

# 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: 43/23**

**Date to Members: 27/10/2023**

**Member's Deadline: 02/11/2023 (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](mailto:MemberReferral@southglos.gov.uk) identifying the application reference and site location
- b) Within 5 working days of the date of this schedule e.g. if the schedule is published on a Friday, comments have to be received by end of the following Thursday (see cover page for the date)
- c) The referral should include the reasons for the referral why it would not be appropriate to permit the proposal to be determined under the delegated arrangements; the issue the proposal raises in relation to the relevant policy context and the balanced consideration that has been given to the extra costs and delay to the referral You may wish to consider the guidance given in the Members' Planning Code of Good Practice in the Council's constitution, which sets out the criteria the Chair of the Committee, in consultation with the Spokes will use to consider any referral requests.

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

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

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

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

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

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

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

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

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

7) Any applications, except those 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](mailto:MemberReferral@southglos.gov.uk) (not individual email addresses), where referrals can be picked up quickly by the Technical Support Team.

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

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

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

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

A template for referral is set out below:

## Referral from Circulated Schedule to Development Management Committee

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

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

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

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

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

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

**Date:**

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

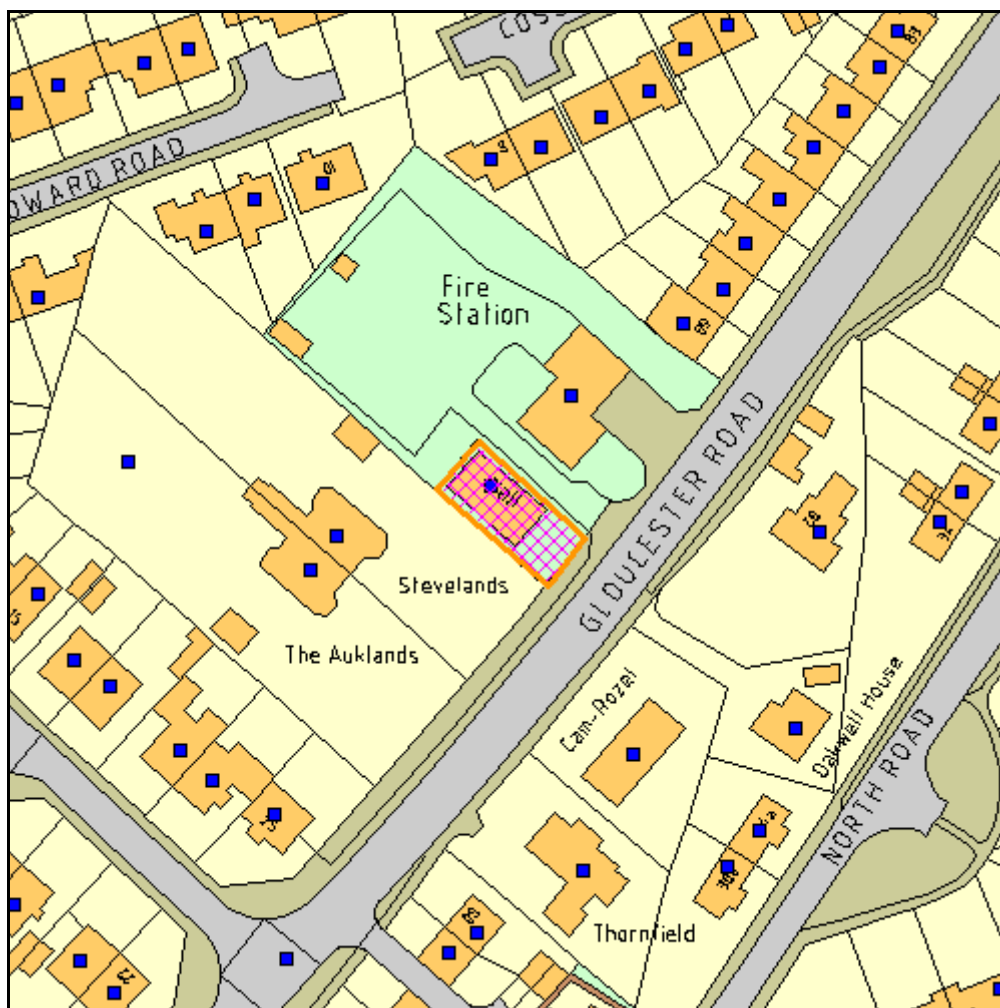
# CIRCULATED SCHEDULE 27 October 2023

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ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	P23/02202/F	Approve with Conditions	Avon Army Cadet Force Gloucester Road Thornbury South Gloucestershire BS35 1JH	Thornbury	Thornbury Town Council
2	P23/02634/HH	Approve with Conditions	3 The Glen Yate Bristol South Gloucestershire BS37 5PR	Yate Central	Yate Town Council
3	P23/02750/PIP	Refusal	Hazeldown Hazel Lane Tockington Bristol South Gloucestershire BS32 4PL	Severn Vale	Olveston Parish Council

**CIRCULATED SCHEDULE NO. 43/23 -27th October 2023**

<b>App No.:</b>	P23/02202/F	<b>Applicant:</b>	Wessex Reserve Forces And Cadets Association
<b>Site:</b>	Avon Army Cadet Force Gloucester Road Thornbury South Gloucestershire BS35 1JH	<b>Date Reg:</b>	31st July 2023
<b>Proposal:</b>	Siting of 2 no. shipping containers and alterations to the southern elevation door and window fenestration.	<b>Parish:</b>	Thornbury Town Council
<b>Map Ref:</b>	364189 190779	<b>Ward:</b>	Thornbury
<b>Application Category:</b>	Minor	<b>Target Date:</b>	3rd November 2023



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P23/02202/F

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

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

This application is referred to the circulated schedule due to an objection received from the Town Council which is contrary to the Officer's recommendation.

### **1 THE PROPOSAL**

- 1.1 The application seeks full planning permission for the siting of 2no. shipping containers and alterations to the southern elevation door and window fenestration.
- 1.2 The application site relates to the Avon Army Cadet Force hall, Gloucester Road, Thornbury. The building sits within a built-up residential area, adjacent to Thornbury Fire Station and opposite a locally listed building (Pippins, 62 Gloucester Road).
- 1.3 The existing cadet building is a flat roofed, modular building located within a small, fenced compound. The proposed shipping containers would be located to the front of the existing building, perpendicular to the principal elevation, on an existing hardstanding.

### **2 POLICY CONTEXT**

#### **2.1 National Guidance**

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

#### **2.2 Development Plans**

South Gloucestershire Local Plan Core Strategy (Adopted) December 2013

CS1 High Quality Design  
CS2 Green infrastructure  
CS4a Presumption in Favour of Sustainable Development  
CS5 Location of Development  
CS8 Improving Accessibility  
CS9 Managing the Environment and Heritage  
CS23 Community Infrastructure and Cultural Activity  
CS32 Thornbury

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

PSP1 Local Distinctiveness  
PSP2 Landscape  
PSP3 Trees and Woodland  
PSP8 Residential Amenity  
PSP11 Transport Impact Management

PSP17 Heritage Assets and the Historic Environment  
PSP20 Flood Risk, Surface Water and Watercourse Management

2.3 Thornbury Neighbourhood Plan (Adopted) January 2022

2.4 Supplementary Planning Guidance  
South Gloucestershire Design Checklist (Adopted) 2007

### 3 **RELEVANT PLANNING HISTORY**

3.1 None relevant.

### 4 **CONSULTATION RESPONSES**

4.1 Thornbury Town Council

Objection- use of containers in this location, which is predominantly residential, is inappropriate and detracts from the character of the area. Whilst the existing building on site and the fire station do not have architectural merit this should not be used as justification for the negative visual impact of the containers.

4.2 Conservation Officer

The application has the potential to affect the setting of no.62 Gloucester Road, a locally listed building. We do not wish to make comment, we defer to the view of the case officer in assessing the impact.

4.3 Transportation DC

No objection.

4.4 Tree Officer

No objection.

4.5 Lead Local Flood Authority

No objection.

4.6 Designing Out Crime Officer

No objection- subject to advice on security.

#### **Other Representations**

4.7 None received.

### 5 **ANALYSIS OF PROPOSAL**

5.1 **Principle of Development**

Policy CS23 of the Core Strategy is supportive of the enhancement of community infrastructure; of which an Army Cadet Hall would fall into. In particular, the council considers that providing services for children and young people (0-19) is key to developing sustainable communities. Policy 16 of the Thornbury Neighbourhood Plan also supports the enhancement of younger people's facilities. The alterations proposed to the site would



provide classroom facilities for circa 25 cadets (40 maximum) between the ages of 12 and 17. The proposed containers are to be used as storage, freeing up internal space for classroom use.

As such, the proposal is acceptable in principle, subject to the considerations below.

## 5.2 **Design and Visual Amenity**

The existing building is an unremarkable, flat roofed structure with a shuttered window and a double door on the principal elevation. The external alterations amount to the removal of the existing roller shutters, the replacement of all windows with a broadly similar design and the replacement of the front elevation door with a single door and surrounding glazing. The proposed changes would have no discernible effect on the design or visual impact of the building.

5.3 The application is also proposing to site two shipping containers to the front of the building for use as storage by the two resident units who use the facility. Due to the size constraints of the site, the only feasible location for the containers would be on the hardstanding at the front of the site.

5.4 An objection from the Town Council in relation to the visual impact of the containers has been noted. The new containers would be relatively small in size, approximately 3 metres in length by 2.5m in width, with a height comfortably below that of the existing building. The containers would sit side-by-side, perpendicular to the main entrance and would be finished in a dark green colour. Although it is acknowledged that the containers would, to a degree, increase the visual prominence of the site, it is not considered to result in such a detrimental impact as to warrant a refusal. Containers such as these would not be a totally unexpected addition for an army cadet centre and are used for storage purposes for many community facilities. Therefore, when viewed within the context of the army cadet centre, the addition of shipping containers would not be visually inappropriate. Furthermore, the green containers would sit behind an existing green mesh fence and additional planting along the front boundary is being proposed to provide further screening from the public realm. Also, the containers would not be fixed to the ground and could therefore be easily removed when no longer required.

## 5.5 **Heritage**

The application site sits opposite no.62 Gloucester Road which is a locally listed building. The Council's Conservation Officer has noted that the proposal has the potential to affect the setting of the locally listed building.

5.6 Paragraph 203 of the NPPF states that 'the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgment will be required having regard to the scale of any harm or loss and the significance of the heritage asset.'

5.7 In this case, the site is separated from the non-designated heritage asset by the busy Gloucester Road and a high stone wall. New planting would also provide an element of screening. Taking into consideration the separation involved and the existing built form in the immediately surrounding area, the army cadet site is not visibly read in the context of the locally listed building. As such, the introduction of two small containers would result in minimal harm and, on balance, the significance of the locally listed building would not be preserved.

5.8 **Residential Amenity**

The nearest residential property, known as Stevelands, is located to the immediate south-west of the site and is separated by an established high hedgerow. The property is set back significantly from the highway, with the rear building line of the cadet hall in line with the principal elevation of Stevelands. The containers would therefore be located approximately 20m from the front windows, adjacent to the long driveway of Stevelands. Given the modest size and height of the proposed containers, combined with the separation distance, they would not result in any detrimental overbearing or loss of light impact.

5.9 **Transportation**

The proposed containers would sit on an existing hardstanding to the front of the property. The existing hardstanding is potentially capable of accommodating two vehicles, however the manoeuvrability in this tight space would be limiting. The applicant has confirmed that this area has only ever been used by one vehicle. It is also apparent that given their age, the cadets would either be arriving by foot, by bike or dropped off and picked up. Given that one off-street space would remain at the site, and the proposal would not increase trip generation rates, there would be no severe impact on highway safety or transportation.

5.10 **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.

5.11 With regards to the above this planning application is considered to have a neutral impact on equality as it does not impact on any protected characteristics.

## 6 **CONCLUSION**

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

## 7 **RECOMMENDATION**

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

### **CONDITIONS**

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

Reason

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

2. The proposed planting, as specified on the Site Elevation Existing/Proposed Plan (drawing no. 5036-P-06 REV A) shall be implemented in the first planting season following the installation of the shipping containers hereby approved, and maintained as such thereafter.

Reason

To provide appropriate screening and ensure a satisfactory standard of appearance to protect the character of the area, and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policies PSP1 and PSP2 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; and the National Planning Policy Framework.

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

Received by the Council on 24th July 2023:  
SITE LOCATION AND BLOCK PLANS (5036-P-01)  
EXISTING FLOOR PLAN (5036-P-02)  
PROPOSED FLOOR PLAN (5036-P-03)  
EXISTING ELEVATIONS (5036-P-04 REV A)  
PROPOSED ELEVATIONS (5036-P-05)

Received by the Council on 23rd October 2023:  
EXISTING /PROPOSED SITE ELEVATION (5036-P-06 REV A)

Reason

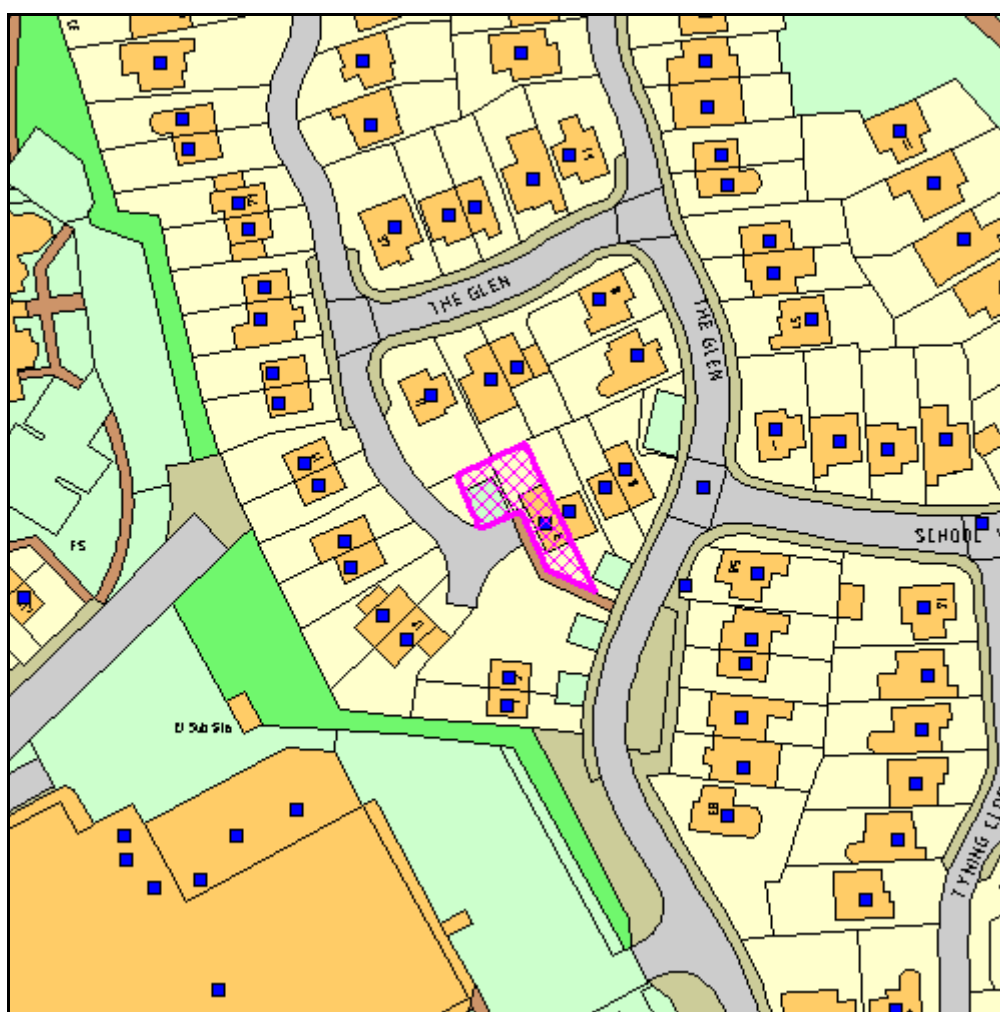
To define the terms and extent of the permission.

**Case Officer: James Reynolds**

**Authorising Officer: Suzanne D'Arcy**

**CIRCULATED SCHEDULE NO. 43/23 -27th October 2023**

<b>App No.:</b>	P23/02634/HH	<b>Applicant:</b>	Ms James Matley
<b>Site:</b>	3 The Glen Yate Bristol South Gloucestershire BS37 5PR	<b>Date Reg:</b>	18th September 2023
<b>Proposal:</b>	Erection of two story rear and single story side extension to form additional living accommodation (Resubmission of P23/00802/HH)	<b>Parish:</b>	Yate Town Council
<b>Map Ref:</b>	371199 182730	<b>Ward:</b>	Yate Central
<b>Application Category:</b>	Householder	<b>Target Date:</b>	10th November 2023



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P23/02634/HH

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

## **REASON FOR APPEARANCE ON CIRCULATED SCHEDULE**

This application is presented to the circulated schedule due to the receipt of 3+ object objection comments from local residents which is contrary to the Council's decision to approve the development.

### **1. THE PROPOSAL**

- 1.1 This application seeks householder permission for the erection of a two-story rear and single-story side extension to form additional living accommodation at No.3 The Glen, Yate.
- 1.2 The applicant site comprises a modest plot with the property itself forming a semi-detached dwellinghouse that displays typical characteristics of the area. The dwelling also benefits from off street parking and a rear garden, providing the residents with ample amenity space.
- 1.3 Lastly, this application is a resubmission of P23/00802/HH which seeks to make amendments in design (removal of rear outbuilding and enlargement of ground floor extension).
- 1.4 *Procedural Matters* – amended plans (removal of 2no. side windows and works to porch now omitted) have been received from the applicant's agent. This has not altered the description of development nor affected the scope of assessment, and as such, no further public consultation has been conducted. Officers are satisfied this does not disadvantage the public interest.

### **2. POLICY CONTEXT**

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

- 2.2 Development Plans

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

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

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

PSP1	Local Distinctiveness
PSP8	Residential Amenity
PSP11	Transport Impact Management
PSP16	Parking Standards

PSP38      Development within Existing Residential Curtilages  
PSP43      Private Amenity Space

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

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

- 3.1    Ref: P23/00802/HH. Withdrawn, 20.07.2023.  
Proposal: Erection of two storey side and single storey rear and side extension to form additional living accommodation.

### 4.    **CONSULTATION RESPONSES**

- 4.1    Yate Town Council  
Concerns from previous application have been addressed although works would be near 50% of the original property.

- 4.2    Sustainable Transport Officer  
A condition is suggested to secure the proposed 2no. vehicular parking spaces. Subject to this, no objection.

- 4.3    Local Residents  
8 letters have been received from local residents. Key points are summarised as follows:  
[7 objection]
- The development will provide foster accommodation and could negatively impact the residential area.
  - Works would reduce access for other residents of the Glen.
  - There would be a reduction in available parking spaces.
  - Proposed windows on the side elevation are out of keeping with surrounding area and will also create privacy issues.
- [1 support]
- Proposed works will support local children in need of a home.

- 4.4    [*Officer Response*] The above comments are noted, but issues relating to use of the property i.e., foster care accommodation, cannot be taken into consideration as these are not afforded any planning merit – the planning use of the building will remain the same (C3).

### 5.    **ANALYSIS OF PROPOSAL**

- 5.1    Principle of Development  
Policy PSP38 permits extensions and alterations to existing dwellings within established residential curtilages subject to an assessment of design, amenity and transport. The development is acceptable in principle but will be determined against the analysis set out below.

## 5.2 Design and Visual Amenity

Policy CS1 seeks to ensure that development proposals are of the highest possible standards of design in which they respond to the context of their environment. This means that developments should demonstrate a clear understanding of both the site and local history to ensure the character, distinctiveness and amenity is well assessed and incorporated into design.

5.3 The proposal would introduce a ground floor 'wrap-around' extension that would project from the original rear building line to a maximum of 4.9m and extend from the West elevation (side) by approximately 2.1m. Accompanying this is a first-floor extension that would match the width of the host property and have a maximum depth of 2.4m. Works also include the installation of 2no. first-floor side windows (West elevation) as well as a new entrance into the property (also located on the West elevation) with accompanying window. Finishing materials are set to match those found on the existing building.

5.4 The previously withdrawn application at this site featured works which would have resulted in harm to the character of the host dwelling by means of inappropriate massing. However, this revised application represents a significant reduction in the scale of development and of most note is the omission of rear outbuilding and replacement with integrative wrap around extension. Likewise, it is recognised the first-floor extension positively responds to the proportions of the dwellinghouse.

5.5 Notwithstanding the above, comments from local residents – installation of 5no. side windows – are noted as this could diminish the prevailing character of the immediate vicinity. In response, revised plans have been received from the applicant's agent which demonstrate that 2 of the side windows have now been removed. As a result, the West elevation has a refined appearance that would not demonstrably impact upon the distinctiveness of the local area. Similarly, works to the front porch have been omitted so the original form and character of the principal elevation remains and continues to follow the precedent set in the street scene. Given these considerations, the proposed development complies with policy CS1. However, a condition will be attached to any approved permission that ensures finishing materials match the host. Subject to this, no design objections are raised.

## 5.6 Residential Amenity

Policy PSP8 relates specifically to residential amenity in which it states development proposals are acceptable, provided they do not create unacceptable living conditions or result in unacceptable impacts on residential amenities. These are outlined as follows but not restricted to: loss of privacy, overbearing impact, loss of light, and noise disturbance.

5.7 Whilst the principle of making alterations to this site is not dismissed and it is recognised there are no restrictive local development plan policies that cover the site, some concern is raised regarding the extent to which the combination of a two-storey and single-storey rear extension could create an overbearing effect on No.4 The Glen.



- 5.8 As noted above, the rear ground floor extension would have a maximum depth of 4.9m and be accompanied by a first-floor extension projecting to 2.4m. This built form could become visually prominent for residents at No.4 when utilising outdoor amenity space. Nonetheless, it is recognised that the proposed ground floor works would replace an existing extension and represents a depth difference of only 1.9m. Likewise, the first-floor extension is well within the 'accepted' limits set out in the Householder Design guide (4m for those on or near a shared boundary). So, whilst there would be some impact on the quality of No.4's outdoor amenity space, the level of harm is not sufficient enough as to warrant refusal.
- 5.9 Comments from local residents are once again referred to in which concerns have been raised that through-access for other residents of The Glen would be reduced as well as the potential for privacy issues due to inclusion of side windows. Addressing the former, the proposed works would only take place within the submitted site boundary that has been accompanied by a 'certificate A' form. This confirms the public footway which runs down the side of the host property would be unaffected by works and local residents would retain access. In terms of privacy concerns, there is a 20m gap between the West elevation of the host (location of proposed side windows) and closest neighbouring property, with this gap also overlooking the public realm (cul-de-sac), meaning any invisibility would not be at a level greater than existing situation. Due to this, officers are satisfied the development is acceptable in residential amenity terms. However, a condition will be attached to any approved permission that limits the hours of construction work as the site is situated within a densely populated residential area.
- 5.10 Transport  
Policy PSP16 sets out the Council's criteria for parking specifications. It states that parking space provision per dwellinghouse is proportionate to bedroom number, with a property of the proposed size expected to provide 2no. parking spaces.
- 5.11 Submitted evidence confirms the above parking requirements can be satisfied. This addresses concerns from local residents with regard to a lack of parking and likewise demonstrates compliance with policy PSP16. However, the suggestion of the transport officer to attach a condition to any approved development for the proposed spaces to be constructed before occupation will be applied.
- 5.12 Consideration of likely impact on Equalities  
The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society; it sets out the different ways in which it is unlawful to treat someone. As a result of this Act, the public sector equality duty came into force. Among other things, those subject to the equality duty must have due regard to: eliminate unlawful discrimination; harassment and victimisation; advance equality of opportunity; and, foster good relations between people who share a protected characteristic and those who do not. The general equality duty therefore requires organisations to consider how they could positively contribute to the advancement of equality and good relations. It

requires equality considerations to be reflected into the design of policies and the delivery of services.

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

## 7. RECOMMENDATION

7.1 That the application be **APPROVED** subject to the conditions attached to 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 materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

Reason

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

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

Monday - Friday.....8:00am - 5:00pm

Saturday.....8:30am - 1:00pm

No working shall take place on Sundays or Public Holidays.

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

Reason:

To protect the residential amenity of the neighbouring occupiers and to accord with Policy PSP8 of the Policies, Sites and Places Plan (Adopted) November 2017 and the National Planning Policy Framework.

4. Prior to the occupation of the development hereby permitted, works must be completed in strict accordance with the proposed parking and access arrangements (drawing number 6223-PL-200 Rev E).

Reason:

To accord with policy PSP16 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted November 2017).

5. The development hereby permitted must be completed in strict accordance with the following plans:
  - Site location and block plan (6223-PL-01 Rev A)
  - Existing elevations (6223-PL-03 Rev B)
  - Proposed elevations (6223-PL-13 Rev D)
  - Existing ground floor (6223-PL-101)
  - Proposed ground floor (6223-PL-200 Rev E)
  - Existing first floor (6223-PL-102)
  - Proposed first floor (6223-PL-201 Rev D)

Reason:

To define the extent and terms of the permission.

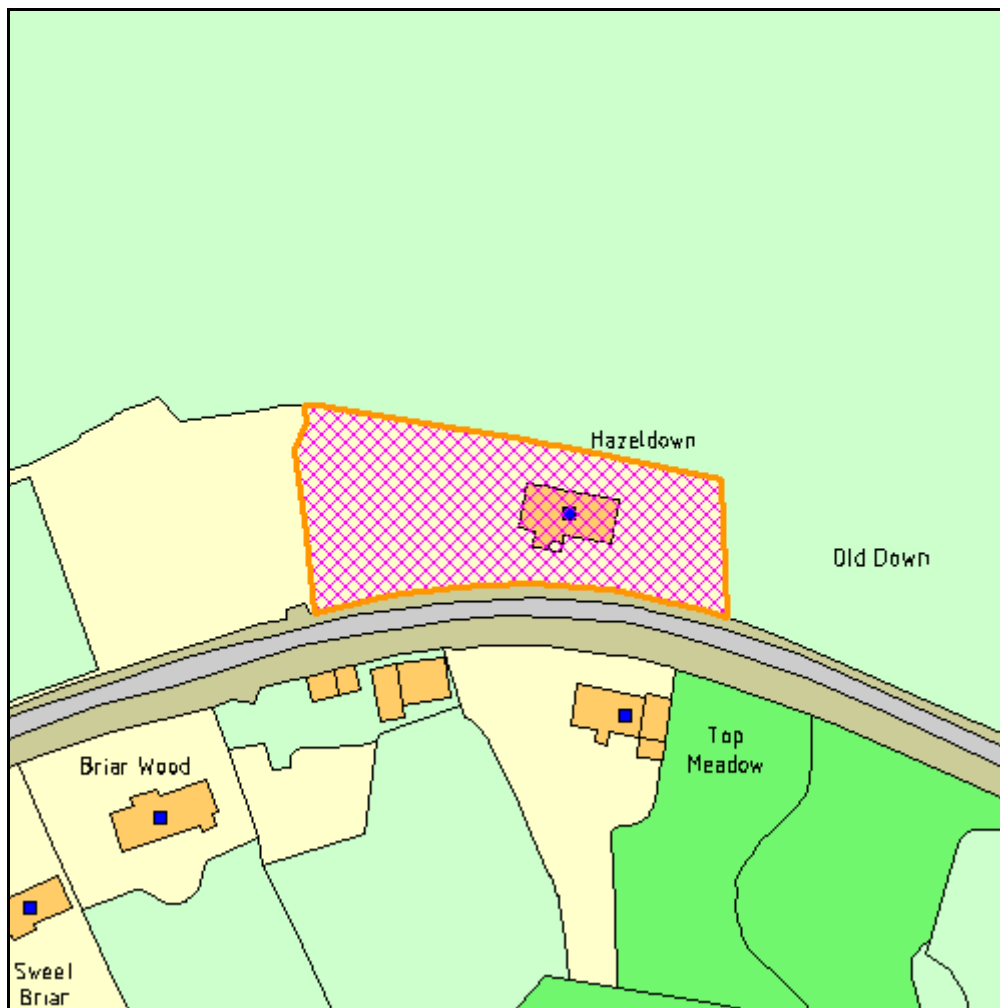
**Case Officer: Ben France**

**Authorising Officer: Suzanne D'Arcy**

## CIRCULATED SCHEDULE NO. 43/23 -27th October 2023

<b>App No.:</b>	P23/02750/PIP	<b>Applicant:</b>	Mr Les Grove
<b>Site:</b>	Hazeldown Hazel Lane Tockington Bristol South Gloucestershire BS32 4PL	<b>Date Reg:</b>	30th September 2023
<b>Proposal:</b>	Permission in Principle for the erection of 1no. dwelling.	<b>Parish:</b>	Olveston Parish Council
<b>Map Ref:</b>	362002 187519	<b>Ward:</b>	Severn Vale
<b>Application Category:</b>	Minor	<b>Target Date:</b>	3rd November 2023

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N.T.S.

P23/02750/PIP

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

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

The application appears on the circulated schedule because 3no. responses have been received from interested parties that are contrary to the officer recommendation.

### **1. THE PROPOSAL**

- 1.1 This application is a Permission in Principle (PIP) application for land at Hazeldown, Hazel Lane, Tockington. The site lies outside of any established settlement boundary and is within the Bristol/Bath Green Belt. The proposal is for the erection of 1no. dwelling.
- 1.2 The permission in principle consent route is an alternative way of obtaining planning permission for housing-led development which separates the consideration of matters of principle for proposed development from the technical detail of development.
- 1.3 The permission in principle consent route therefore has two stages:
  - **The first stage (or permission in principle stage) establishes whether a site is suitable in-principle**, and
  - The second stage ('technical details consent') is when the detailed development proposals are assessed.
- 1.4 If the grant of permission in principle is acceptable, the site must receive a grant of technical details consent before development can proceed. It is the granting of technical details ('TDC') that has the effect of granting planning permission. Other statutory requirements may apply at this stage such as those relating to protected species or listed buildings. An application for technical details consent must be in accordance with the permission in principle that is specific to the applicant.
- 1.5 In the first instance a decision must be made in accordance with relevant policies in the development plan unless there are material considerations such as those in the NPPF and national guidance which indicate otherwise.
- 1.6 The scope of a Planning in Principle application is limited to:
  - location,
  - land use and
  - amount of development.

Issues relevant to these 'in principle' matters should be considered at the permission in principle stage.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework

## 2.2 Development Plans

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

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

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

PSP1	Local Distinctiveness
PSP2	Landscape
PSP3	Trees and Woodland
PSP7	Green Belt
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
PSP40	Residential development in the countryside
PSP43	Private Amenity Space Standards

## 2.3 Supplementary Planning Guidance

Development in the Green Belt SPD (Adopted) June 2007

Design Checklist SPD (Adopted) August 2007

Residential Parking Standard SPD (Adopted) December 2013

CIL and S106 SPD (Adopted) March 2015

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

## 3. RELEVANT PLANNING HISTORY

3.1 None recent or relevant on the site.

### **Nearby site (now built out)**

*(Paddock to the West of Sweet Briar)*

3.2 PT17/4635/F (approved 13/03/2018):

Demolition of existing shelter and erection of 2no detached dwellings with access and associated works.

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

- 4.1 Olveston Parish Council:  
No comments have been received.
- 4.3 Transport  
Outside of any defined settlement boundary. Village has no key services or facilities other than a public house. Public transport availability does not accord with requirements of PSP11 and development likely to be car dependent.
- 4.4 Drainage  
Require details of proposed foul sewage disposal method.
- 4.5 Landscape  
No comments have been received.
- 4.6 Local Residents  
3no. responses have been received in support of the application, summarised as follows:
- Support the application for 1 dwelling
  - Proposal seems like logical infill being close to other dwellings
  - Well designed and located passivhaus
  - Whilst in the Green Belt, the dwelling is on garden land
  - Similar development has taken place locally
  - Note that application intent is to allow owners to downsize. Would release another family home to the market
  - Such development is sensible to allow families to downsize
  - Development won't have any impact on us
  - No overbearing or visual impact

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

##### Principle of Development

- 5.1 The application is to consider the location, the type of development and the amount of development, but must be determined in accordance with the relevant policies listed above unless there are material considerations such as those in the NPPF which indicate otherwise. The responses received pointing to the proposal being passivhaus, and the design intent within the submitted DAS is noted. However, as a PIP application, matters of detailed design are not up for consideration and instead, it is only the principle of development that is to be considered (location, land use, amount).
- 5.2 The development plan directs residential development to within established settlement boundaries. CS5 of the Core Strategy specifies that new development should be within sustainable locations. Furthermore, new development should be informed by the character of the local area and contribute to the high quality design set out in Policy CS1 which, among other things, stipulate development will be required to demonstrate such issues as siting, form, scale, height, massing, detailing colour and materials are informed by, respect and enhance the character, distinctiveness and amenity of both, the

site and its context, and density and overall layout is well integrated with existing adjacent development and ensure soft landscaping forms an integral part of the design and makes a net contribution to tree cover in the locality. PSP43 sets out specific private amenity space standards for all new residential units. Policies CS8, PSP11 and PSP16 deal with on-site parking, off-site impact on highway safety and associated cycle parking standards. However, Policies CS34 (Rural Areas), among other things, specifically aims to maintain settlement boundaries and PSP40 (Residential Development in the Countryside) lists a set of criteria to be met and states that development must not have a harmful effect on the character of the countryside or the amenities of the surrounding area.

- 5.3 The application site is outside of any established settlement boundary. However, recent appeals relating to Land West of Park Farm (Thornbury) and Land South of Badminton Road (Old Sodbury)<sup>1</sup> have determined that the settlement boundaries on which CS5 rely are out of date. Following the issuing of the Thornbury appeal decision, the Council has been able to update its authority monitoring report (AMR) and is able to demonstrate a 5-year housing land supply. The most up-to-date figure as of 15<sup>th</sup> March 2023 is 5.26 years.<sup>2</sup>
- 5.4 Whilst the Council has a 5 year HLS, the settlement boundaries being out of date means that, in accordance with paragraph 11(d) of the NPPF, the 'tilted balance' is engaged owing to the location of the site. This is because the policies such as CS5, CS34 and PSP40 are considered 'out of date' for decision making purposes. This means in practice that permission should be granted unless:

*The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*

*Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

The site is located within a protected area for the purposes of para. 11(d): the Bristol/Bath Green Belt.

#### Location

- 5.5 The first issue to consider is whether the development would be acceptable in the Green Belt. The Green Belt is a part of the district in which development is strictly controlled. The purpose of Green Belt policy as set out in the NPPF is to prevent urban sprawl by keeping land permanently open. Openness and permanence are the two fundamental characteristics of the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved unless very special circumstances can be demonstrated to outweigh the harm caused by inappropriate development.

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<sup>1</sup> APP/P0119/W/21/3288019 and APP/P0119/W/22/3303905 respectively.

<sup>2</sup> Authority's Monitoring Report, March 2022, page 36: [Authority Monitoring Report 2022 \(southglos.gov.uk\)](https://www.southglos.gov.uk/authority-monitoring-report-2022).



When considering any planning application, the local planning authority should ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the harm caused to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. As set out in the NPPF (para.149), the LPA should regard the construction of new buildings as inappropriate in the Green Belt, unless they meet a limited number of exceptions. The exceptions include limited infilling in villages. It is noted that this application refers to limited infilling and the application will first be considered on that basis. The NPPF does not define limited infilling, but it is generally accepted that limited infilling is 'a relatively small gap between existing buildings within a built-up area'. This is the definition used in the Core Strategy for 'infill development'. The Development in the Green Belt SPD defines 'infill development' as *small in scale and which fits into an existing built-up area in a defined settlement boundary, normally in-between existing buildings, in a linear formation.*

- 5.7 The site is bounded to the East by Hazeldown (a detached dwelling), to the North by open fields, to the South by Hazel Lane and dwellings on the Southern side of the road. To the west of the site is an open area of land, also understood to be in the applicant's ownership, and then the substantial curtilage associated with The Keepers, with The Keepers being to the West of its curtilage close to Pump Lane.
- 5.8 The gap between Hazeldown and The Keepers is around 140 metres. This in itself is not a small gap, it is a relatively large gap between buildings. Moreover, the new dwelling in the location suggested would still be bounded on two sides by open land (and the road to the South). Given the substantial gap and the lack of relationship between the site and its Western neighbour, the proposed development could not be reasonably considered as infilling, and as such the exception of 'limited infilling in villages' would not apply in this case. Reference to the nearby development permitted under PT17/4635/F is noted. The gap in this case was smaller (c.60 metres), the gap was infilled and there is development on both sides, meaning that this scheme fitted more comfortably in the definition of infill discussed above. The same does not apply to the application site and so this nearby scheme is not considered to represent any form of precedent where Green Belt is concerned.
- 5.9 Another exception to consider is (g) within par.149. This exception allows for the partial or complete redevelopment of previously developed land, provided it does not have a greater impact on the openness than the existing development. Courts have held that previously developed land includes residential gardens when not located in a built-up area. The application site does not lend itself to being in a built up area, and so this exception could apply. Openness is generally considered to be an absence of built form, and can have a spatial and visual dimension. It is noted that the design intent is to be low impact (albeit this cannot be considered at the PIP stage), and the site benefits from a good level of screening. But, the development would nonetheless result in there being a dwelling (built form) where there currently isn't one. This and any associated subdivision of the curtilage, and creation of new curtilage, would have a spatial impact on the openness of the Green Belt, regardless of whether the dwelling

can be seen from the road (if it could, there would also be a visual impact on openness). It is therefore the case that 149(g) does not apply as the development would have a greater impact on the openness than the existing development.

- 5.10 Further to the above, the development would not be appropriate in the Green Belt and is therefore, by definition, harmful. The resultant development would result in a loss of openness in spatial terms which would conflict with one of the fundamental characteristics of the Green Belt, and where the dwelling could be seen, there would be an urbanising effect which would result in a visual loss of openness too. No very special circumstances have been put forward. The development therefore fails to accord with the provisions of the NPPF in regard to Green Belt, which provides a clear reason for refusal in line with para.11(d).
- 5.11 Turning to other considerations, the location of development needs to be considered in reference to the Council's spatial strategy. The spatial strategy as noted above is out of date, and so the settlement boundaries carry less weight.
- 5.12 Whilst the development would not be appropriate in the Green Belt, the development would relate to the village of Old Down and would not represent an isolated dwelling in the countryside, in reference to para.80 of the NPPF. Old Down is a rural settlement with limited services and facilities. In this respect, the comments of the transport officer are noted. It is noted by the transport officer that there is a school bus with a once a day service which does not accord with PSP11, and in any case the walking route to the bus stop is not ideal with there being no footway or lighting.
- 5.13 The case officer however is mindful of the nearby development consented by PT17/4635/F, to the West of the site. This was approved under the same local plan policy (Core Strategy and PS&PP). It was noted in the assessment of that application that whilst Old Down has limited services and facilities, the village of Alveston and town of Thornbury are nearby and development on that site would support services and facilities in adjacent villages. Alveston and Thornbury in particular were noted to be accessible by bus from Alveston Road which is served by a bus stop on a bus route. The draft Old Down Data and Access Profile<sup>3</sup> indicates that the village is served by buses that meet the minimum criteria to Thornbury, which has good access to services and facilities not present in Old Down. As the bus route passes through Alveston, access to this larger village would also be possible, which has provision of more local services and facilities. Whilst some of the route to the Alveston Road is not subject to lighting or footway, this was not considered an issue previously and in any event, the quiet rural nature of the roads are such that it would be unlikely to present any significant impact on their usability by pedestrians wishing to access the bus stop from the proposed dwelling. It is also possible that residents could cycle to Alveston or indeed Thornbury (Google Maps suggests 12 minutes by cycle to Thornbury). It is accepted that occupiers of the proposed dwelling may be more likely to use a car for travel owing to the rural location. But, the fact PT17/4635/F was found to be sufficiently sustainable under the same policy as the current application, and in light of the above consideration, it

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<sup>3</sup> [https://consultations.southglos.gov.uk/gf2.ti/-/1219266/86663141.1/PDF/-/Old\\_Down\\_DAP\\_2020.pdf](https://consultations.southglos.gov.uk/gf2.ti/-/1219266/86663141.1/PDF/-/Old_Down_DAP_2020.pdf)

is considered that the proposed development would be sufficiently sustainable as not warrant an objection on that basis as future residents would have the option open to them to access services and facilities by means other than the private car.

#### Land use

- 5.14 The site is the garden land associated with Hazeldown and planning history does not suggest any other previous uses. The dwelling would be located in an existing residential garden which would lend itself to being suitable for residential use. A residential land use in this location would not unduly impact the existing adjacent land uses, which are predominantly residential and agricultural (in respect of the fields) and the relationship to neighbouring properties is such that a dwelling could easily be achieved on the site without resulting in any issues such as overbearing, overshadowing, etc.

#### Amount of development

- 5.15 The proposal is for 1no. dwelling and whilst no detailed plans have been provided (this is not required with a PIP application), an indicative plan has been provided indicating that the dwelling would be within the curtilage of Hazeldown, to the West of the site. Access would be via an existing access and it is suggested that no sub-division of the site would take place. Creation of a new dwelling, which this application seeks, would result in subdivision of the site. However, the indicative plan is such that officers are comfortable that an additional single dwelling could be achieved which would provide sufficient private amenity space for the new and existing dwelling, and adequate parking/access could be achieved (full details of which would be covered by TDC). Finally, 1no. dwelling would be appropriate in terms of visual impacts, as it would not lend itself to the site appearing cramped or overdeveloped.

#### Other matters

- 5.16 *Drainage* – Details of foul sewage and surface water disposal will be required at the TDC stage. Whilst the LLFA comments are noted, drainage details cannot be insisted upon at this stage.

#### Conclusion of assessment for Permission in Principle

- 5.17 The above has assessed the Permission in Principle for the site in terms of the three set criteria: location, land use, and amount of development,
- 5.18 The amount of development and land use are not considered to present any material issues and are acceptable. The location outside the settlement boundary is not prohibitive to granting permission in principle where sustainability is concerned, given that the settlement boundaries on which policies such as CS5 rely on are now out of date and the site is sufficiently sustainable to support a new dwelling. However, the development has been found to be inappropriate in the Green Belt as it would not represent limited infilling, nor would it accord with the redevelopment of previously developed land as the impact on the openness would be greater than the existing

development. This being the case, the application of policies in the NPPF that protect areas or assets of particular importance provide a clear reason for refusal. The application should therefore be refused in accordance with 11(d)(i) of the NPPF.

### Impact on Equalities

- 5.19 The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society. As a result of that Act the public sector Equality Duty came into force. Among other things, the Equality Duty requires that public bodies to have due regard to the need to: eliminate discrimination; advance equality of opportunity; and, foster good relations between different groups when carrying out their activities. Under the Equality Duty, public organisations must consider how they could positively contribute to the advancement of equality and good relations. This should be reflected in the policies of that organisation and the services it delivers. The local planning authority is statutorily required to apply the Equality Duty to its decision taking. With regards to the Duty, the development contained within this planning application is considered to have neutral impact.

## **6. CONCLUSION**

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

## **7. RECOMMENDATION**

- 7.1 It is recommended that the application for permission in principle (PIP) is **REFUSED**.
1. The site is located within the Bristol/Bath Green Belt and the proposal does not fall within the limited categories of development normally considered appropriate within the Green Belt. In addition, the applicant has not demonstrated that very special circumstances apply, such that the normal presumption against development in the Green Belt should be overridden. The proposal is therefore harmful to the Green Belt and contrary to the provisions of Policy CS5 and CS34 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013, Policy PSP7 of the adopted South Gloucestershire Policies Sites and Places Plan. and the provisions of the National Planning Policy Framework.

**Case Officer: Alex Hemming**  
**Authorising Officer: Helen Ainsley**