to the south of the estate would have a material visual impact in this respect.
- 5.6 The proposals will largely be seen as a consolidation of the existing site rather than an expansion of the facility that could impact on the setting of the adjacent grade II\* listed Registered Tortworth Park and Gardens. In light of this, there are no objections from the Council's Conservation Officer.
- 5.7 Design and Visual Impact  
The proposed new buildings would be of brick slip and aluminium construction, have a pitched roof finished with and profiled metal roof, containing solar photovoltaic panels. The proposals are located within the prison complex and amongst the existing buildings within it and will be seen in this context, integrating adequately within the site. Given their location, design and siting, within the existing complex, the proposals are considered acceptable, and would be seen more as a consolidation of the existing site. Materials are considered acceptable. Similarly the open sided weather shelter/canopy, constructed over a steelwork structure over part of the sports court area, will integrate satisfactorily within the context of the site. The storage portacabin would represent a modest addition in the middle of the prison complex and would not give rise to any significant or material impacts.
- 5.8 Arboricultural Consideration.  
Given the proximity to existing trees an arboricultural report has been provided. Some tree removals would be required by the proposals. In all the removals are considered minor and should not affect the amenity of the site or area. There is replacement planting proposed in order to mitigate fully for the loss of existing trees not proposed for retention. In principle there are no objections to the proposal and the submitted Arboricultural documents are thorough and informative. An Arboricultural method statement will be required as a condition in accordance with BS:5837:2012. The Arboricultural documents should be added to the list of approved plans.
- 5.9 Sustainable Transport  
The increase in number of inmates and staff associated with the proposal will have a minimal impact on the local highway network. A Travel Plan has also been submitted with the proposal. On this basis there is no transportation objection to this proposal.
- 5.10 Ecological consideration  
The proposal would not have an impact upon any designated sites for Nature Conservation. Given its location, the proposal would result in the removal of grassland to accommodate the proposal. Ecological Surveys have been provided with the application and mitigation recommended. These are considered acceptable. Habitat creation in the form of tree planting and sowing of species rich grassland provides more ecological value than the existing amenity grassland. There is an expected net gain of 6.73% in terms of

biodiversity, therefore it is important that existing habitats such as trees are retained where possible and the creation of new improved habitat is implemented and managed well through a Landscape and Ecological Management Plan. There are no objections to the proposals from the Council's Ecological Officer. Conditions are recommended securing protection and mitigation.

#### 5.11 Drainage considerations

A Site Specific Flood Risk Assessment is has been provided with the application. A Drainage Strategy is submitted with the planning application that outlines the proposed surface and foul water drainage systems that will be constructed on site. The concerns raised above are noted. The foul drainage concerns and any potential discharge from the local treatment works will be matters for Wessex Water to assess. The applicants state new foul water connections from the accommodation blocks to public sewerage be subject to S106 Agreements with Wessex Water. Building Regulation assessment will also be required for the proposals. In addition to this additional information will be required on the final outfall for additional surface water from the system. A condition is recommended in this respect.

#### 5.12 Other Issues:

##### Local Amenity/Safety Concerns

The comments referred to above are noted. As the proposed structures would be located within the Prison complex, there is no in-principle objection to the proposal as the principle of the use of the site is established. In planning terms, no change of use is proposed and the site will remain to operate as a prison. The proposals the subject of this application facilitate higher levels of accommodation and facilities within the site. The nature and seriousness of the concerns raised above are acknowledged and the applicants have been made aware of these ongoing concerns. Notwithstanding this, it will be for Her Majesty's Prison and Probation Service in conjunction with the Ministry of Justice, and other relevant agencies and bodies to ensure the prison is operated and managed in accordance with Government legislation and requirements in all respects of daily prison management specific to this site and where necessary a multi-agency approach is established and maintained. This includes in terms of being adequately resourced and managed to cater for an increase in the prison population. To this effect it is stated that reducing the risk of abscond and protecting the public will be addressed through effective management and actively engaging with Multi-Agency Public Protection Arrangements (MAPPA) and the Parole and Release process, adhering to The Public Protection Manual and implementing an abscond reduction strategy.

#### 5.13 Consideration of likely impact on Equalities

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

positively contribute to the advancement of equality and good relations. It requires equality considerations to be reflected into the design of policies and the delivery of services.

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

## **6. CONCLUSION**

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

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

## **7. RECOMMENDATION**

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

## **CONDITIONS**

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

Reason

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

2. The development/works hereby permitted shall only be implemented in accordance with the plans as set out in the plans list below:  
Site Location Plan 9900 rev P06  
Site Layout Plan 9930 rev P05  
Houseblock - Building Sections CC & DD 2022 rev P3  
Houseblock - Construction Sections C1 2029 rev P2  
Existing Tennis and Proposed Badminton Courts 9000 rev P04  
Proposed Badminton Courts Plans and Elevations 9001 rev P02  
Reception Container Storage - Layout 9000 rev P06  
Accommodation Block 01 - Site Section 0833 rev P2  
Accommodation Block 02 - Site Section 0834 rev P3  
Landscape Plan - Accommodation Blocks 9931 rev P08  
Landscape Plan - Proposed New Court Canopy 9932 rev P02  
Landscape Plan - Proposed Modular Store 9933 rev P02  
Proposed Drainage Layout 9600 rev P03  
Landscape & Visual Impact Assessment  
Heritage Statement  
Tree Constraints Plan  
Tree Schedule  
Arboriculture Impact Assessment  
Ecological Mitigation Strategy

Ecology Walkover Study  
Flood Risk Assessment Addendum (including Flood risk Assessment)  
Drainage Strategy  
Energy Assessment for planning  
Geotechnical & Geo-Environmental Desk Study  
Transport Statement / Transport Statement Addendum /Framework Travel Plan  
Noise Impact Assessment and  
Construction Environmental Management Plan

- received by the Council on the 16th September 2021  
and:

Houseblock - Ground Floor Plan 2001 rev P01  
Houseblock - First Floor Plan 2002 rev P01  
Houseblock - Second Floor Plan 2003 rev P01  
Houseblock - Roof Plan 2004 rev P01  
Houseblock Elevations 2011 rev P02  
Houseblock - Building Sections AA & BB 2026 rev P01  
- received by the Council on the 13th January 2022

Reason

To define the terms and extent of the permission.

3. Prior to the commencement of the development hereby approved drainage details illustrating the additional outfall of the on-site surface water system resultant from the buildings shall be submitted to the Council for written approval. Such details shall thereafter be implemented in accordance with the details approved.

Reason

In the interests of the drainage of the site and to accord with CS1 of the South Gloucestershire Local Plan Core Strategy.

4. The development shall proceed in strict accordance with the Mitigation Measures provided in the Ecological Walkover Survey (Middlemarch, August 2021) and an Ecological Mitigation Strategy (Middlemarch, September 2021).

Reason

In the interests of ecology and to accord with Policy CS9 of the South Gloucestershire Local Plan Core Strategy Adopted December 2013 and PSP19 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan Adopted 2017.

5. Prior to the commencement of the development hereby approved, a "lighting design strategy for biodiversity" for the boundary features and any native planting shall be submitted to and approved in writing by the local planning authority. The strategy shall:
  - o Identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
  - o Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be

clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

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

#### Reason

In the interests of ecology and to accord with CS9 of the South Gloucestershire Local Plan Core Strategy Adopted December 2013 and PSP19 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan Adopted 2017.

6. 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 LEMP shall be written in accordance with BS42020. 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. The LEMP is also to include ecological enhancement plan detailing location and specification of the ecological enhancements detailed within Ecological Walkover Survey (Middlemarch, August 2021) and an Ecological Mitigation Strategy (Middlemarch, September 2021)

#### Reason

In the interests of ecology and to accord with CS9 of the South Gloucestershire Local Plan Core Strategy Adopted December 2013 and PSP19 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan Adopted 2017.

7. Prior to the commencement of the works hereby approved, a precautionary working method statement is to be submitted for written approval as detailed within the Ecological Walkover Survey (Middlemarch, August 2021) and the Ecological Mitigation Strategy (Middlemarch, September 2021), this is to expand on the details within the reports and outline where hibernacula will be installed in the event a reptile is found during works. Development shall thereafter comply with the details approved.

#### Reason

In the interests of ecology and to accord with CS9 of the South Gloucestershire Local Plan Core Strategy Adopted December 2013 and PSP19 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan Adopted 2017.

8. Prior to the commencement of the development hereby approved an Arboricultural method statement in accordance BS:5837:2012 shall be submitted to the Council for written approval. Development shall thereafter be undertaken in accordance with the approved details.



Reason

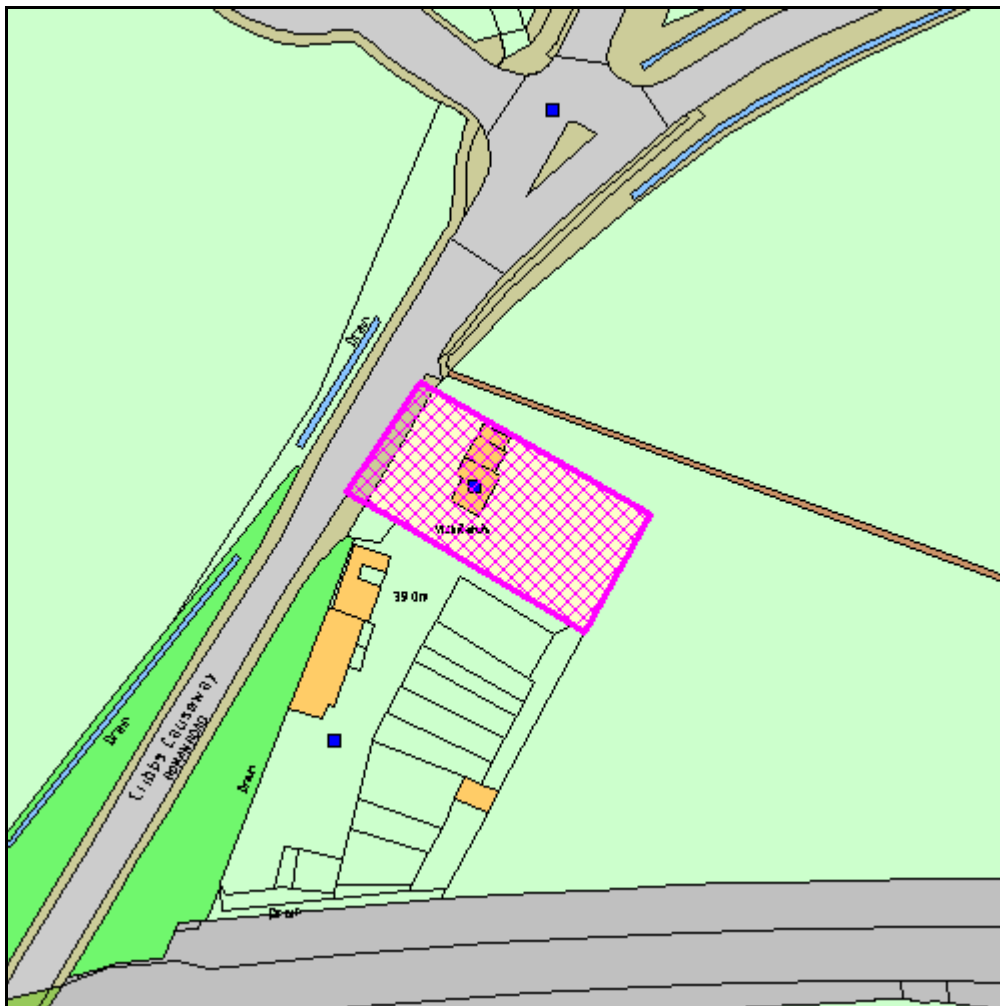
In the interests of the trees around the site and to accord with CS1 of the South Gloucestershire Local Plan Core Strategy and Policies PSP2 and PSP3 of the the South Gloucestershire Local Plan: Policies, Sites and Places Plan Adopted 2017..

**Case Officer: Simon Ford**

**Authorising Officer: Helen Ainsley**

**CIRCULATED SCHEDULE NO. 04/22 - 28th January 2022**

<b>App No.:</b>	P21/06495/F	<b>Applicant:</b>	Luke Sperring Missiato Design and Build
<b>Site:</b>	Woodlands Cribbs Causeway Almondsbury South Gloucestershire BS10 7TA	<b>Date Reg:</b>	7th October 2021
<b>Proposal:</b>	Demolition of existing dwelling. Erection of 3no. detached dwellings with landscaping and associated works.	<b>Parish:</b>	Almondsbury Parish Council
<b>Map Ref:</b>	356754 179828	<b>Ward:</b>	Charlton And Cribbs
<b>Application Category:</b>	Minor	<b>Target Date:</b>	29th November 2021



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100023410, 2008. **N.T.S.** **P21/06495/F**

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

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

This application appears on the Council's Circulated Schedule due to an objection received from Almondsbury Parish Council contrary to the officer recommendation below.

### **1. THE PROPOSAL**

- 1.1 The application seeks full planning permission for the erection of 3no. detached dwellings with landscaping and associated works, following the demolition of the existing dwelling.
- 1.2 The site is located on Cribbs Causeway and is within the North Fringe of Bristol area and the Cribbs/Patchway New Neighbourhood Area. The site is covered by an area TPO.
- 1.3 The application has been revised since the original submission reducing the number of dwellings from 4no. to 3no. as well as the submission of additional details relating to drainage, ecology and trees.

### **2. POLICY CONTEXT**

#### 2.1 National Guidance

National Planning Policy Framework  
National Planning Policy Guidance

#### 2.2 South Gloucestershire Local Plan Core Strategy (Adopted) 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
CS25	Communities of the North Fringe of Bristol Urban Area
CS26	Cribbs/Patchway New Neighbourhood

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

PSP1	Local Distinctiveness
PSP3	Trees and Woodland
PSP8	Residential Amenity
PSP11	Transport
PSP16	Parking Standards

PSP19	Wider Biodiversity
PSP20	Flood Risk, Surface water and watercourse Management
PSP43	Private Amenity Standards

### 2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted) 2007

Residential Parking Standards SPD (Adopted) 2013

Waste Collection: guidance for new developments SPD (adopted March 2020)

Technical Advice Note: Assessing Residential Amenity (June 2016)

Trees and Development Supplementary Planning Document (SPD) (adopted 2021)

## 3. CONSULTATION RESPONSES

3.1 Almondsbury Parish Council – “*Object, as previous issues around environmental assessments have not been fully addressed. Also, a proper environmental impact assessment is needed*”

3.2 Tree Officer – Concerns over number of trees within limited space, recommendation to return to previous design with less on site trees and off-site contributions.

3.3 Ecology – No objection subject to conditions relating to mitigation, lighting design strategy and ecological enhancement scheme.

3.4 Drainage – No objection subject to details of sewage package treatment plant being submitted

3.5 Archaeology – No objection subject to watching brief

3.6 Urban Design – No objection

3.7 Local Residents – No comments received

## 4. RELEVANT PLANNING HISTORY

4.1 N4941 - Erection of a single domestic garage. Construction of new vehicular access. – Approved 05.10.1978

### Adjacent site

4.2 PT14/0565/O - Mixed use development of 44 hectares of land comprising: up to 1,000 new dwellings (Use Class C3); an 86-bed Extra Care Home (Use Class C2); a mixed use local centre including a food store up to 1,422sqm net internal sales area (Use Classes A1, A2, A3, A4, A5, B1, D1, D2); a 2-form entry primary school; community facilities including a satellite GP surgery, dentist and community centre; associated public open space and sporting facilities; green infrastructure integrated with foot and cycle paths; together with supporting infrastructure and facilities including three new vehicular accesses. Outline application including access, with all other matters reserved – Approved 26.01.2021

- 4.3 There are also various discharge of conditions and reserved matters applications submitted in relation to the above application.

## 5. **ANALYSIS OF PROPOSAL**

### Principle of Development

- 5.1 The site is within the urban area of Cribbs Causeway and covered by the Cribbs/Patchway New Neighbourhood, an area where development is directed towards. This type of proposal is therefore acceptable in principle, subject to other material considerations.

### Design and visual amenity

- 5.2 The application site comprises a two storey detached dwelling house to the southeast of Cribbs Causeway. The property is the former Station House to the now disused Henbury train station. The existing property is not a heritage asset, and there would be no objection to its demolition.
- 5.3 The rear garden contains a number of mature trees and hedgerows to the boundaries. To the south lies The Old Station Stables, and beyond this the former Henbury Railway Station, now a concrete depot. To the north and east the site adjoins the new Cribbs Causeway neighbourhood (PT14/0565/O). The area immediately to the north and east is designated as residential, with a new local centre around 90m away to include retail, office use, and a new railway station. The proposal is visually detached from the new neighbourhood due to the belt of mature trees.
- 5.4 The proposal is for the erection of 3no detached dwellings arranged west to east, with parking and small gardens to the front and sides of the properties, and private gardens to the rear.
- 5.5 The site is well laid out, providing sufficient space between dwellings to avoid appearing crowded and overdeveloped.
- 5.6 The dwellings are to be 3 storey with a contemporary appearance, light brick is to be used to the front elevations with render to the sides and rear, and metal standing seam to the set-back top floor and part of the front elevation. Given the surrounding area is largely characterised by commercial/industrial buildings and sports pavilions, their modern appearance is considered to be suitable and the proposal is acceptable in terms of design and visual amenity.

### Transportation

- 5.7 This site is located within an existing urban area, hence it fully complies with the locational requirements of Policy PSP11 of the adopted South Gloucestershire Local Plan: Policies, Sites and Places document. The application site is highly sustainable, located on an active travel route and there are bus stops within walking distance with regular and multiple services. The

proposed Henbury Train Station will be located a short distance to the north east.

- 5.8 11 parking spaces are proposed, in the form of 3no. integral garages and 8 off-street parking spaces. The proposal meets the standards set out in PSP16 for 3no. spaces per 5 bed dwelling, plus an additional 2no. visitor spaces. Each property will be provided with a secure and covered cycle store within the rear garden, and refuse and recycling storage areas are proposed to the front of each dwelling.
- 5.9 As the road is not proposed for adoption, a refuse and recycling collection point is proposed at the front of the site, with a maximum walking distance of 30m.
- 5.10 There is an existing grass verge to the front of the property, which is not linked to any pavement. An 11m long area is proposed for refuse vehicles to pull into, to enable direct access to the refuse collection point. A crossing point will also be provided to the shared surface pavement on the opposite side of the road, and a pedestrian access has been provided.
- 5.11 An existing vehicular access is in place onto Cribbs Causeway, however without a dropped kerb. A 2.4m x 42m visibility splay can be provided. It is acknowledged that any refuse vehicle using the pull in would prevent views south, however given this would only be once a week for a small period of time, incorporation of the pull in into the splay is considered acceptable in highway safety terms.
- 5.12 The proposal can be expected to generate 8-16 trips per day. It is acknowledged that vehicles entering the site would have to give way to vehicles exiting the site, as there is not space for vehicles to pass each other on site. However, given the small-scale nature of the development, and the low numbers of trips generated, such conflict is unlikely to occur at a frequency which would impact significantly on the local highway network.

#### Arboriculture and Landscaping

- 5.13 The site is the subject of an Area TPO. The Planning Practice Guidance (PPG) advises that the TPO area category should only be used as a temporary measure. Amongst other aspects, it sets out that it is only intended for short-term protection in an emergency, may not be capable of providing appropriate long-term protection, and it may over time become difficult to be certain which trees are protected because the category will protect only those trees standing at the time it was made.
- 5.14 The TPO (no. 0835) was made in February 2014, prior to the submission of the outline application for the new Cribbs Causeway neighbourhood. A tree survey accompanies this application, and given the surveyed heights and maturity, there is little dispute that all trees on site were in situ in February 2014, and are therefore covered by the area TPO.

- 5.15 The survey identifies a Pedunculate Oak at the entrance to the site (Category B2) which is to be retained as part of the development. A group of four trees are situated to the northeastern corner of the site; a diseased Ash tree and a Crack Willow (Category U), and a Horse Chestnut and a Yew (C2). A cluster of three Category C2 trees (Plum, Apple and Yew) are situated on the southern boundary, and there are three hedgerows; two privets forming an external and internal boundary to the front garden, and a mixed species hedgerow to the southern boundary (all Category C2).
- 5.16 It is proposed to retain both the Category B2 Oak, and to fell the remaining low-quality and uncategorized trees and hedgerows, none of which are considered to be worthy of group or individual TPOs. The Tree Officer has raised no objection to their removal.
- 5.17 The proposed site plan includes new planting, comprising 8no. street trees and new native species hedgerows to the northern and western boundaries. The trees will likely be Acer Campestre, Betula Pendula and fruit trees, however this will be confirmed by the submission of a detailed landscape plan.
- 5.18 The Trees and Development Sites SPD requires new or compensatory tree losses as a result of development where category A, B or C trees are to be felled as part of a development.
- 5.19 The application proposes the loss of 15 trees. The replacement trees were initially proposed to be planted on site, however these trees would have had limited space and would likely not have survived long term. The onsite tree planting has therefore been reduced to 8 trees, leaving a shortfall of 7 trees.
- 5.20 In accordance with the SPD, if adequate tree replacements cannot be achieved on site, the outstanding amount are to be bonded to SGC to plant elsewhere on Council owned land or as part of a community project. A legal agreement will therefore be required for the planting of 7 open ground trees, at a sum of £5,600.
- 5.21 Tree protection works are also included within the submitted Arboricultural Report, and are considered to be acceptable.

#### Residential amenity

- 5.22 The proposed three dwellings are sited side by side, in a location where they are not overlooked by other residential dwellings. Some overlooking of the very rear of the proposed gardens may be possible from the proposed upper floors, but not to an extent that would be considered significantly harmful.
- 5.23 The proposed residential area to the north west is not at a point where detailed design is available, however the existing tree planting which is protected by the area TPO is more than sufficient that intervisibility is very unlikely to be possible.

- 5.24 The dwellings are all provided with over 70m<sup>2</sup> outside amenity space, which is the minimum required under PSP43. Internally, the dwellings meet the requirements of the National Space standards and have good provision of natural light.
- 5.25 The stables to the south are restricted to 3 horses and for personal use only. In addition, a condition prevents the storage of any waste within 15m of the proposal site.
- 5.26 Overall, the proposals are not considered to cause significant harm to residential amenity.

### Ecology

- 5.27 An Ecological Appraisal (Quantock, September 2021) and Bat Survey Report (Quantock, September 2021) has been submitted. The site is not covered by any designated sites. Habitats on site include scattered scrub, scattered trees, tall ruderal, amenity grassland, introduced shrub and hedgerow.
- 5.28 The building was assessed as being of low potential for roosting bats, during the first emergence survey a common pipistrelle was recorded emerging. Two further surveys were undertaken in order to characterise the roost and inform mitigation.
- 5.29 Mitigation includes supervision of a soft stripping of the building and a roost box to be installed prior to works commencing. The mitigation is also to include an inspection of all features prior to works commencing and this is to be updated prior to determination.
- 5.30 There is suitable terrestrial habitat for GCN and common amphibians, however there is a lack of breeding habitat on site and within 500m of the site, therefore they are unlikely to be present.
- 5.31 The trees are not well connected to the wider site, therefore it is unlikely that dormice will be present.
- 5.32 No active bird nests were recorded, however there is suitable habitat on site and appropriate mitigation has been recommended.
- 5.33 The tall ruderal and scrub provide suitable habitat for reptiles, however it is limited and if present they are likely to be in small numbers, appropriate mitigation has been recommended.
- 5.34 No evidence of badgers were recorded, however there is suitable habitat for foraging and they may pass through the site, appropriate mitigation has been recommended.
- 5.35 There is suitable habitat for hedgehogs, however they are not detailed within the report. Mitigation proposed for reptiles will be applicable for hedgehogs, in addition a check prior to vegetation clearance is to be undertaken.



- 5.36 The site is unlikely to provide suitable habitats for a wide assemblage or notable invertebrates.
- 5.37 There is no ecological objection, subject to conditions relating to mitigation, lighting design strategy and an ecological enhancement scheme.

#### Drainage

- 5.38 A connection to foul sewers is not available. As such, a package treatment plant is proposed. Its location and method of irrigation will be required by condition.

#### Archaeology

- 5.39 The application is in an area of archaeological potential. A condition requiring a watching brief during demolition and construction will therefore be required.

#### Other matters

- 5.40 The concerns from the Parish Council relating to Environmental Assessments are noted, although it is not clear what the “previous concerns” are as the Parish’s previous comments were supportive providing the items identified in the ecological assessment and survey were satisfied. The Ecology Officer has raised no objection to the scheme. The Parish have been contacted for clarification, but no response has been received.
- 5.41 In regards to an Environmental Impact Assessment, the proposals do not meet any of the applicable thresholds within Schedule 1 or 2 of the EIA Regulations (2017). An Environmental Impact Assessment is therefore not required.

#### Consideration of likely impact on Equalities

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

## **6. CONCLUSION**

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

## **7. RECOMMENDATION**

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

The provision of funds of £5,600 towards off-site open ground tree planting.

## **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 provision, refuse and cycle storage provisions, visibility splays and layby as shown on the Proposed Site and Landscaping Plan (486-PLA-104D), shall be provided prior to the first use of the dwellings and retained for those purposes thereafter.

Reason

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

3. No occupation shall commence until a hard and soft landscape scheme has been submitted to and approved in writing by the Local Planning Authority showing details of all trees, hedgerows and other planting to be retained; a planting specification to include numbers, size, species and positions of all new trees and shrubs, details of existing and proposed walls, fences, other boundary treatment and surface treatment of the open parts of the site, and a programme of implementation.

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

size to be first approved in writing by the Local Planning Authority. 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.

5. 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.

6. The development shall be carried out strictly in accordance with the Arboricultural Report (Silverback December 2021).

Reason

To ensure that trees and vegetation to be retained are not adversely affected by the development proposals in accordance with PSP3 and PSP19.

7. The development shall proceed in strict accordance with the Mitigation Measures provided in the Ecological Appraisal (Quantock, December 2021) and Bat Survey Report (Quantock, December 2021)

Reason

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

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

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

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

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

Reason

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

9. Prior to occupation, an ecological enhancement scheme is to be submitted to and approved in writing by the local planning authority. This is to expand on the details submitted within the Ecological Appraisal (Quantock, September 2021) and Bat Survey Report (Quantock, September 2021) and include a plan detailing location and speciation of ecological enhancements and installations. The enhancements shall be installed prior to occupation in accordance with the approved details.

Reason

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

10. Prior to the commencement of works details of the Package Treatment plant must be submitted to and approved by the local planning authority. The method of irrigation for the effluent overflow must be indicated. A percolation test for discharge to a soakaway is necessary. The applicant must consult the Environment Agency for the need to obtain an 'Environmental Permit' and produce a copy if required. Building Regulation approval must also be obtained. Package Treatment Plants must be located 10 metres away from any watercourse and structures including the public highway.

Reason

To ensure a satisfactory means of drainage and pollution control in order to comply with South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017 Policy PSP21; and South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 Policy CS9.

This is required prior to commencement as it relates to ground conditions to avoid remedial works.

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

Reason

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

This is required prior to commencement to ensure that archaeology is not disturbed before an agreed watching brief is in place.

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

04 Oct 2021	486-PLA- 001	A	EXISTING SITE AND LOCATION PLAN
11 Nov 2021	486-PLA-104	D	PROPOSED SITE AND LANDSCAPING PLAN
11 Nov 2021	486-PLA-110	B	FLOOR PLANS
11 Nov 2021	486-PLA-130	B	PROPOSED NORTH (LONG) ELEVATION
11 Nov 2021	486-PLA-131	A	PROPOSED SOUTH (LONG) ELEVATION
11 Nov 2021	486-PLA-132	B	PROPOSED HOUSE ELEVATIONS

Reason

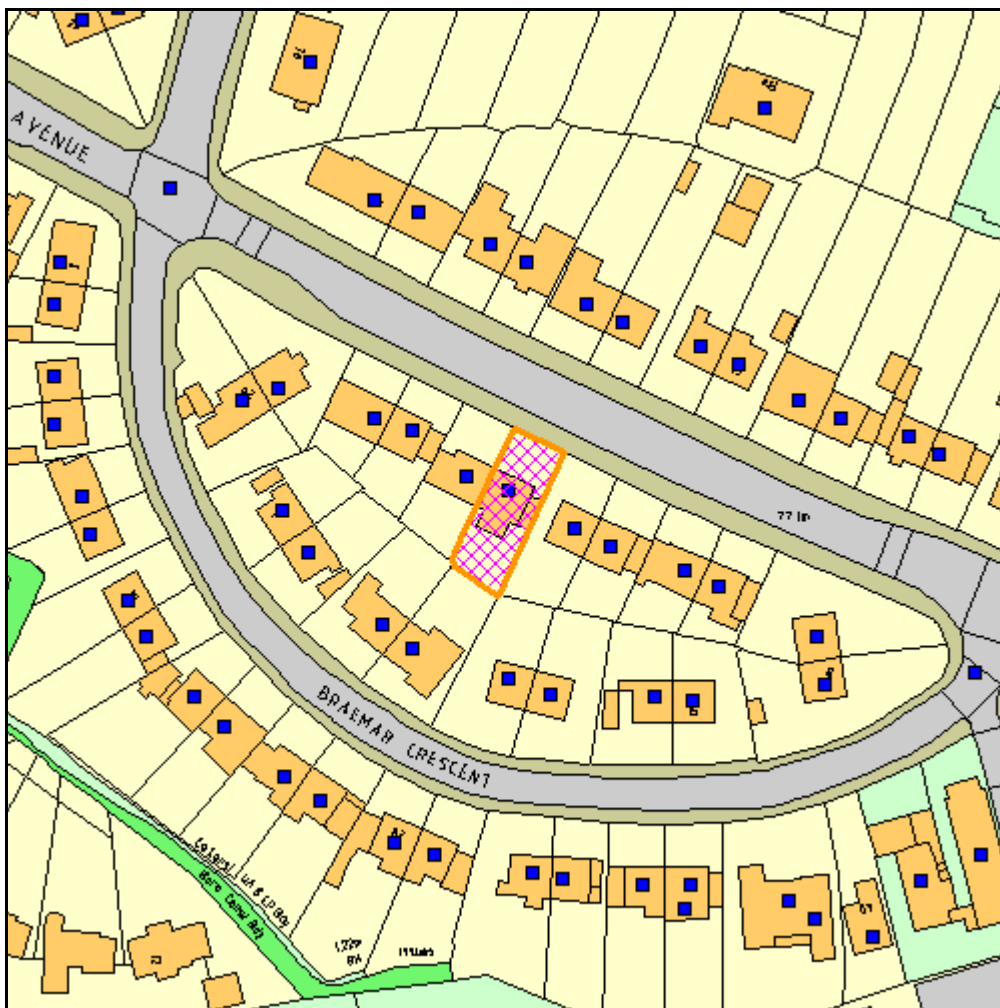
To define the terms and extent of the permission.

**Case Officer: Rae Mepham**

**Authorising Officer: Suzanne D'Arcy**

**CIRCULATED SCHEDULE NO. 04/22 - 28th January 2022**

<b>App No.:</b>	P21/06787/F	<b>Applicant:</b>	Mr Sam Andrews Redland Capital Ltd
<b>Site:</b>	18 Braemar Avenue Filton South Gloucestershire BS7 0TB	<b>Date Reg:</b>	26th October 2021
<b>Proposal:</b>	Change of use from a small HMO for 3-6 people (Class C4) to a large HMO for up to 7 people (sui generis) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended).	<b>Parish:</b>	Filton Town Council
<b>Map Ref:</b>	359748 178267	<b>Ward:</b>	Filton
<b>Application Category:</b>	Minor	<b>Target Date:</b>	15th December 2021



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 100023410, 2008. **N.T.S.** **P21/06787/F**

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

### **Reason for Referring to Circulated Schedule**

This application has been referred to the Circulated Schedule following the receipt of objections from Filton Town Council and objections from more than 3no.( i.e. 7no.) local residents, the concerns raised being contrary to the officer recommendation.

## **1. THE PROPOSAL**

- 1.1 The application relates to no.18 Braemar Avenue, a semi-detached property, within the Filton ward of South Gloucestershire, and the North of Bristol Urban Fringe Settlement Boundary. The site is in Flood Zone 1, and no policy designations apply to the site. The front garden has a concrete driveway leading to a side garage, with the remainder of the garden gravelled. There is no front boundary treatment and there is an existing dropped kerb to the driveway. There is an enclosed garden to the rear.
- 1.2 The existing single-storey rear extension and garage side extension have been previously erected under Permitted Development Rights. The house was changed (also under p.d. rights) from a C3 residential dwelling to a C4 small house in multiple occupation by the previous owner, and let out to 4 unrelated individuals, with the front lounge converted to a bedroom.
- 1.3 It is proposed to change the use of the property from a small house in multiple occupation (C4) for 3-6 people, to a large (seven-bedroom) house in multiple occupation HMO for up to 7 people (sui generis). The existing small HMO dwelling comprises four bedrooms, a through living room and dining room, kitchen and bathroom and 103sqm of gross internal floorspace (excluding the garage).
- 1.4 It is also proposed to undertake building work under Part 1, Class A of the GPDO comprising alterations to the fenestration to the front and rear of the garage. The garage would be converted to habitable space but this does not constitute development. It was also originally proposed to extend the garage forwards but this element of the scheme has now been deleted from the proposal.

## **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 Review (AMR) (March 2021 Addendum) that, using the Standard Method, South Gloucestershire Council can demonstrate that it currently has a 6.14 year housing land supply. As such the development plan policies are considered to be up to date and for the purposes of decision taking, sustainable development proposals that accord with an up-to-date development plan should be approved without delay(see NPPF para 11c).

**3. RELEVANT PLANNING HISTORY**

3.1 N7373 - Erection of single-storey rear extension to kitchen.  
 Approved 14<sup>th</sup> May 1981

**4. CONSULTATION RESPONSES**

4.1 Filton Town Council  
 The proposal for an HMO (house in multiple occupation) of 7 beds has been found to be contrary to the recently adopted supplementary planning document



which states that in localities where known HMO properties already represent more than 10% of households the introduction of additional HMOs will be unacceptable. This area of Filton has a 11.2% concentration of HMOs and as such the change of use into a large HMO fails to meet adopted Policy CS17 of the South Gloucestershire Local Plan: Cores Strategy (Adopted) 2013 and PSP39 of the Policy Sites and Places Plan (Adopted) 2017 and the adopted SPD Houses in Multiple Occupation (Adopted) 2021. The driveway needs to be a permeable surface; lack of private amenity/green space; over development not in keeping with rest of street; extension should have sloping roof; pressure on sewage system; no access to cycle storage only through house.

Councillor Chris Wood

Object on following grounds:

- Increased density of HMO's in the locality.
- Insufficient on-street parking.
- Increased noise.

Councillor Adam Monk

Object on following grounds:

- Excessive density of HMO's in the locality.
- Parking issue.

4.2 Other Consultees

Economic Development

No response

Transportation D.M.

No objection subject to conditions to secure parking and electric vehicle points prior to first use.

Planning Policy

No response

**Other Representations**

4.3 Local Residents

7no. local residents objected to the proposal. The concerns raised can be summarised as follows:

- Nos. 16, 18, 20, 22 and 24 are multi-occupant properties.
- No. 24 recently converted to a 6 bed HMO.
- There are 5 HMO's directly adjacent.
- Contrary to recently adopted SPD i.e. >10% density of HMO's.
- Insufficient parking provision.
- Increased on-street parking on already congested and narrow street.
- Overcrowding – property not suitable for large HMO.
- Soil pipe to front elevation would be unsightly.
- Dangerous access.
- Unfeasible bike store back garden- access through house.
- Insufficient bin storage.

- Dangerous road – accidents.
- Increased noise.

## 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) 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; 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 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.
- SPD 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.2 Braemar Crescent and no.24 Braemar Avenue, the proposed HMO 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 concentrations of HMOs, the SPD requires consideration of existing localities that are already experiencing levels of HMOs which harm the ability to support mixed communities and preventing impact on character and amenities, and applications which would result in a level of HMOs that could contribute towards harmful impacts.
- 5.20 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.18 Braemar Avenue, and contrary to what the Town Council say, HMO properties currently represent 4.6% of households within the locality i.e. 8 out of 174 dwellings. This would increase to 5.2% if this application is approved i.e. well below the 10% threshold.
- 5.22 Similarly, within a 100m radius of the application site, there are 60 properties of which 2 are licensed HMOs, or 3.3%. This would increase to 5.0% if this application is approved, i.e. well below the 20% threshold.
- 5.23 The principle of the proposed change of use to a large HMO is therefore considered to comply with policies PSP39, PSP8 and CS17 and the SPD. The principle of the change of use is acceptable and is not considered to significantly impact upon residential amenity.

Impact on the character of the area.

- 5.24 Since it is no longer proposed to extend the existing garage, the only works required to facilitate the proposed change of use, are either internal or the insertion of new windows. These works are relatively minor and as such there is no reasonable justification for refusal in terms of the impact on the character of the area due to visual impacts.
- 5.25 Concerns raised by a local resident about soil pipes on the front elevation are unfounded given that the applicant has now confirmed that no soil pipes are proposed on the front elevation (they will all be channelled to the existing ones to the side).

Residential amenity

- 5.26 The small HMO currently accommodates 4 people, and could easily accommodate a further two people through internal reconfigurations, including the conversion of the garage. For future occupiers, the proposed layout would include internal reconfigurations, together with the provision of two bedrooms within the existing garage. The lounge and kitchen would provide 27.25sqm of communal living space, exceeding the South Gloucestershire Council's Room Size and Amenity Standards for Licensable HMOs requirement of 22sqm. The seven bedrooms would range from 8.28 to 11.14sqm, exceeding both the 6.51sqm minimum required by Licensing, and the 7.5sqm minimum standard for a single room under National Space Standards. Three bathrooms would be provided, at ground, and first floor levels, in compliance with Licensing requirements.
- 5.27 Policy PSP43 sets out minimum standards for private amenity space, however there is no set standards for HMOs. Using this policy as a reference, a 1no. bed flat should have access to a minimum for 5m<sup>2</sup> amenity space. Using this standard, 7 x 1bed. flats would require 35m<sup>2</sup> amenity space. The rear garden is 87sq.m. i.e. well in excess of this requirement, and as such it is considered that sufficient private amenity space would be provided for future occupants.
- 5.28 The proposal is situated within a dense urban area. It is accepted that some overlooking would occur, however this is only to be expected within a residential area and is not at a level that would cause significant harm to residential amenity.
- 5.29 The physical alterations to the property are small-scale, and are not considered to cause any significant overbearing impact or loss of light. The existing boundary treatments provide a high level of privacy.
- 5.30 There is adequate space within the front garden for refuse storage, and so there would be no impact on visual amenity in this regard. Whilst a common concern with regards to HMO conversions is an increase in noise and disturbance, any additional noise that may result from the proposed increased accommodation would be small, and issues of noise and anti-social behaviour, should they arise, would in any event be dealt with through environmental protection legislation. In conclusion, the change of use would not give rise to significant harm to the amenity of neighbours.

### Transportation and highways

- 5.31 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.
- 5.32 It is a material consideration that the property already operates as a 4-bed small HMO with only 1no. parking space. To operate as a 7 person large HMO the proposal would generate the need for 2no additional car parking spaces.
- 5.33 It is proposed to lay block paving to the existing front garden, to create two additional parking spaces (3 in total). Two of the parking spaces would be equipped with electric vehicle charging points. Whilst it may be necessary to reverse in to or out of the site, given the low number of vehicle movements (6-8 per day), this would not amount to a severe highways impact to justify refusal, in the context of paragraph 111 of the NPPF. Officers noted during their site visit (midday Friday) that unrestricted on-road parking was widely available within the vicinity of the property. One car parking space could be satisfactorily accommodated outside the site.
- 5.34 The site is within a sustainable location, within easy walking distance of the local centre at Gloucester Road North, and the Filton Town Centre. There are bus stops on Gloucester Road North providing multiple, regular (every 5-15 minutes) services into Bristol City Centre and to UWE and Cribbs Causeway. In addition, the site is conveniently located for the extensive Bristol Cycle Network.
- 5.35 Cycle storage for 7 bicycles (one per bedroom) can be provided within a dedicated, secure store within the rear garden. Access to the bike store would be through the house. Whilst not ideal, this is not grounds to refuse the application.
- 5.36 The proposal would not result in significant harm being caused to the local highway network or to highway safety. No substantive evidence has been provided to the contrary. Subject to provision of the above, the Council's Transportation Officer raises no objection to the proposal.

### Other matters

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

### Consideration of likely impact on Equalities

- 5.38 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

- 5.39 The proposal is acceptable in principle and would not result in 'sandwiching' of existing residential dwellings (C3) with licensed HMO's. Furthermore the proposal would not exceed the 10% and 20% density thresholds quoted in the HMO SPD and as such would have no significant adverse impact on residential amenity or the character of the area. Adequate car and cycle parking provision would be provided to address the additional traffic generated by the proposal and there would be no unacceptable impacts on highway safety. The residual cumulative impacts on the road network would not be 'severe'. There would be no significant impact on visual amenity.

## **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. 3no. spaces to include two 7kw supply electric vehicle charging points), bin store and cycle storage, as shown on the Existing and Proposed Site Plan (drawing no. 3968.PL.02 Rev B) received by the council on 22nd November 2021, 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:

Existing Plans and Elevations Drawing No. 3968.PL.03 received 20th Oct. 2021  
Site Location Plan Drawing No. 3968.PL.01 received 20th Oct. 2021  
Existing and Proposed Site Plans Drawing No. 3968.PL.02 Rev B received 22nd Nov.  
2021  
Proposed Plans and Elevations Drawing No. 3968.PL.04 Rev A received 22nd Nov.  
2021

Reason

To define the terms and extent of the permission.

**Case Officer: Roger Hemming**

**Authorising Officer: Suzanne D'Arcy**