

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: 20/23

Date to Members: 19/05/2023

Member's Deadline: 25/05/2023 (5.00pm)

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

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

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

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

NOTES FOR COUNCILLORS

– formal arrangements for referral to committee

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

c. All applications for non-material amendments

d. All applications to discharge planning conditions

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

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

Additional guidance for Members

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

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

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

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

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

A template for referral is set out below:

Referral from Circulated Schedule to Development Management Committee

1. Application reference number:

2. Site Location:

3. Reasons for referral:

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

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

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

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

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

Date:

To be emailed to MemberReferral@southglos.gov.uk

CIRCULATED SCHEDULE 19 May 2023

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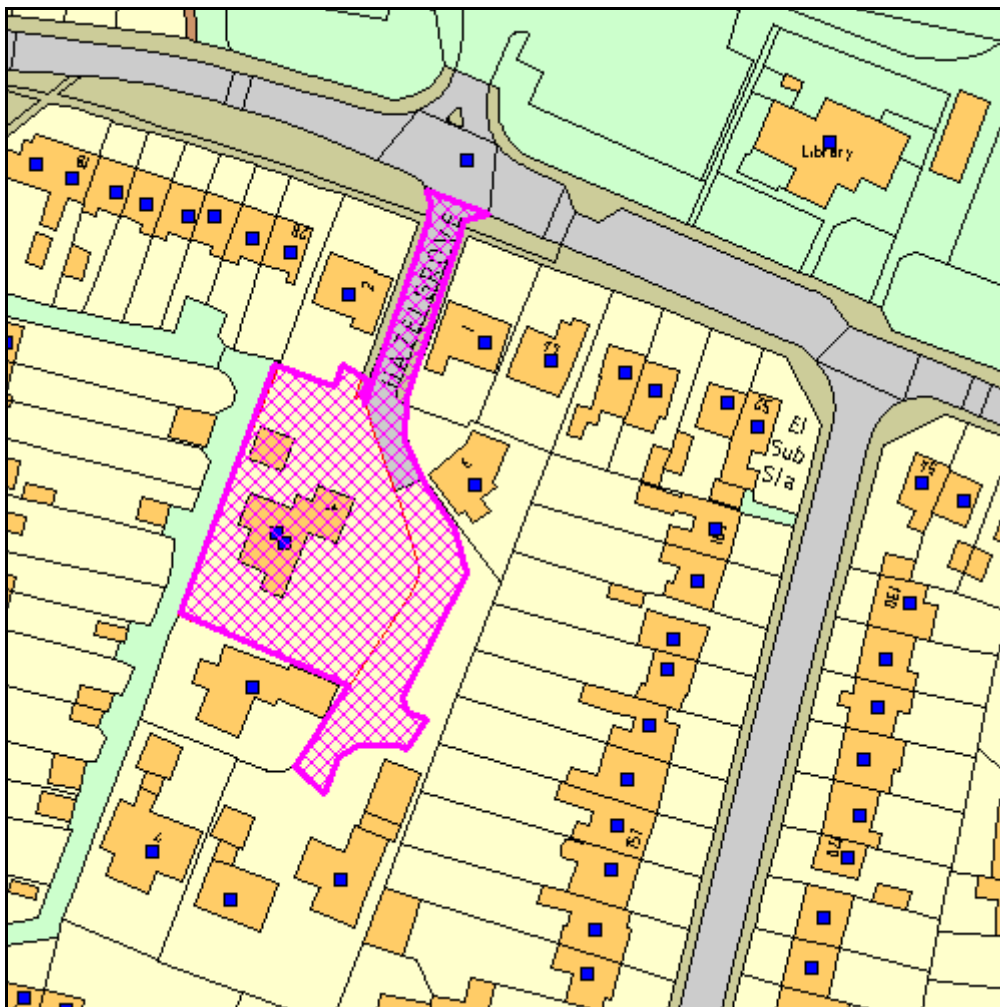
ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	P22/05828/F	Approve with Conditions	Land At 4 Hazelgrove Winterbourne South Gloucestershire BS36 1SH	Winterbourne	Winterbourne Parish Council
2	P22/06328/F	Approve with Conditions	Land East Of Mumbleys Lane Thornbury South Gloucestershire BS35 3JU	Severn Vale	Oldbury-on-Severn Parish Council
3	P22/06627/RVC	Approve with Conditions	Land At Berwick Grange Berwick Lane Easter Compton Bristol South Gloucestershire BS35 5RX	Pilning And Severn Beach	Almondsbury Parish Council

Schedule Number	Officers Deadline reports to support	Date to Members	Members deadline	Decisions issued from
17/23	12 O'Clock Tuesday 25 April	9am Thursday 27 April	5pm Thursday 4 May	Friday 5 May
18/22	No Circulated due to elections.			
19/22	Normal			
20/22	Normal			
21/22	12 o'clock Tuesday 23 May	9am Thursday 25 May	5pm Thursday 1 June	Friday 2nd June

Dates and officer deadlines for Circulated Schedule May Bank Holiday and Kings Coronation

CIRCULATED SCHEDULE NO. 20/23 -19th May 2023

App No.:	P22/05828/F	Applicant:	Mr And Mrs Oakley
Site:	Land At 4 Hazelgrove Winterbourne South Gloucestershire BS36 1SH	Date Reg:	17th October 2022
Proposal:	Demolition of existing dwelling and garage. Erection of 3no. new dwellings with detached garages, and other associated works.	Parish:	Winterbourne Parish Council
Map Ref:	364994 180447	Ward:	Winterbourne
Application Category:	Minor	Target Date:	26th May 2023



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P22/05828/F

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

REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

Winterbourne Parish Council raised an objection to the proposed development for the following reasons:

'The PEA report does not clearly state who the ecological survey was undertaken by. Clarification is required in the form of an updated PEA report, prior to determination.'

During the course of the application additional ecology information was submitted. The Parish Council were re-consulted but no further response was received.

1. THE PROPOSAL

- 1.1 Planning permission is sought for the demolition of existing dwelling and garage and erection of 3no. detached dwellings with detached garages and other associated works on Land at 4 Hazelgrove, Winterbourne.
- 1.2 The application site comprises an existing bungalow set within a large plot currently used as the property's private garden space. The site lies off Hazelgrove which connects to the wider highway network via Flaxpits Lane. The application site is located within the defined Winterbourne settlement boundary.
- 1.3 This application is a re-submission of plans that were originally approved in 2010 (ref. PT10/0970/F) and again in 2013 (ref. PT13/1822/EXT).
- 1.4 During the course of the application a revised red line plan and additional ecology, drainage and transport information was submitted. A full re-consultation was carried out.

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
CS8	Improving Accessibility
CS9	Managing the Environment and Heritage
CS15	Distribution of Housing
CS16	Housing Density
CS17	Housing Diversity

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

PSP1	Local Distinctiveness
PSP3	Trees and Woodland
PSP8	Residential Amenity
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP19	Wider Biodiversity
PSP20	Flood Risk, Surface Water and Watercourse Management
PSP38	Development within Existing Residential Curtilages
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

Trees and Development Sites SPD (Adopted) April 2021

3. RELEVANT PLANNING HISTORY

3.1 PT13/1822/EXT

Erection of 3no. detached houses with associated garages and works.
(Consent to extend time limit implementation for PT10/0970/F).

Approve with Conditions (17/07/2013)

3.2 PT10/0970/F

Erection of 3no. detached houses with associated garages and works.
(Resubmission of PT09/0674/F).

Approve with Conditions (01/06/2010)

3.3 PT09/0674/F

Construction of 2 no. detached houses and 1 no. detached bungalow with
associated garages and works.

Withdrawn (01/06/2009)

4. CONSULTATION RESPONSES

4.1 Winterbourne Parish Council

Objection - The PEA report does not clearly state who the ecological survey
was undertaken by. Clarification is required in the form of an updated PEA
report, prior to determination.

[During the course of the application additional ecology information was
submitted. The Parish Council were re-consulted but no further response was
received.]

4.2 Archaeology Officer

No comment.

4.3 Ecology Officer

No objections subject to the inclusion of conditions.

4.4 Floor and Water Management Team

No objection.

4.5 Sustainable Transport Team

No objections subject to the inclusion of conditions and an informative.

4.6 Tree Officer

No objections.

4.7 Local Residents

1no. objection comments from local residents have been received making the following points:

- The proposed plans do not indicate the fate of the hedgerow and trees that define the rear boundary of the site.
- The site is home to a mix of species that the proposed development would reduce.
- The proposed garage of Plot 3 would be immediately adjacent to the fence of the neighbouring property. The proposal would lead to overshadowing of the neighbouring garden.
- The proposed hardstanding has the potential to increase flood risk.
- The submitted Covering Letter contains errors.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Planning permission is sought for the demolition of existing dwelling and garage and erection of 3no. detached dwellings with detached garages and other associated works at a site in Winterbourne. Policy CS5 of the Core Strategy outlines the locations at which development is considered appropriate. CS5 dictates that most new development in South Gloucestershire will take place within the communities of the north and east fringes of the Bristol urban area, and within defined settlement boundaries. The application site is situated within the defined Winterbourne Settlement Boundary. As such, based solely on the location of the site, the principle of the development is acceptable.

5.2 The development is acceptable in principle under the provisions of Policy CS5, and it is acknowledged that the provision of a new dwelling towards housing supply would have a modest socio-economic benefit. However the impacts of the development proposal must be further assessed against relevant policy in order to identify any potential harm. For this type of development at this location, the further areas of assessment are: impacts on visual amenity; impacts on residential amenity; and impacts on the surrounding transport network.

5.3 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.
- 5.4 The existing site contains a large detached bungalow within a generous curtilage. The proposed development would demolish this existing bungalow and replace it with 3no. two storey detached dwellings. The proposed dwellings would front a private access drive off Hazelgrove, which currently serves 4 dwellings. The proposed dwellings would all benefit from having front garden space, private rear garden space, parking areas and detached garages.
- 5.5 The proposed dwellings would be set back from the existing private drive and stepped back slightly from each other. Plot 1 and 2 would have detached garages adjacent to the existing private drive whilst Plot 3 would have a detached garage set back from the private drive to the rear of the site. This is to allow for an area to be used as a turning head. Currently there is a 2 metre high brick wall running the length of the site boundary adjacent to the private drive. The creation of frontages onto the private drive would therefore represent a visual improvement.
- 5.6 The proposed development would consist of 3no. large detached dwellings, each with a hip roof, flat roof porch, and gable end to the front. The proposed fenestrations would match. The proposed material are considered to be of a good quality with reconstructed bath stone being used for the plinth courses, quoin blocks, lintels and dentil courses. All roofs would be covered in smooth face black/blue reconstituted slate tiles. The proposed dwelling design and materials, including the colour and finish of the render, would match the other existing dwellings that front the private access drive (approved under applications P96/1967 and PT04/3526/F).
- 5.7 Overall, it is considered that the proposed development would closely match the design of the other existing dwelling that front the private access drive in terms of size, detailing and appearance. The development would therefore be in keeping with the surrounding area and would not cause any visual amenity harm.
- 5.8 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.
- 5.9 To the west of the site lie rows of terraced dwellings beyond a rear access lane. These properties benefit from long rear gardens, in excess of 25 metres, therefore there would be no overbearing impact upon the occupiers of these dwellings. To the south there is a large detached property which Plot 1 would abut its side elevation wall and therefore cause no undue overbearing or loss of light. To the east of the site, the situation is similar to the west with all

- properties having long gardens. To the north the nearest building to the rear of 2 Hazelgrove would be a single storey detached garage and it is not considered this would be of a size to cause an overbearing impact or unacceptable loss of light.
- 5.10 To the east and west, properties on Green Dragon Road and Bradley Avenue all benefit from having long rear gardens. Loss of privacy should be measured on distances between habitable rooms in neighbouring properties. In this instance, these properties would all have distances in excess of 30 m between habitable rooms. It is considered this is a sufficient distance for there to be no loss of privacy or undue overlooking. The side elevation windows of all three properties are obscure glazed and so this would prevent any loss of privacy to the north and south of the site.
- 5.11 Policy PSP43 of the Policies, Sites and Places Plan outlines the Councils minimum standards for private amenity space for new residential units. PSP43 states that private amenity space should be: functional and safe; easily accessible from living areas; orientated to maximise sunlight; of a sufficient size and functional shape to meet the needs of the likely number of occupiers; and designed to take account of the context of the development, including the character of the surrounding area.
- 5.12 4 bedroom dwellings are expected to provide a minimum of 70 square metres of functional private amenity space. The proposed development meets this minimum requirement for all 3 proposed dwellings.
- 5.13 Highway Safety and Transport
Vehicular access to the proposed dwellings would be provided via the existing private access drive. A number of road upgrades are required to accommodate the erection of 3no. additional dwellings. A condition would be attached to any consent requiring the highway improvement works shown on drawing 1217-001-02A to be completed in accordance with construction, surfacing and highway drainage details to be submitted to and approved in writing by the Local Planning Authority. A further condition would also require the installation of tactile paving at the pedestrian crossing point on Hazelgrove at the junction with Flaxpits Lane in accordance with details to be submitted to and approved in writing by the Local Planning Authority.
- 5.14 In terms of parking, Policy PSP16 of the Policies, Sites and Places Plan required 4 bedroom dwellings to provide a minimum of 2no. off-street parking spaces. The proposed development would meet this minimum requirement.
- 5.15 Due to the scale and location of the proposed development and in the interest of highway safety, a condition would be attached to any consent requiring the submission of a Construction Environmental Management Plan (CEMP).
- 5.16 On the basis that sufficient on-site parking is provided, it is not considered that the development would directly lead to additional vehicles parking on the highway. However for the avoidance of doubt, a condition will be attached to any consent requiring the 6 parking spaces to be provided prior to the first occupation of the new dwelling, and thereafter retained as such.

5.17 Drainage

The submitted Drainage Layout Plan shows the proposed drainage solutions for both surface and foul water. The Submitted plan is considered acceptable and compliance would be conditioned.

5.18 Ecology

A Preliminary Ecological Assessment (PEA) Report (Silverback Arboricultural Consultancy Ltd, November 2022) and an Addendum Ecology Report for Bats (Pure Ecology, March 2023) have been submitted in support of this application. The site is not covered by any ecological designations and there are no protected habitats on site.

5.19 The existing main house and garage were assessed as having low potential to support roosting bats. The trees on site were assessed as having no suitable roost features for bats. Ecological enhancement recommendations were included in the report, including installation of bat boxes/panels. The Addendum Ecology Report for Bats provides the results of a site visit undertaken in February 2023. The report included a more detailed inspection of potential roost features, and it is noted that no obvious signs of roosting bats were found in any of the inspected features. The report concluded that both buildings had negligible potential to support roosting bats, due to the inspected potential roost features being unsuitable for roosting bats. The mitigation measures provided within the report must be strictly adhered to.

5.20 The PEA report assessed the terrestrial habitat on site as being unsuitable for Great Crested Newts and there were no waterbodies on/near the proposed development site. The walled boundaries around the site were considered to be a dispersal barrier to GCN. No further surveys/mitigation was recommended in the report.

5.21 The PEA report confirmed that the Lawson cypress tree and shrubs to the front of the site offered nesting opportunities for birds. The proposed development will result in removal of these habitats. Ecological enhancement recommendations were included in the report, including installation of bird boxes. The Addendum Ecology Report for Bats stated there were no bird nests in building B1 or building B2. The information provided in this report, and the Preliminary Ecological Assessment report indicates the buildings are unsuitable for nesting birds. As such, the mitigation outlined in the PEA report for tree/shrub removal is sufficient to ensure works avoid harm to nesting birds.

5.22 The site was assessed as offering sub-optimal foraging habitat for badgers. The mitigation measures outlined for hedgehogs in the PEA report (covering trenches by nightfall or fitting with a means of escape) are also suitable to avoid potential harm to badgers. The site was assessed as offering foraging opportunities for hedgehogs. Appropriate mitigation measures are included within the PEA report, including covering trenches by nightfall or fitting with a means of escape. The report also recommended holes in fences to provide access for hedgehogs.

5.23 Conditions would be included with any consent requiring strict accordance with the mitigation measures recommended; the submission of details of the required ecological enhancements; and limits on the installation of external lighting.

5.24 Trees

There are no significant trees on or adjacent to the site that require the submission of an Arboricultural report. There are no objections to the removal of part of the existing boundary hedge. Proposed soft landscaping is proposed and considered acceptable.

5.25 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.

5.26 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 30/11/2022)
1585-01 - Existing Site Plan (Received 17/10/2022)
1585-02 - Existing Floor Plans (Received 17/10/2022)
1585-03 - Existing East and West Elevations (Received 17/10/2022)
1585-04 - Existing North and South Elevations (Received 17/10/2022)
1585-05 - Existing Combined Outbuilding Plans (Received 17/10/2022)
95.429-10 - Proposed Block Plan (Received 05/10/2022)
95.429-11 - Proposed Combined Plans (Received 05/10/2022)
Existing Foul Water Sewer Connection Plan (Received 30/11/2022)
Solar Slate Tile Locations (Received 30/11/2022)
1217-001-01 - Existing Turning Head - Swept Path Analysis (Received 27/01/2023)
1217-001-02 - Proposed Turning Head - Swept Path Analysis (Received 27/01/2023)
Proposed Drainage Layout Plan (Received 07/02/2023)

Reason

To define the terms and extent of the permission.

3. Prior to the occupation of the dwellings hereby approved, and at all times thereafter, the proposed first floor windows on the side (North and South) elevations shall be glazed with obscure glass to level 3 standard or above with any opening part of the window being above 1.7m above the floor of the room in which it is installed.

Reason

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

4. Prior to the commencement of development a site specific Construction Environmental Management Plan (CEMP) shall be submitted to and agreed in writing by the Local Planning Authority. The CEMP as approved shall be fully complied with at all times.

The CEMP shall include but not necessarily be limited to:

- (i) Measures to control the tracking of mud off-site from vehicles;
- (ii) Measures to control dust from the demolition and construction works approved;
- (iii) Adequate provision for the delivery and storage of materials;
- (iv) Adequate provision for contractor parking;
- (v) Temporary access arrangements for construction traffic including use of banksmen for all reversing manoeuvres and measures to ensure Hazelgrove and Flaxpits Lane are not obstructed by construction or delivery vehicles;
- (vi) Details of Main Contractor including membership of Considerate Constructors scheme or similar;
- (vii) Site Manager contact details;

(viii) Processes for keeping local residents and businesses informed of works being carried out and dealing with complaints.

Reason

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

5. Prior to occupation of the dwellings hereby approved, the highway improvement works shown on drawing 95.429-10 and 1217-001-02 have been completed in accordance with construction, surfacing and highway drainage details to be submitted to and approved in writing by the Local Planning Authority.

Reason

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

6. Prior to occupation of the dwellings hereby approved, the tactile paving shall be installed at the pedestrian crossing point on Hazelgrove at the junction with Flaxpits Lane in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason

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

7. Prior to occupation of the dwellings hereby approved, the accesses, car and cycle parking facilities shall be provided in accordance with the submitted details.

Reason

In the interests highway safety and to promote sustainable travel and to accord with Policy PSP11 and PSP16 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; and the provisions of the National Planning Policy Framework.

8. The development hereby approved shall proceed in strict accordance with the mitigation measures in the Preliminary Ecological Assessment report (Silverback Arboricultural Consultancy Ltd, November 2022), and the revised Addendum Ecology Report for Bats (Pure Ecology, April 2023).

Reason

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

9. Prior to installation, the location and specification of all proposed external lighting shall be submitted to and approved in writing by the Local Planning Authority. All external

lighting shall be installed in accordance with the approved details, and shall be maintained thereafter. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

Reason

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

10. Prior to occupation of the dwellings hereby approved, an Ecological Enhancement Plan showing the location and specifications of enhancements detailed within the revised Addendum Ecology Report for Bats (Pure Ecology, April 2023) shall be submitted to and approved in writing by the Local Planning Authority. All ecological enhancements shall be installed in accordance with the approved details prior to occupation, and shall be maintained thereafter.

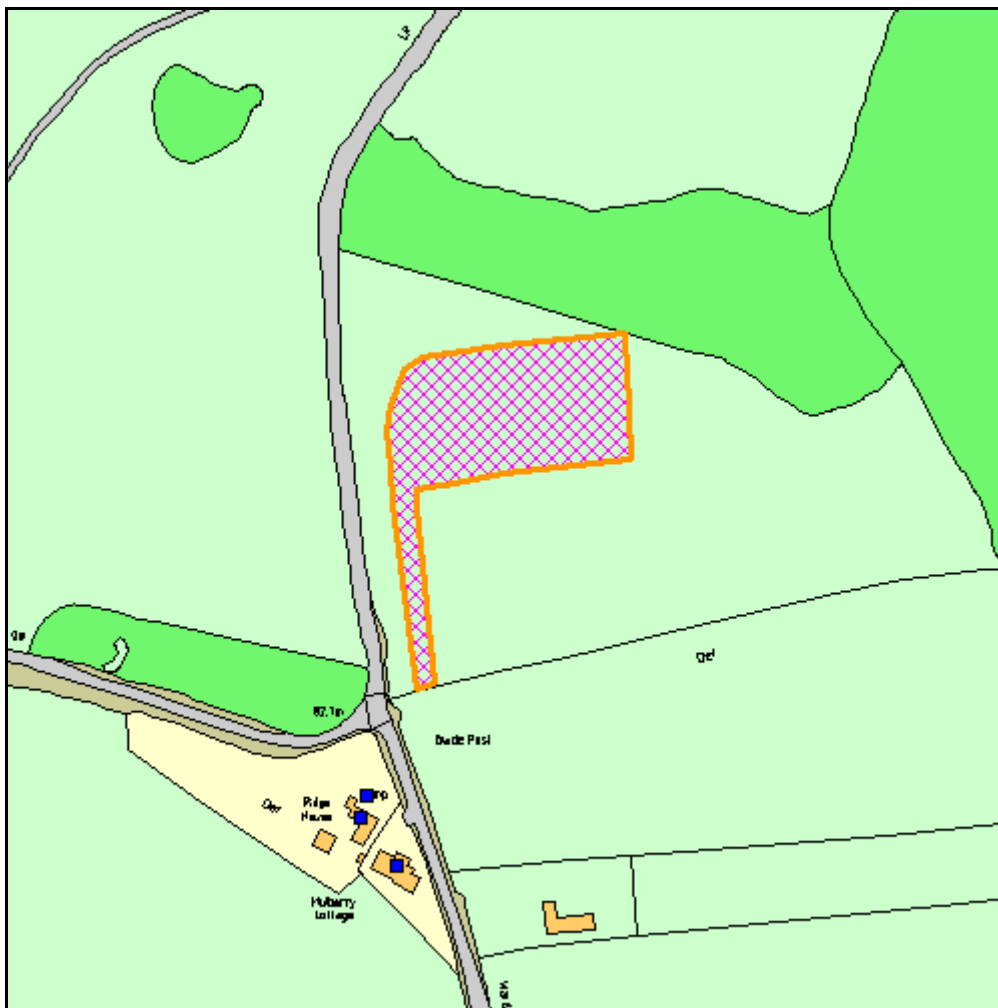
Reason

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

Case Officer: Oliver Phippen
Authorising Officer: Marie Bath

CIRCULATED SCHEDULE NO. 20/23 -19th May 2023

App No.:	P22/06328/F	Applicant:	Mr A Lavis
Site:	Land East Of Mumbleys Lane Thornbury South Gloucestershire BS35 3JU	Date Reg:	14th November 2022
Proposal:	Erection of 1 no. agricultural building, 2 no. polytunnels, access road and other associated works.	Parish:	Oldbury-on-Severn Parish Council
Map Ref:	362126 189278	Ward:	Severn Vale
Application Category:	Minor	Target Date:	26th May 2023



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N.T.S.

P22/06328/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 Planning permission is sought for the erection of an agricultural building and 2no. polytunnels, access road and other associated works. at Land off Mumbleys Lane, Thornbury.
- 1.2 The application site consists of land to the east of Mumbleys Lane, Thornbury. The land consists of permanent pasture and extends to approximately 1.95 hectares. The site slopes significantly downwards from south to north, and is bounded on its northern and eastern sides by areas of woodland, its southern side by a separate field, and its western side by Mumbleys Lane.
- 1.3 The site is located within the Bristol and Bath Green Belt. A public right of way, which forms part of the Jubilee Way (Major Recreational Route), runs to the south of the application site.
- 1.4 During the course of the application a Preliminary Ecological Assessment and details of the construction of the proposed agricultural access track were received.

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
CS34	Rural Areas

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

PSP1	Local Distinctiveness
PSP2	Landscape
PSP7	Development in the Green Belt
PSP8	Residential Amenity

PSP11	Transport Impact Management
PSP19	Wider Biodiversity
PSP28	Rural Economy
PSP29	Agricultural Development

- 2.3 Supplementary Planning Guidance
 Design Checklist SPD (Adopted) 2007
 Development in the Green Belt SPD (Adopted) 2007

3. RELEVANT PLANNING HISTORY

- 3.1 P22/04819/F - Erection of 1 no. self build detached dwelling with landscaping and associated works. Refused 20.10.2022
- 3.2 PT17/2856/F - Erection of agricultural building and 2 no. poly tunnels. Approved 26.03.2018.
- 3.3 PT16/6910/PNA
- Prior notification of the intention to erect a steel portal framed agricultural building.
- Withdrawn: 24.01.2017
- 3.4 PT01/0027/RVC
- Amendments to access and erection of fencing.
- Refused: 01.03.2001
- 3.5 PT00/2525/PDR
- Erection of stock control fencing and new access.
- Objection: 16.10.2000
- 3.6 PT00/1750/F
- Change of use of land for the keeping of horses. Erection of stable block and store.
- Approved: 29.08.2000

4. CONSULTATION RESPONSES

- 4.1 Thornbury Town Council
 No objection subject to ecological report that meets the requirements of the SGC Ecology Officer
- Oldbury on Severn Parish Council
 No comments to make

4.2 Other Consultees

Sustainable Transport

No transport objections

Ecology

A Preliminary Ecological Assessment (PEA) was required prior to determination.

A PEA was subsequently submitted and there are no objections in principle on this basis.

Landscape Officer

No objection in principle, conditions recommended, including landscaping scheme and vegetation protection

Tree Officer

There are no objections in principle however the woodland edge will require protection for the root protection area which conflict with the site. in accordance with BS:5837:2012.

Conservation Officer

This is a resubmission with minor changes to the building orientation of a previously approved scheme. There will be no impact on the setting of any designated heritage assets in the locality, nor will it affect long-distance views from the Thornbury Conservation Area. No objection.

Lead Local Flood Authority

No objection

Other Representations

4.3 Local Residents

4 letters of objection have been received, summarised as follows:

- There is no evidence that the land is in agricultural use and that the building is required
- Building, if allowed, should be for agricultural use only
- The site in question does not justify a building of this size to farm a relatively small field

- Applicants were recently declined permission for a residential dwelling on site
- concerns that the proposals are a way of trying to get a dwelling on the land
- There is also present on the site two shipping containers and what looks like a mobile home complete with a chimney and oil storage unit. There is a fenced in garden area and often a generator going for long periods of time - all of which point to the area already being used for habitation purposes.
- it is understood that the field is currently being used illegally as a residential site which should be addressed before any further applications are considered. The site is currently an eyesore will all sorts of equipment and cabins being located around the field

- there is a water main to the site which has previously been damaged, leaving water running down the hill and low pressure
- Any construction on site will mean heavy vehicles having to drive over this water main - as it is the only possible method of accessing the site.
- concerns over any additional accesses that may be built at the site
- the visual impact of a building of this size on the appearance of the woodland and the view across the Severn Vale from the footpath will be significantly compromised and spoilt.

5. **ANALYSIS OF PROPOSAL**

- 5.1 The proposal seeks permission for the erection of an agricultural building and 2no. polytunnels.
- 5.2 **Principle of Development**
 It is noted that planning permission was granted in 2000 for the 'change of use of land for the keeping of horses. Erection of stable block and store', under application ref. PT00/1750/F. The application site for PT00/1750/F included the application site for the current proposal. As such, it is recognised that planning permission has previously been granted for the changing of the use of the site for the keeping of horses. This it has been considered largely relates to an additional field to the south, now separated, that previously formed part of the planning unit on that application. The land the subject of this application has been considered to have retained its agricultural use and it is concluded that the application site can reasonably be considered as being located on agricultural land.
- 5.3 Of further material consideration is the planning history of the site and most recently the granting of permission ref. PT17/2856/F. The land was considered to be in agricultural use and an agricultural building and polytunnels were approved. Whilst this application has expired it was a relatively recent consent and the policy considerations and Local Plan have not significantly changed. This is therefore a material consideration that should be afforded suitable weight. Notwithstanding the above, this application does vary slightly somewhat from the previous approval, mainly in terms of its orientation. The scale of the proposals remains similar to that previously considered. The application further states that 'the site has been under the ownership of the applicant for over 20 years and is currently of permanent pasture with grazing livestock and poultry, having formerly been used for the rearing of pigs which ceased around 2011. The applicant requires an agricultural building to store agricultural machinery and hay on site, while the two poly tunnels will facilitate the growing of his own vegetables and fruit and the production of trees and small household bedding plants. There has been an increased security concern regarding the application site in recent years due to an increase in the level of rural crime relating to trespassing, destruction of property and the harming of livestock. The proposed agricultural building will allow the applicant to store agricultural machinery, hay and crops in the building to keep them dry and safe from further criminal activities.'

- 5.4 The proposed building would be used to store agricultural machinery and equipment associated with the maintenance of the land. As there is an association between the proposed building and the agricultural land upon which is sited, the building can be considered to form an agricultural building. The polytunnels would be used to grow fruit, vegetables and plants. The interpretation of “agriculture” as set out in Section 336 of the Town and Country Planning Act outlines that this also includes horticulture and fruit growing. As the polytunnels have clearly been designed for this use, with polythene sheeting allowing for high levels of natural light, the polytunnels can also be considered to form agricultural buildings.
- 5.5 As such, the proposal would consist of the erection of agricultural buildings on agricultural land. Therefore, when assessing the principle of development, policy PSP29 of the Policies, Sites and Places Plan is applicable.
- 5.6 The NPPF refers to “supporting a prosperous rural economy” and advises that policies should support the sustainable growth and expansion of all types of business and enterprises in rural areas and promote the development, diversification of agricultural land and other land based rural businesses. Policy PSP29 outlines that new agricultural buildings will be supported providing there are no existing suitable underused buildings available, and that the proposal is reasonably necessary for the purposes of the use and is clearly designed for that purpose. PSP29 moves on to outline that particular attention should be paid to siting, size, massing, form, materials and detailed design to minimise any adverse impacts on the character and diversity of the landscape and the general openness of the countryside.
- 5.7 Green Belt
The application site is located within the Bristol and Bath Green Belt. Development in the Green Belt is generally considered to be inappropriate unless it falls within a predefined exception category, as set out in the NPPF. One such exception category is the erection of buildings for agriculture and forestry.
- 5.8 As the proposed building would be used for agricultural storage, and the polytunnels would be used for the growing of fruit and vegetables as well as household plants and trees, they can be considered to form buildings for agriculture. On this basis, the proposal falls within the exception category for development in the Green Belt.
- 5.9 Existing Suitable Underused Buildings
The proposed agricultural building would be used to store grass, fodder and numerous agricultural vehicles and implements which require a dry and safe environment to be kept in. There are not considered to be any existing underused buildings at the site which are of sufficient size as to store the items outlined above. Furthermore, there are no existing underused buildings at the site that would be suitable for the growing of fruit, vegetables or plants. Unauthorised containers, storage or development on the site will be a matter for enforcement investigation.

- 5.10 Reasonably Necessary for Purposes of Use
The applicant has outlined that the main building will be used to store agricultural machinery from the holding, as well as the storage of fodder. It is considered that a secure space is required for the storage of the equipment outlined above. It is also considered that building has been designed to appear as a fairly typical agricultural outbuilding, with a fairly shallow pitched roof and a large metal roller shutter door.
- 5.11 With regard to the polytunnels, it is considered that the polytunnels are clearly designed for the purposes of the use. It is also considered that the fruit, vegetables and plants to be grown could most likely not be grown out in the open, and require a degree of warmth and protection; which would be provided by the polytunnels.
- 5.12 On balance, both the proposed agricultural building and polytunnels are considered to be necessary for the purposes of their use and are clearly designed for that purpose.
- 5.13 Design and Impacts on Landscape
As part of the ongoing consideration on the previous agricultural building application the proposed buildings were re-located towards the north-western corner of the field. The buildings were therefore proposed to be located on lower ground, and were considered to be less visually prominent within the context of the site. The buildings would be located in close proximity to a wooded area to the north. It is considered that that the setting of the buildings against this backdrop would also help to reduce their prominence. The location under this application remains similar.
- 5.14 In terms of their design and scale, it is considered that the proposed agricultural building and polytunnels would appear as fairly typical features of an agricultural field. Furthermore, it is not considered that the structures would appear disproportionately large in relation to the field they would be located within. However it is noted that if the polytunnels were to no longer be used and fall in to a state of disrepair, they would likely have an adverse impact on the immediate landscape. As such, a condition will be attached to any decision requiring the polytunnels to be removed should they no longer be required.
- 5.15 In addition to this and in response to concerns regarding unauthorised existing or potential future development, the application development under consideration is for the erection of 1 agricultural building, 2 polytunnels, access road and other associated works, and must be considered on its own individual merits. The application also follows recent permission for similar development. In terms of concerns regarding other containers/storage or developments on site, this would be subject to separate enforcement investigation. The application is assessed as an agricultural building on agricultural land and the proposed building under assessment would be for this purpose. The applicants state that the building will be non weather tight but secure with roller shutter door, and before agricultural purposes. Any further development or change of use would be subject to further separate planning applications and further and separate consideration under different policy tests. In this respect it is noted

that an application for residential accommodation has been recently refused on a number of grounds.

- 5.16 With regard to materials proposed in the external finish of the main building, consisting of a steel portal agricultural building with concrete block and timber clad elevations and profiled metal sheet roof, the materials and design proposed are considered to be appropriate for an agricultural building.
- 5.17 In terms of landscaping, submitted plans indicate that more substantial landscaping, largely in the form of mixed native hedgerows, will be introduced in order to lessen the impact of the development on visual amenity. Whilst additional proposed landscaping measures are not considered unacceptable in principle, it is considered that additional specifications and details are required to ensure establishment and integration into the area and further details in this respect are recommended to be secured through condition.
- 5.18 For the reasons outlined above and subject to agreement of particular details, it is not considered that the proposal would cause significant harm to the character and distinctiveness of the immediate landscape.
- 5.19 Amenities of Local Residents
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.
- 5.20 The proposed agricultural building and polytunnels would be a significant distance from the nearest neighbouring residential properties. Additionally, the nearest properties are located on the western side of Mumbleys Lane, with the application site located on the eastern side. The two sides of the lane are separated by a substantial row of hedges and trees. As such, the proposed structures would be largely screened from view.
- 5.21 Given the location, distance, orientation and screening it is not considered that the presence of the structures would have any unacceptable overbearing, overshadowing or overlooking impacts on neighbouring residents.
- 5.22 In terms of disturbance, given the degree of separation between the proposed structures and neighbouring properties, it is not considered that the use of the agricultural building and polytunnels would cause an unacceptable degree of disturbance to neighbouring residents. Given the distance of separation, it is also not considered that the erection of the structures would cause significant disturbance during the construction period.
- 5.23 It is not considered that the proposal would have any unacceptable impacts on the residential amenity of local residents. As such, the proposal is considered to accord with policy PSP8 of the Policies, Sites and Places Plan.

- 5.24 Public Right of Way
Jubilee Way follows the route of public footpath OTH/52/10 along the southern boundary of the wider field area, before following that of bridleway OTH/32/50 along Sweet Water Lane. The principle of the acceptability of an agricultural building within the site has previously been agreed. This application for similar development would materially alter that consideration. Materials and design of the proposed access track have been agreed and compliance will be secured through condition. Notwithstanding this the public right of way should remain clear from obstruction and safe to use at all times and no additional barriers are placed across it.
- 5.25 In terms of impacts of the amenity of the public footpath, it is considered the combination of the mixed native hedgerow to be planted at the northern boundary of the footpath, and the hedging to be planted around proposed structures would help screen the structures from view. Subject to the agreement of details (also referred to in the landscape section above), regarding landscaping and the proposed access track, it is not considered that the proposal would adversely affect the amenity of the Public Right of Way, and would accord with policy PSP10 of the Policies, Sites and Places Plan.
- 5.26 Highway Safety
It is not considered that the proposed uses would generate significant levels of traffic. Furthermore the existing access would be utilised. As such it is not considered that the proposal would have a material impact on highway safety.
- 5.27 Ecology
A PEA has been submitted and there are no ecological objections on this basis. Protective fencing will be required to mitigate impacts to the adjacent SNCI although this will be covered and approved as part of the tree protection plan and arboriculture assessment. Compliance with the details and mitigation, including bird and bat nest boxes, precautionary methods of working and the enhancement plan, contained in the PEA is recommended through condition.
- 5.28 Water Mains
The concerns raised regarding water mains are noted. The applicant will further be made aware of the mains presence made aware that appropriate measures to protect Bristol Water's main and apparatus will need to be implemented, and that they are required to discuss the appropriate protection measures with Bristol Water.
- 5.29 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.

5.30 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:

Location Plan, Block Plan and Existing and Proposed Plans and Elevations (Refs M003 EX01 01, PR01 01, PR02 01, PR03 01, SCP01 01 and SLP01 02), received by the Council on the 4th November 2022, and Proposed Access Track Plans M003.PR04 01, received by the Council on the 26th January 2023.

Reason:

To define the terms and extent of the permission.

3. The type and appearance of the access track, shall be a standard farm access track, incorporating construction in compacted MOT Type 1 foundation and surface layers with a camber of 1:25 to both sides facilitating the runoff of surface water and shall be carried out in strict accordance with approved plan M003.PR.04 Rev 01.

Reason:

In the interests of visual amenity and in accordance with PSP1 and PSP2 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan Adopted November 2017.

4. Prior to the commencement of the development a detailed planting plan specifying the location, species, stock size, planting centres and quantities of all proposed tree and structure planting together with protection of adjacent field vegetation in accordance with BS5837:2012, shall be submitted to the Council for written approval. The approved tree and hedgerow protection measures shall be implemented prior to construction and retained until completion. The approved planting shall be implemented in the first season following completion of construction works.

Reason:

In the interests of landscape and visual amenity and in accordance with PSP1 and PSP2 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan Adopted November 2017.

5. The development shall proceed in strict accordance with the mitigation measures provided in the Ecological Impact Assessment (Abricon, March 2023), including the Precautionary Method of Working (Appendix D) and Enhancement Plan (Appendix E).

Reason:

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

6. Prior to commencement, the location and specification of all proposed external lighting is to be submitted to the Local Planning Authority for review. 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 in accordance with PSP19 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan Adopted November 2017.

7. Should the polytunnels hereby approved cease to be used for productive agricultural purposes for a period of 12 months they shall be removed from the site and the land, so far as is practicable, returned to its former condition.

Reason:

In the interests of visual amenity and to safeguard the openness of the Green Belt, to accord with policies PSP2 and PSP7 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017

Case Officer: Simon Ford
Authorising Officer: Marie Bath

CIRCULATED SCHEDULE NO. 20/23 -19th May 2023

App No.:	P22/06627/RVC	Applicant:	Mr Mark Butler
Site:	Land At Berwick Grange Berwick Lane Easter Compton Bristol South Gloucestershire BS35 5RX	Date Reg:	8th December 2022
Proposal:	Variation of condition 5 (5-year cessation period) and removal of condition 6 (land restoration requirement) attached to planning permission PT13/2557/F (Appeal C Ref: APP/P0119/W/15/3132191) - Change of use of land from agricultural land to land for the siting of 2no. gypsy caravan pitches, with associated touring caravans, hardstandings, landscaping and works including 1no. utility/day room, hardstanding and septic tank.	Parish:	Almondsbury Parish Council
Map Ref:	356079 181742	Ward:	Pilning And Severn Beach
Application Category:	Minor	Target Date:	29th May 2023



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100023410, 2008. **N.T.S.** **P22/06627/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.

1. THE PROPOSAL

- 1.1 This application seeks to vary condition 5, a condition requiring the cessation of use after five years, and remove condition 6, which requires the land to be restored to its original condition, on application PT13/2557/F which was granted at appeal under ref APP/P0119/W/15/3132191.
- 1.2 Application PT13/2557/F was for the change of use of land from agricultural land to land for the siting of 2no. gypsy caravan pitches, with associated touring caravans, hardstandings, landscaping and works including 1no. utility/day room, hardstanding and septic tank.
- 1.3 The application site is located within the Green Belt and in the open countryside, a small section of the site lies in flood zone 3a (high risk of tidal flooding) with the remainder lying in flood zone 1 (low risk of flooding). The site is bound to the north by Spaniorum Farm, to the east by a residential property, and to the south and west by Berwick Lane. There are further residential dwellings on the opposite site of Berwick Lane. Prior to the development granted under PT13/2557/F, the site was a vacant piece of agricultural land with an area of 0.2 hectares.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework
NPPF accompanying document Planning Policy for Traveller Sites March 2012
Ministerial Statement by the Rt. Hon. Brandon Lewis MP 2 July 2013.
National Planning Practice Guidance (NPPG)

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
CS21	Gypsy and Traveller Accommodation
CS34	Rural Areas

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

PSP1	Local Distinctiveness
PSP2	Landscape
PSP7	Development in the Green Belt
PSP8	Residential Amenity
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP19	Wider Biodiversity

PSP20	Flood Risk, Surface Water and Watercourse Management
PSP21	Environmental Pollution and Impacts
PSP40	Residential Development in the Countryside
PSP43	Private Amenity Space Standards

2.3 Supplementary Planning Guidance

The South Gloucestershire Design Check List SPD Adopted August 2007
 Development in the Green Belt SPD Adopted June 2007
 South Gloucestershire Landscape Character Assessment (SPD)
 South Gloucestershire Council Waste Collection: guidance for new developments (SPD) Adopted Jan 2015
 South Gloucestershire Council - 'Gypsy and Traveller Accommodation Assessment (GTAA) 2017 Explanatory Note'

3. RELEVANT PLANNING HISTORY

- 3.1 PT13/2557/F - Change of use of land from agricultural land to land for the siting of 2no. gypsy caravan pitches, with associated touring caravans, hardstandings, landscaping and works including 1no. utility/day room, hardstanding and septic tank – Refused 23.02.2015 – Allowed on appeal 11.01.2018

4. RELEVANT APPEAL DECISIONS

- 4.1 P20/23933/RVC - Land at Bristol Road, Frampton Cotterell BS36 2AW - Change of use of land to gypsy and traveller caravan site to facilitate the stationing of 5no. mobile homes and 5no. touring caravans with associated hard-standings and landscaping without complying with a condition attached to planning permission Ref PT16/3680/F - Refused 30.06.2021 – Allowed on appeal 02.03.2023 - APP/P0119/W/21/3289677
- 4.2 P21/00326/F - Land off Bury Hill, Hambrook BS16 1SS - Change of use of land for the proposed creation of two Gypsy/Traveller pitches, comprising the siting of two mobile homes and two touring caravans, and the erection of 2 dayrooms. – Refused 05.04.2022 – Allowed on appeal 09.05.2023 - APP/P0119/W/22/3307503

5. CONSULTATION RESPONSES

- 5.1 Almondsbury Parish Council – No response received
- 5.2 Health and Safety Executive – Do not advise against
- 5.3 Landscape – No objection
- 5.4 Drainage – No objection
- 5.5 Tree Officer – No objection
- 5.6 Transport – No objection

- 5.7 Environmental Protection - Not aware of any related complaints/pollution issues, no objection

Other Representations

5.8 Local Residents

4no. objections have been received, summarised as:

- The site is within the Green Belt and very special circumstances do not apply
- Previous applications for dwellings refused
- Site is not infill
- Any buildings would be a visual intrusion
- Gypsy and Traveller Sites should not be permitted in locations that are inappropriate for ordinary residential dwellings unless exceptional circumstances apply
- Pond on site has been filled in affecting surface water
- Septic tank does not function correctly
- Close board fencing has a significant visual intrusion
- Unmet need is unlikely to outweigh harm to the Green Belt or any other harm
- Site is in open countryside
- Dominant site that is out of keeping with surroundings
- Harmful to the landscape
- Erodes openness of Green Belt
- Materially greater impact on the Green Belt
- Increased noise disturbance
- Occupants seem to be more than permission granted for
- Lack of respect for the environment
- The premises could be used for illegal activities

6. ANALYSIS OF PROPOSAL

Principle of Development

- 6.1 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.
- 6.2 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
- 6.3 If the Authority decides that planning permission should be granted subject to the same conditions, then the application should be refused.

Reason for original conditions

- 6.4 Application PT13/2557/F was allowed at appeal, with condition 5 stating the following:

The use hereby permitted shall be carried on only by the Mark Butler and Harriet Butler and their resident dependants, and shall be for a limited period being the period of five years from the date of this Appeal Decision, or the period during which the Appeal Site is occupied by them, whichever is the shorter.

- 6.5 Condition 6 stated the following:

When the Appeal Site ceases to be occupied by those named in Condition 2 above, or at the end of five years, whichever shall first occur, the use hereby permitted shall cease and all caravans, buildings, structures, materials and equipment brought on to the Appeal Site, or works undertaken to it in connection with the use, shall be removed and the Appeal Site restored to its condition before the development took place within 28 days of the cessation of the use.

- 6.6 Under the appeal decision for PT13/2557/F, the permission was restricted to a temporary permission for the following reasons:

75. *The existing and proposed uses of the Appeal Site amount to inappropriate development in the Green Belt. In this case the harm due to:*

- a) loss of openness,*
- b) the character and appearance of the area, and*
- c) the intentional nature of the unauthorised development (Appeal A only) must be added to the harm due to inappropriateness.*

76. *Set against this harm is:*

- a) the substantial unmet need for gypsy and traveller sites in South Gloucestershire,*
- b) the lack of a five year supply of sites for gypsies and travellers,*
- c) the lack of any alternative sites for the Appellants and the Children,*
- d) the likelihood of land within the Green Belt being necessary to meet the accommodation needs of gypsies and travellers in South Gloucestershire,*
- e) the past failure of policy to address this issue,*
- f) the partial suitability of the Appeal Site when judged against the criteria set out in Policy CS21,*
- g) the personal circumstances of the Appellants and the Proposed Occupier, and*
- h) the best interests of the Children.*

These considerations also carry substantial weight in favour of allowing Appeals A & C.

77. *In view of the situation regarding the lack of alternative sites for the Appellants and the Children it is likely that dismissing the appeals would*

result in them having to resort to a roadside existence. In addition to the general health problems associated with roadside living the educational prospects of the Children would be seriously compromised with negative implications for their ongoing life prospects.

78. *I have explained above that it is relevant that the future provision of sites for gypsies and travellers in South Gloucestershire is likely to involve the use of Green Belt land. If Green Belt sites are to come forward as part of the process of securing sites for gypsies and travellers within South Gloucestershire the Development Plan process which the Council will be shortly undertaking is the most fair and effective way of achieving the best balance in social, economic and environmental terms. The Council explained that this process will be carried out over the next few years.*
79. *The harm that results from the unauthorised development and the Appeal C proposal weighs very heavily against the grant of planning permission on a permanent basis. I have carefully considered the matters which indicate why Appeals A & C should be allowed. I have also had due regard to the extent of interference with the Appellants and the Children's human rights under Article 8 of the European Convention on Human Rights as incorporated by the Human Rights Act 1998. I do not consider that these matters clearly outweigh the harms which I have identified. I conclude that very special circumstances to justify the unauthorised development and the Appeal C proposal do not exist. The unauthorised development and Appeal C proposal are contrary to the relevant policies of the Development Plan explained above.*
80. *However, the balance changes significantly when temporary planning permission is considered. A temporary planning permission would not involve permanent harm to the Green Belt and it would enable the Appellants and the Children to benefit from a settled base during the site identification process that is to be carried out by the Council as part of the Development Plan procedures. I was also informed that the Appellants would promote the Appeal Site as part of that process if permanent planning permission was not granted through the appeal process. This would allow the Council to re-consider how the Appeal Site performs against other sites that came forward which will almost inevitably include sites currently within the Green Belt.*
81. *I was advised that there is a reasonable prospect of sites coming forward to meet the needs of gypsies and travellers as part of the current review. I consider that the harm caused by a temporary five year permission is clearly outweighed by all of these other considerations. I conclude that very special circumstances exist to justify a temporary grant of planning permission for five years. This would not conflict with Policy CS21 or the other relevant policies of the Development Plan when considered as a whole*

The proposal

- 6.7 The five year period expired on 11.01.2023, and the Butler family still reside on site.
- 6.8 This application seeks to remove condition 5, and vary condition 6 to allow full planning permission to allow the family to live permanently on site. Proposed wording for the variation has not been given by the applicant.
- 6.9 In assessing this application, officers must consider why the temporary permission was imposed, and whether or not anything has changed in the interim that would now justify a permanent consent.
- 6.10 The applicant's justification is based on the following:
- The Local Authority have failed to identify any new sites or pitches in the last 10 years
 - The family have nowhere else to live
 - The family has four children who are settled here with a good quality of life
 - Two disabled elderly family members with physical and mental health issues that require assistance and help from Mrs Harriet Butler
 - Site is near to amenities and bus route
 - Children are in full time education
 - Refusal would cause hardship to the family
 - Newborn baby under local Health Visitor
- 6.11 The proposed continuation of the use of the site would be for i.e. 2no. gypsy caravan pitches, with associated touring caravans, hardstandings and landscaping. The description also includes reference to a day room and septic tank, however these were restricted by condition 3 of the appeal decision. This is due to a sewage treatment plant being installed on site in lieu of a septic tank, and a day room no longer being required. It is considered appropriate to carry over this condition in line with the appeal decision.

Green Belt

- 6.12 Policy CS5 of the South Gloucestershire Local Plan Core Strategy 2006 -2027 (2013) (Core Strategy) confirms the extent of the Green Belt and, amongst other matters, sets out that proposals will need to comply with the related national planning policy. Policy CS34 of the Core Strategy seeks to protect the designated Green Belt from inappropriate development, whilst Policy PSP7 of the Policies, Sites and Places Plan (2017) (Policies, Sites and Places Plan) reiterates national planning policy in the Green Belt and explains how it is to be applied in South Gloucestershire.
- 6.13 Paragraph 147 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. This is re-iterated by Policy E of the Planning Policy for Traveller Sites (2015) (PPTS). Policy E goes on to state that Traveller sites (temporary or permanent) in the Green Belt are inappropriate development. This is regardless of the consideration of the effect of a proposal on openness.

- 6.14 None of the provisions in the Framework which concern exceptions to inappropriate development in the Green Belt can apply. This is because of the type of development which is proposed, namely a Gypsy and Traveller site. Accordingly, when judged against the Framework and Policies CS5, CS34 and PSP7, the proposal would be inappropriate development in the Green Belt.
- 6.15 Openness is an essential characteristic of the Green Belt. The proposal involves the permanent retention of 2no. gypsy caravan pitches, with associated touring caravans, hardstandings and landscaping on previously open and undeveloped agricultural land. There would also likely be some domestic paraphernalia on the site.
- 6.16 The proposal would result in a moderate adverse impact on the openness of the Green Belt. It would not therefore preserve the openness.

Character and appearance

- 6.17 Government Planning Policy for Gypsy and Traveller Sites (2015) (PPTS) explains that decision makers should very strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan.
- 6.18 Core Strategy Policy CS21 does not exclude sites for gypsies and travellers in new neighbourhoods. It also sets out the criteria against which such sites will be considered. The site meets the majority of the requirements set out in Policy CS21, with the exception of potential unacceptable environmental effects relating to the impact on the character and appearance of the area.
- 6.19 The PSP Plan explains that development proposals will be acceptable where they demonstrate an understanding of, and respond constructively to the buildings and characteristics that make a positive contribution to the distinctiveness of the area.
- 6.20 It is clear that when travelling along Berwick Lane from either the south or the north that as you approach the Appeal Site you are leaving open countryside and entering into an area of both undeveloped agricultural land and built development. The built development near the Appeal Site comprises:
- a) Single-storey and two storey dwellings (some relatively modern others more traditional).
 - b) A block of stables.
 - c) Single-storey outbuildings ancillary to both the agricultural and residential uses.
- 6.21 Parts of the mobile homes and touring caravans within the site are visible from the public realm and also from some of the nearby houses. The boundary treatment around the site screens the majority of the use.
- 6.22 Prior to the development being carried out the site was a small field which reflected the semi-rural character of the area. The proposal results in moderate harm to the character and appearance of the area, and does not conserve the

quality, amenity and distinctiveness of the landscape within which the site is located.

- 6.23 The harm identified to the Green Belt and the character and appearance of the area is the same as previously found by the Inspector for application PT13/2557/F.

Need and supply of pitches

- 6.24 The PPTS requires local planning authorities to identify and update annually a supply of specific deliverable sites sufficient to provide 5 years' worth of sites against their locally set targets. The LPA use the South Gloucestershire Gypsy and Traveller Accommodation Assessment (2017) and an Explanatory Note (2018) in relation to supply. The GTAA identifies a need for 75 additional pitches from 2016 until 2032, whilst the Explanatory Note reduces this figure to 61 based on a number of permissions that were subsequently granted. The LPA now considers there remains a need for 52 pitches, in having regard to further permissions which have been granted.
- 6.25 The Council cannot demonstrate a 5 year supply of deliverable sites in accordance with the PPTS. The recent Land at Bristol Road, appeal decision identifies that the unmet need is significant, and other appeal decisions in South Gloucestershire reach a similar conclusion.
- 6.26 Policy CS21 of the Core Strategy states that provision will be made for Gypsy and/ Traveller accommodation through the Policies, Sites and Places DPD or a replacement local plan (whichever is the sooner) following a review of the need for further pitches up to 2027. The Policies, Sites and Places DPD did not make provision for Gypsy and Traveller accommodation and whilst the Council is undertaking a review of its Local Plan and has appointed consultants to carry out a new GTAA exercise, it is unlikely that the review will be in place for some time. The new GTAA can only therefore be afforded limited weight.
- 6.27 Policy CS21 goes on to state that additional provision will be addressed through the intensification of existing sites in the first instance while not excluding sites in new neighbourhoods. This approach has not been effective as the Council has not been able to meet the need for the supply of pitches through the grant of planning permissions. When this is considered with the time period over which the supply has not been met, and also evidenced by appeal decisions, this amounts to a policy failure.
- 6.28 The applicant is not required to prove that no other sites are available. However, whether there are alternative sites is useful in further understanding local provision in practical terms. The LPA is aware of issues in relation to a lack of site availability, difficulties between different Gypsy and Traveller groups, and that other sites are full which has been corroborated by the Council's Gypsy and Traveller Liaison Officer. There are no obvious alternative sites that the applicant and their family could occupy. Matters in relation to need and supply carry significant weight.

Current circumstances of the applicant

- 6.29 The family have been living on site for approximately 7 years, 5 of which were under the temporary approval. The family consist of two grandparents and two parents of 4 children.
- 6.30 The Gypsy and Traveller Liaison Officer knows the family well and has seen a significant improvement on the mental health of one of the residents since being able to live on an approved site. The family have settled well into the local community and they are registered with the local health services.
- 6.31 Three of the children are enrolled in local education, and the adults care for the two older family members, one of which has poor health and mobility issues, and the other has severe health issues.
- 6.32 All justification has been corroborated by official documents and letters from various education and health professionals.
- 6.33 The applicant's circumstances, including the best interests of the children, must carry significant weight.

Balancing Exercise

- 6.34 The benefits of the proposal are themselves very significant. The proposal would assist in lessening the shortfall against the identified need for Gypsy and Traveller Pitches. It would also make a contribution to dealing with the lack of supply caused by at least in part the policy failure, as well as a lack of alternative sites available to the Gypsy and Traveller community.
- 6.35 Also under consideration are the Council's duties under the Public Sector Equality Duty (PSED) contained within the Equality Act 2010 which sets out to eliminate discrimination, harassment and victimisation, advance equality and foster good relations, and the protected characteristics under the PSED, including for Gypsy and Traveller groups, and duties under Article 8 of the Human Rights Act 1998 (Article 8) that bestows the right to private and family life and for the home, and that the Article 8 rights of a child should be viewed in the context of Article 3(1) of the United Nations Convention on the Rights of the Child.
- 6.36 The proposal would constitute inappropriate development in the Green Belt and it would not preserve the openness of the Green Belt. Paragraph 148 states that substantial weight is to be given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. Harm has also been identified to the character and appearance of the area, and there would be conflict with the policies of the development plan and the Framework in these respects.
- 6.37 In the appeal decision for PT13/2557/F, the Inspector did not consider that the harms identified would be outweighed by the benefits of the scheme, however

a temporary permission would reduce the scope of those harms and allow the applicants to benefit from a settled base whilst sites were identified through Development Plan procedures. The Inspector was advised at the time that there was a reasonable prospect of sites coming forward to meet the needs of gypsy and travellers as part of that review.

- 6.38 That five year period has now lapsed, and as noted above, sites have not been brought forward, and the need for sites must be given significant weight. Given the substantial unmet need, the lack of five year supply, the lack of any alternative sites, the likelihood of land within the Green Belt being necessary to meet the accommodation needs of gypsies and travellers in South Gloucestershire, the past and current policy failure to address these issues, the partial suitability of the appeal site when considered against CS21, the current and ongoing personal circumstances of the applications, and the best interests of the children, it is considered that the very special circumstances do outweigh the harm caused by inappropriate development within the Green Belt, and the harm identified to the character and appearance of the area.
- 6.39 The appeal for Land at Bristol Road considered that the propensity for decision makers to only grant personal permissions for Gypsy and Traveller sites in the Green Belt has been a key factor in contributing to the longstanding policy failure. It is therefore not considered reasonable to attach a personal condition to this site.
- 6.40 Condition 5 will be varied to now read:

The site shall not be occupied by any persons other than Gypsies and Travellers, defined as persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.

Reason: Permission has been granted having regard to the very special circumstances of the case and use not in accordance with the requirements of the condition would require further consideration against the Development Plan.

- 6.41 As there is no requirement to vacate the site, condition 6 can be removed.
- 6.42 Under the appeal decision for PT13/2557/F a landscaping scheme for tree and shrub planting was required to be submitted within six months of the decision. The Case Officer cannot see any evidence that this was submitted, however landscaping has been carried out on the site with an extensive grassed area, hedgerow planting screening the front of the site, and tree and shrub planting within the site. Although the condition does not appear to be complied with, what has been carried out on site is considered to be sufficient and it is not considered necessary to submit a further condition requiring the submission of a landscaping scheme. A maintenance scheme was also required, however this was only to cover a five year period which has now passed.

- 6.43 The condition restricting external lighting is also considered to be overly onerous and not reasonable considering the scale and location of the site.
- 6.44 A condition of PT13/2557/F was also that final details of the siting of the additional caravan, siting of the existing caravan and the extent of the hardstanding within the appeal site were submitted via condition. Again, there is no evidence that this was submitted. It is considered reasonable in this case to revise the condition for the details to be submitted within six months of this permission being granted so final details can be kept on file, although it is noted that the current hardstanding and position of the caravans is considered to be acceptable. The enforcement team will be advised of the condition, and follow up as necessary.

Other matters

- 6.45 Other issues have been raised by local residents relating to the maintenance of drainage systems, noise from the site and the conduct of the occupants. These are outside of the control of the planning system and are not material considerations.

Consideration of likely impact on Equalities

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

7. CONCLUSION

- 7.1 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.
- 7.2 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.

8. **RECOMMENDATION**

8.1 That planning permission is approved.

CONDITIONS

1. The site shall not be occupied by any persons other than Gypsies and Travellers, defined as persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.

Reason:

Permission has been granted having regard to the very special circumstances of the case and use not in accordance with the requirements of the condition would require further consideration against the Development Plan.

2. No more than three caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 as amended (of which no more than two shall be a static caravan) shall be stationed on the site at any one time.

Reason:

To safeguard the openness of the Green Belt and the visual amenities of the area, in accordance with Policies PSP2 and PSP7 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (November 2017) and the guidance within the National Planning Policy Framework

3. No more than one commercial vehicle shall be kept on the site and it shall not exceed 3.5 tonnes in weight. No commercial activities shall take place on the site.

Reason:

To safeguard the openness of the Green Belt and the visual amenities of the area, in accordance with Policies PSP2 and PSP7 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (November 2017) and the guidance within the National Planning Policy Framework

4. Notwithstanding the details shown on Drawing No. 1356/02E:
 - a) The mobile homes shall not be sited in the positions shown but shall be sited in accordance with Condition 5 below.
 - b) No septic tank shall be installed within the site.
 - c) No more than one touring caravan shall not be sited within the site at any one time and that touring caravan shall be sited in accordance with Condition 5 below.
 - d) The hardstanding shall not be laid out as shown but shall be laid out in accordance with Condition 5 below.
 - e) No mobile dayroom shall be sited within the site.

Reason:

For clarity and the avoidance of doubt

5. Within six months of this decision, a scale plan showing the details of the below shall be submitted to and approved in writing by the local planning authority.
- a) the siting of the static caravans and location of parking for the touring van
 - b) the extent of the hardstanding within the site

Thereafter the caravans shall only be positioned in the approved locations and the extent of the hardstanding shall be limited to that approved pursuant to this Condition.

Reason:

For clarity and the avoidance of doubt

6. This decision is made in accordance with the following plans:

12 Jul 2013	SITE LOCATION PLAN
12 Jul 2013	SITE SURVEY
17 Dec 2014	1356/02E AMENDED SITE LAYOUT

Reason:

For clarity and the avoidance of doubt

Case Officer: Rae Mepham

Authorising Officer: Helen Ainsley