

# 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: 24/23**

**Date to Members: 16/06/2023**

**Member's Deadline: 22/06/2023 (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)

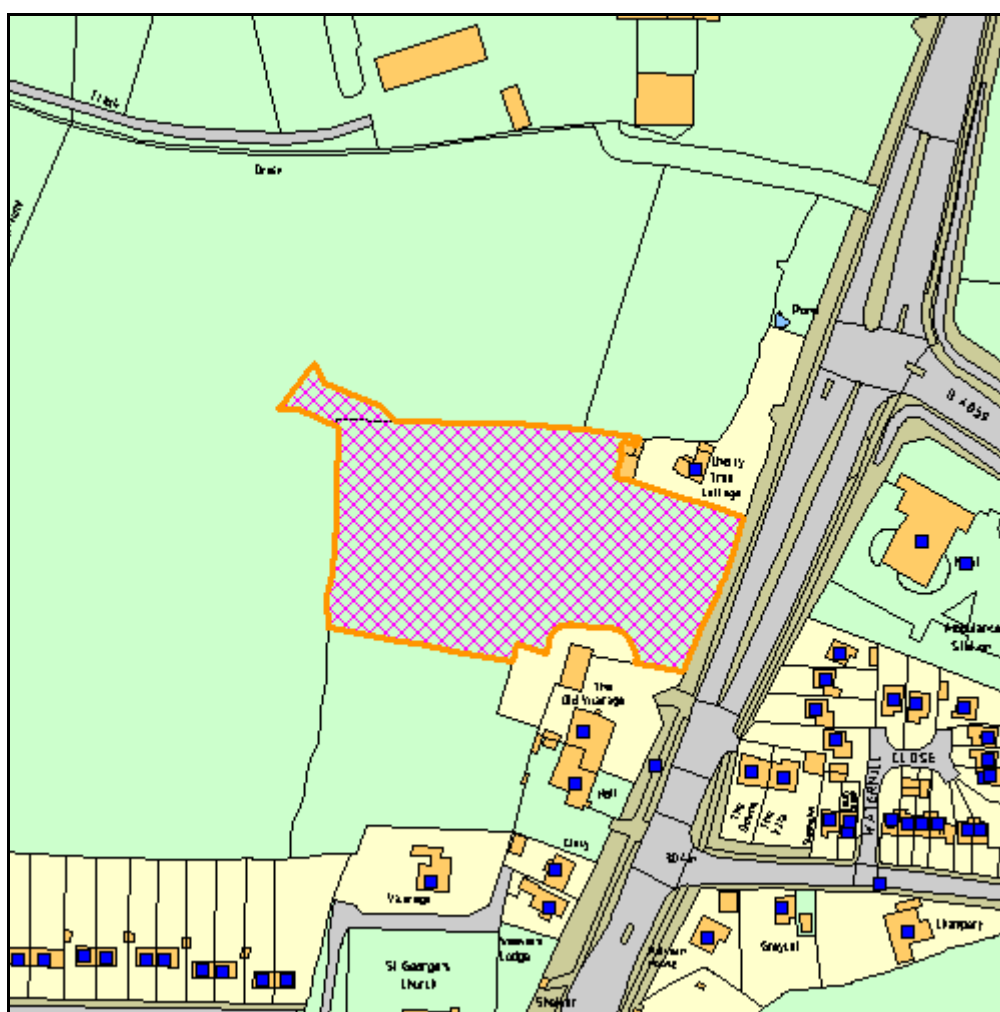
# CIRCULATED SCHEDULE 16 June 2023

-

| ITEM NO. | APPLICATION NO | RECOMMENDATION          | LOCATION  | WARD               | PARISH                     |
|----------|----------------|-------------------------|---|--------------------|----------------------------|
| 1        | P22/00461/F    | Approve with Conditions | Land Off Bristol Road Falfield South Gloucestershire GL12 8DH       | Charfield          | Falfield Parish Council    |
| 2        | P22/05217/F    | Approve with Conditions | Land Off Henfield Road Coalpit Heath South Gloucestershire BS36 2UH | Frampton Cotterell | Westerleigh Parish Council |
| 3        | P23/00381/F    | Approve with Conditions | 28 Hudson Close Yate South Gloucestershire BS37 4NP                 | Yate Central       | Yate Town Council          |
| 4        | P23/00562/HH   | Approve with Conditions | 1 Pine Grove Filton South Gloucestershire BS7 0SL                   | Filton             | Filton Town Council        |

**CIRCULATED SCHEDULE NO. 24/23 -16th June 2023**

|                              |   |                     |                         |
|------------------------------|---|---------------------|-------------------------|
| <b>App No.:</b>              | P22/00461/F   | <b>Applicant:</b>   | Cotswold Homes Ltd      |
| <b>Site:</b>                 | Land Off Bristol Road Falfield South Gloucestershire GL12 8DH                 | <b>Date Reg:</b>    | 31st January 2022       |
| <b>Proposal:</b>             | Erection of 21 no. dwellings, with landscaping, parking and associated works. | <b>Parish:</b>      | Falfield Parish Council |
| <b>Map Ref:</b>              | 368333 193338   | <b>Ward:</b>        | Charfield               |
| <b>Application Category:</b> | Major   | <b>Target Date:</b> | 30th June 2023          |



© South Gloucestershire Council 2007.all rights reserved.

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

100023410, 2008.

N.T.S.

**P22/00461/F**

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

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

This application is referred to the circulated schedule due to objections received from the Parish Council and local residents which are contrary to the Officers recommendation.

## **1 THE PROPOSAL**

- 1.1 The application seeks full planning permission for the erection of 21no. dwellings, with landscaping, parking and associated works.
- 1.2 The application site relates to an open parcel of land off Bristol Road, Falfield. The land sits outside of, but directly adjacent to, the defined rural settlement of Falfield. It is in the open countryside, but not within the Green Belt.
- 1.3 The approved residential development scheme of 85no. dwellings at Heanage Farm sits to the immediate north and west of the site (Approved under PT17/4800/O and P19/3928/RM). Vehicle access to the proposed development would be through this scheme, off Selman Drive. An additional pedestrian access is also proposed to A38.
- 1.4 During the course of the application the number of dwellings was reduced from 23no. to 21no. This was in order to accommodate an outdoor play area and allotments. A full re-consultation was carried out.
- 1.5 Additionally, there was an increase in the use of natural stone for the elevations in view from the A38. Some alterations to the layout and surface materials were also made in order to clearly define the proposed private and public spaces within the development.

## **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
- CS6 Infrastructure and Developer Contributions

CS8 Improving Accessibility  
 CS9 Managing the Environment and Heritage  
 CS15 Distribution of Housing  
 CS16 Housing Density  
 CS17 Housing Diversity  
 CS18 Affordable Housing  
 CS23 Community Infrastructure and Cultural Activity  
 CS24 Green Infrastructure, Sport and Recreation Standards  
 CS34 Rural Areas

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

|       |   |
|-------|---|
| PSP1  | Local Distinctiveness   |
| PSP2  | Landscape   |
| PSP3  | Trees and Woodland  |
| PSP6  | Onsite Renewable and Low Carbon Energy                              |
| PSP8  | Residential Amenity   |
| PSP10 | Active Travel Routes  |
| PSP11 | Transport Impact Management   |
| PSP16 | Parking Standards   |
| PSP17 | Heritage Assets and the Historic Environment                        |
| PSP20 | Flood Risk, Surface Water and Watercourse Management                |
| PSP21 | Environmental Pollution and Impacts                                 |
| PSP37 | Internal Space and Accessibility Standards for Affordable Dwellings |
| PSP40 | Residential Development in the Countryside                          |
| PSP43 | Private Amenity Standards   |
| PSP44 | Open Space, Sport and Recreation                                    |

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted) 2007  
 Residential Parking Standards SPD (Adopted) 2013  
 Waste Collection SPD (Adopted) 2015 (Updated 2017)  
 Extra Care and Affordable Housing (Adopted) 2021  
 Trees and Development Sites SPD (Adopted) 2021

**3 RELEVANT PLANNING HISTORY**

3.1 **P19/3928/RM**

Change of use and development of agricultural land to provide 85 No. Dwellings with associated access, parking, hard/soft landscape works, public open space, and drainage, together with development of a 'Park and Share' facility for 25 cars and new Community Hub with appearance, landscaping, layout and scale to be determined. (Approval of Reserved matters to be read in conjunction with outline permission PT17/4800/O).

Approved with conditions: 25/09/2019



### 3.2 **PT17/4800/O**

Change of use and development of agricultural land to provide up to 85no. dwellings with associated access, parking, hard/soft landscape works, public open space, and drainage, together with development of a 'Park and Share' facility for up to 100 cars and new Community Hub (Outline) with access to be determined. All other matters reserved

Approved with conditions: 18/12/2017

## 4 **CONSULTATION RESPONSES**

### 4.1 **Falfield Parish Council**

**Object** for the following reasons:

1. Site is outside the settlement boundary, in open countryside.
2. In 2007 planning permission was granted for 85 homes, representing a 92% increase in size of the existing village.
3. This application would add another 25% increase on these figures. Not a sustainable rate of growth.
4. Proposing more dwelling prior to completion of the 85 dwelling site is premature. Its infrastructure, facilities, and; local road system is still not yet fully evaluated.
5. Unsustainable development in transport terms due to reliance on motor vehicles. Bus service is very limited.
6. Poor walking facilities, children either bussed or taken by car to local schools.
7. Nearest health facilities are overloaded due to large housing developments in Thornbury.
8. Moorslade Lane only 6 metres up to Falfield Grange development entrance. The rest is single track lane with passing places. When A38 is congested, Moorslade Lane can become a 'rat run'. Increase in traffic movements will increase the potential for accidents.
9. What guarantee is there that the surface water system for Falfield Grange development will be able to manage the additional dwellings.
10. Likewise for the fold water system.
11. Proposals will have a detrimental impact on traffic volumes at the Moorslade Lane/A38 junction, A38/B road junction and Junction 14 of the M5. Other applications in the region have had to consider the cumulative impact of their own new traffic and traffic generated by other new developments.

#### Design comments

With reference to contextual plan 814-107, the terrace of dwellings on Plots 10, 11 and 12 is sited too close to the eastern end of the site. This block sits too far forward of the line of the principal front elevations of the locally listed Village Hall, the locally listed Old Vicarage and Cherry Tree Cottage. When viewed from the A38 this terrace will seem unduly prominent in the street scene, with a

particularly prominent flat ended, rendered south gable elevation when viewed travelling north. This whole block needs to be pushed back westwards.

Why are terraces 7 to 9 and 10 to 12 only white roughcast rendered on the front easterly elevation and not finished in stone to reflect the frontages of the existing dwellings and the village hall on either side? Stone elevations are proposed elsewhere within the development. Likewise, a dissimilar roof finish is proposed on these blocks, why is it grey concrete tiles when the existing neighbouring properties have reddish brown clay tiles? Both of these terraces are very prominent within the Falfield A38 street scene and with these material choices will look out of keeping with its neighbours and the character of the area.

Finally, the Parish Council would like to point out some inaccuracies contained within the Transport Statement submitted by Cotswold Homes.

Page 3 Paragraph 2.2. Existing access and egress to the site is currently achieved from the eastern boundary of the site via the A38. This access is formed of a small gate off the footpath leading onto the site. It should be noted that this gate is only wide enough to permit pedestrian. This is incorrect as it relates to an access to a private dwelling known as Cherry Tree Cottage. On Page 4 Fig 2.2 shows a picture of this entrance with the property seen located behind the hedge.

Page 5 paragraph 2.7. Moorslade Lane is approximately 6m in width and provides access to a number of residential dwellings as well as properties on the Linden Homes Development. This statement implies that the entire length of Moorslade Lane is 6 metres wide which is incorrect.

Page paragraph 2.19. Dropped kerbs are available at junctions in the vicinity to assist pedestrian movements along key desire lines. Furthermore, a number of nearby junctions include signal-controlled pedestrian crossing facilities. There are no signal controlled pedestrian crossings in the village.

#### 4.2 **Transport**

Site is located outside the settlement boundary of Falfield. The sustainability assessment of the site is much the same as that set out in the Planning Officer Committee Report for Planning Application PT17/4800/O

Falfield is a relatively unsustainable location in so far as it is devoid of services, shops, other than a small post office/ top up shop, educational establishments and leisure facilities. There are limited employment opportunities within the immediate vicinity of Falfield. Although there is one shop which includes a post office, the nearest supermarket facilities are in Thornbury located approximately 5 miles from the site. In addition, there are no local health facilities in Falfield which are also located in Thornbury. In terms of schools the nearest Primary schools are Lower Stone and Woodford (1.2 miles approx.),

Tortworth Primary (1.3 miles) and St Andrews CE Cromhall (3.2 miles). There is however no dedicated walking and cycle route to these facilities and to attempt this would be dangerous and problematic. Tortworth and Lower Stone would require walking alongside busy roads with the former involving crossing the M5 Bridge then up a steep hill and the latter walking alongside the busy A38 where there is no footpath. Therefore at this stage Falfield is not considered to have walking and cycling access to any Primary Schools. In terms of Secondary schools the nearest are located in Thornbury (Castle School Thornbury (4 miles) and Marlwood School (5.3 miles). These are both not accessible by a safe route and are in any case a significant distance away,

With respect to Public Transport provision, this is considered comparable with many rural locations.

There are three bus stops in the proximity of the site.

The supporting text to Policy PSP11 indicates that developments which generate a demand for travel will be acceptable where some key services and facilities are not accessible by walking and cycling, are located on safe, usable walking routes, that are an appropriate distance to suitable bus stop facilities, served by an appropriate public transport service, which connects to destinations containing the remaining key services and facilities.

**Referring to revisions made on 21<sup>st</sup> September:**

- As requested, the staggered barriers on the proposed footpath to the A38 have been replaced with a barrier on the A38 footway.
- As requested, the build-outs have been widened.
- A car swept path for access to plot 2 driveway should be checked and the driveway splayed or build-out reduced in size as necessary to accommodate the tracking.
- A block paving band at least 2m wide should be used at the site entrance to highlight the change to shared surface. The shared surface road should be at least 50% block paved.
- Blocks could be used at the pinch points and between the opposing rows of parking spaces.
- The layout and off-site works need to have a completed Stage 1 Road Safety Audit before determination of the Application. In the first instance a Brief including all the drawings and details of the Auditors CVs and recent experience should be submitted for approval.

Subsequently tracking was provided for access to plot 2, block paving included at the site entrance, and a Stage 1 Road Safety Audit carried out.

No further comments from Transport, conditions suggested should the application be recommended for approval

**4.3 National Highways**

No objection, subject to noise mitigation measures.

#### 4.4 **Landscape**

A new version of Detailed Soft Landscape Proposals Plan -101 is required to reflect the 21No. unit scheme, to be agreed prior to determination of the application. Also, it is recommended that a revised boundary treatments plan is agreed to address the comments set out in Section 3 above. Revised planting scheme is acceptable. However, recommend that an updated drainage layout is agreed prior to determination that reflects the 21No. unit scheme layout and ensures that all the proposed tree Environment & Community Services planting is accommodated. Also, issues raised in respect of boundary treatments have not been addressed.

No landscape objection subject to the following conditions:

- Tree/hedgerow protection plan
- Compliance condition for planting plan
- 5 year landscape maintenance schedule.
- Management plan for boundary hedgerow/buffer zones.
- Detailed layout plan specifying all hard landscape surface finishes.

#### 4.5 **Ecology**

No objections, subject to conditions.

#### 4.6 **Public Open Space**

Shortfall of outdoor open space, contributions to be secured by S106 agreement.

Minimum of 115.5square metres of equipped play should be provided on site. Some ambiguity between private and management company areas.

Overlay plan requested to show how the site entrance affects the open space shown on the Public Open Space Location Plan approved under P19/3928/RM. Some conflict between the surface water sewer and culverted drainage ditch running directly through two proposed trees.

Also, attenuation tank beneath car parking spaces and within root protection area of proposed trees.

No street lighting details.

On-site allotments are welcomed- appropriate fencing suggested.

#### 4.7 **Housing Enabling**

No objection, subject to S106 legal agreement.

#### 4.8 **Conservation Officer**

Limited harm to be considered in the context of paragraph 203 of the NPPF.

#### 4.9 **Urban Design Officer**

Support application, subject to alterations being made.

#### 4.10 **Tree Officer**

No objection.

#### 4.11 **Drainage**

Satisfied infiltration is a suitable method of surface water disposal.

We note that the proposed surface water disposal method is to discharge into the existing surface water sewer located within the neighbouring development. Currently we believe although it is proposed to be offered to Wessex Water for adoption this has yet to have been fully adopted. We therefore query whether the applicant has been in discussions with the neighbouring site developers to understand if surface water sewer system has adequate capacity to take the additional flow without causing a flood risk to either site considering that there is a final discharge rate that needs to be maintained. We would require evidence to be submitted of agreement of the proposed connection between the two sites.

Subsequent confirmation was provided by the applicant in the form of email correspondence.

#### 4.12 **Arts and Development**

No comment.

#### 4.13 **Environmental Policy and Climate Change**

Encourage applicant to make further reductions in the U-value of external walls. ASHP's supported.

PV is supported.

EV charging is supported.

Requested dynamic thermal modelling to assure dwellings would not be liable to overheating over the lifetime of the scheme.

#### 4.14 **Environmental Protection**

No objection, recommended conditions.

#### 4.15 **Police Community Safety**

No objection- Amendments suggested.

#### 4.16 **Archaeology**

Archaeological potential at the site, condition suggested.

#### 4.17 **Education**

Financial contributions sought towards transport to primary and secondary schools.

### **Other Representations**

4.18 Objection comments received from 9 local residents, summarised as follows:

#### **Design/Heritage**

- Development is inadequately screened to the southern border adjacent to the Old Vicarage.
- Will reduce the ambiance of Falfield Grange estate.

### **Transport**

- Increase in traffic passing our house and in an area with young children.
- Increase of 50+ vehicles is not acceptable.
- Safety concern will change a relatively quiet junction into a busier thoroughfare for new estate.
- Land at proposed access never intended to be converted into a road.
- Parcel of land has not been historically accessed via the proposed entrance. Aerial photos show the field accessed from the field to the north east.
- Increase in traffic will lead to deterioration of the road and road furniture which will be picked up by Falfield Grange management fees.
- Inaccuracies in submitted Transport Statement regarding existing access into the site, accident data and pedestrian crossings.
- Not practicable to cycle to Thornbury for services/facilities.
- Insufficient parking provision.
- Public transport is limited in Falfield.
- A38 and junction 14 of M5 is congested at peak times. National Highways have delayed planned improvements to junction 14 for a further 6 months.

### **Residential Amenity**

- Relatively quiet location will be spoiled by additional traffic.
- Intervisibility- Windows of Old Vicarage would have clear views to ground level of new development.
- Construction work will adversely impact residents.
- Increase in pollution.

### **Landscape/ecology**

- Post and rail fence inappropriate on southern boundary.
- post and rail fence needs to be replaced by either a Hawthorne hedge of equivalent density to the existing hedge on the south western boundary on the new development side of the boundary or a stone wall equivalent to that on the south eastern boundary.
- Loss of agricultural land.
- Decline in wildlife.

### **Location/sustainability**

- New homes will be car dependent.
- No local need for more housing.
- Application for 115 homes refused at committee in 2017( PT17/0770/0). With Falfield Grange, the development will lead to a cumulative total of 108 homes in an almost identical location.
- Education and health services will continue to be put under pressure with increased number of developments.

### **Drainage/ Flood risk**

- Queries in relation to foul water disposal. Wessex Water initially stated that there was only provision for foul water to be disposed of via the Eastwood Park/Leyhill sewage system, for the first 55 houses.
- Has HMP Leyhill agreed to take on a further 23 homes foul water?
- Part of adjoining land in flood zone 3., flooding an issue in Sundayshill Lane, Moorslade Lane and beyond in Lower Stone.
- Can Falfield Grange drainage infrastructure cope with additional capacity?

### **Other**

- Will reduce value of our property.
- Proportion of social housing unacceptable.
- Will increase anti-social behaviour.
- Have not been consulted.
- Council should consider the number of unsold houses at Falfield Grange and surrounding areas.

4.19 Comments received from 1 no. local resident neither objecting nor supporting, summarised as follows:

- Intention to widen the A38 footpath is good.
- Suggest barriers at the mouth of the footpath and/or railings near the kerb line to reduce probability of accidents.
- Suggest ground source heat pumps rather than air source heat pumps.
- Inaccuracies in the Transport Statement

## **5 ANALYSIS OF PROPOSAL**

### **Principle of Development**

5.0 The application is for 21 residential dwellings (of which 35% shall be affordable housing), with associated access, landscaping, parking, public open space/children's play area and allotments. The site lies outside of any defined settlement. 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 however been able to update its annual 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>

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. This is because the settlement boundaries as established through policies such as CS5, CS34 and PSP40 are considered 'out of date' for

---

<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://southglos.gov.uk).

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.*

- 5.1 The application must therefore be considered under part d of paragraph 11 of the NPPF. The policies in limb i) do not provide any reason to refuse the application. (The impact on heritage assets is discussed later in the report.) As such, the presumption in favour of sustainable development remains and the tilted balance in limb ii) is applied.
- 5.2 The following report will therefore consider all public benefits of the scheme and any harm the proposal would generate and attribute appropriate weight to each. The key issue is whether the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework as a whole.
- 5.3 Should the assessment show that the benefits are not significantly and demonstrably outweighed by the harm, the application should be approved accordingly.
- 5.4 **Affordable Housing**  
In accordance with policy CS18 of the Core Strategy, the Council will seek to secure 35% on-site affordable housing. The application is for 21 new dwellings in Falfield and therefore 7 affordable homes without public subsidy are required in line with policy.
- 5.5 This should be split 71% social rent, 35% first homes and 4% shared ownership. However, the applicant has identified perceived issues with the deliverability of First Homes on this site and following legal advice by the council, shared ownership units are accepted in place of the First Homes requirement. It is accepted that this will offer more appropriate affordability and deliverability.
- 5.6 Therefore, a mix of 76% Social Rent and 24% Shared Ownership is accepted. It has been indicated that the following will be provided on-site:

**Social Rent**

- 1x 1 bed 2 person bungalow
- 2 x 2 bed 4 person bungalow
- 1 x 2 bed 4 person house
- 1 x 3 bed 5 person house



### **Shared Ownership**

- 1 x 2 bed 4 person house
- 1 x 3 bed 5 person house

- 5.7 There is a requirement for 1 x wheelchair unit. As per the submitted plans, the 1 bed, 2-person bungalow at Plot 7 is proposed as the wheelchair unit. This has been reviewed by the council's Senior Occupational Therapist and is deemed acceptable. It should be constructed to meet Part M of the Building Regulations accessibility standard M4(3)(2)(a).
- 5.8 The affordable housing contribution will be sought through a Section 106 agreement. The affordable housing units will be secured on plots 5, 7, 8, 9, 10, 11 and 12.
- 5.9 Substantial weight is given to the affordable housing delivery.

5.10 **Public Open Space**

It is reasonable to expect the residents of the proposed new residential development to require access to a full range of open spaces. Provision of a range of good quality and easily accessible open spaces is important to assist in the promotion of healthy lifestyles. It is estimated that the proposed development would generate a local population increase of 47.7 residents.

- 5.11 The following details outline the open space requirements arising from the proposed development and indicates the contributions that will be requested if open space is not proposed on site. Overprovision of one category of POS does not mitigate for an under provision of another category. Policy CS24 requires provision to be delivered on site unless it is demonstrated that partial or full off-site provision or enhancement creates a more acceptable proposal:

| Category of Open space                    | Minimum spatial requirement to comply with policy CS24 (sq.m.)   | Spatial amount proposed on-site (sq.m.) | Shortfall in provision (sq.m) | Contributions towards off-site provision and/or enhancements | Maintenance contribution |
|---|--|---|-------------------------------|--|--------------------------|
| Informal Recreational Open Space (IROS)   | The audit shows an adequate existing supply of Informal Recreational Open Space accessible from the proposed development.    |   |                               |  |                          |
| Natural and Semi-Natural Open Space (NSN) | The audit shows an adequate existing supply of Natural and Semi-Natural Open Space accessible from the proposed development. |   |                               |  |                          |
| Outdoor Sports Facilities (OSF)           | 763.2  | 0                                       | 763.2                         | £44,475.40   | £13,461.25               |

|  |       |       |   |   |   |
|--|-------|-------|---|---|---|
| Provision for Children and Young People (PCYP) | 115.5 | 115.7 | 0 | 0 | 0 |
| Allotments                                     | 95.4  | 98    | 0 | 0 | 0 |

- 5.12 During the course of the application amendments to the layout of the scheme were sought to enable on-site provision of a play area and allotments. As a result, the number of dwellings was reduced from 23 to 21 in order to accommodate the proposed open space.
- 5.13 It has been indicated that the proposed open space will be maintained by a private management company. As such, the LPA will request inspection fees of £63.96 per 100 square metre plus £615.90 core service fee.
- 5.14 Detailed design of the proposed play equipment, play area fencing and associated street furniture (bins, benches, etc) will be required by condition to be submitted and approved in writing by the LPA. The provision and maintenance of the public open space (and contribution to outdoor sports facilities) will be secured through a S106 agreement.
- 5.15 During the application it was raised that the new access to the site from the adjoining development may have an impact on the public open space provision at the Heneage Farm development. The proposed site entrance road and adjacent open space sits on land already covered by the approved POS plan for the neighbouring Heneage Farm development. However, this is not an issue that should be resolved by this application, it is the responsibility of the developers for the Heneage Farm site to ensure works are carried out as agreed and to pursue any required agreements/amendments, it is therefore not a reason to delay this application any further.
- 5.16 **Design and Visual Amenity**  
The site is accessed off Selman Drive (on the east side of the development), through the existing Heneage Farm development and would therefore read as an extension of the previously approved housing. The layout is generally acceptable with a children's playground and allotments located on the east side adjacent to a pedestrian access to the footpath of the A38.
- 5.17 Each dwelling appropriately fronts a highway and has a good relationship with the highway to create a pleasant streetscene. Plots 1 and 21 fittingly create something of a gateway into the development.
- 5.18 It is acknowledged that plots 10-12 are forward of the building line of the adjacent village hall and therefore in a relatively prominent position. To address this the proposed material palette for these dwellings was amended to a natural pennant stone. This is true of all the dwelling fronting the eastern side of the development. Although still prominent, the dwellings would have a more

visually pleasing, high-quality appearance which references the most positive locally distinctive material. It also respects the stone of the adjacent village hall. Other materials to be used in the elevations are combinations of red brick and render; the render was amended from white to an off-white colour which is thought to be more complimentary to the proposed stonework.

- 5.19 Each dwelling will be provided with solar panels to the roof, while this is a welcome addition the appearance must be considered. The solar panels located on the plots 7, 10-12 were relocated from the eastern roof slope to the west-facing roof slope as these properties are in a particularly visually prominent position and the panels do negatively impact on the appearance. By moving them to the western side of the buildings, it somewhat diminishes their visual impact while not affecting their function or efficiency.
- 5.20 The public realm areas have been enhanced by the inclusion of block paving for the parking areas which helps to create a more positive living environment. The proposed soft landscaping scheme will be discussed further below.
- 5.21 The design approach is considered to be entirely appropriate for the setting and is therefore not thought to result in any harm to the character and appearance of the surrounding area. To ensure a high quality finish, conditions will be included for external facing materials to be submitted to and approved in writing by the LPA.
- 5.22 **Heritage**  
The proposed development would not result in any change of setting to the designated grade II listed St Georges Church or War Memorial located to the south due to the considerable separation distances involved. However, it is acknowledged that the setting of locally listed Village Hall and The Old Vicarage could potentially be affected.
- 5.23 The conclusion of the submitted heritage statement is that the impact of the development proposal on the setting, and in turn significance, of the Village Hall would be neutral. The new development would not be experienced as part of key views of the non-designated asset. This assessment is agreed by the council.
- 5.24 However, the proposed development would be located directly north of The Old Vicarage. By replacing it's relatively isolated context with a more suburban setting, the prominence of the building would be eroded. The combined views of The Old Vicarage and the new development would further erode the character of the building and how it is experienced.
- 5.25 The council's conservation officer has indicated that the harm to The Old Vicarage would be limited due to the visual impact of the proposed modern

development. Nevertheless, the harm identified must be considered in the context of paragraph 203 of the NPPF.

- 5.26 Paragraph 203 states that *‘in weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.’*
- 5.27 In this case, it is considered that the public benefit of providing 21 residential units, of which 7 will be affordable, are significant public benefits that outweigh the identified limited harm to the non-designated asset.
- 5.28 **Landscape and Trees**  
The site is largely surrounded by on all sides by residential development including new housing under construction at Falfield Grange to its North and West. The submitted Arboricultural Report confirms that the parts of the North, East, South and West site boundaries are enclosed by hedge planting. Trees on the boundary with Falfield Grange are covered by Area TPO 0893.
- 5.29 Some conflict between proposed tree planting and the drainage culvert was identified during the course of the application, to overcome this the trees in question were relocated slightly away from the culvert. All the proposed tree species and stock sizes are deemed acceptable. The proposed soft landscaping scheme will be secured by condition.
- 5.30 The Council's Tree Officer has carefully considered the submitted details. Subject to a condition to ensure works are carried out in accordance with the submitted arboricultural report and tree protection plan, no objections are raised in this regard.
- 5.31 There has been some concern raised in regard to the boundary treatment to the south, shared with The Old Vicarage. In response, part of the boundary was amended from a 1.8, high close board fence to a 1.8m high masonry wall. This significantly improves both the robustness and appearance of the boundary in this part of the development. It is accepted that the remainder of the southern boundary would be a close board fence, however the majority of which also includes mature hedgerow separating The Old Vicarage from the development. The harm is therefore somewhat mitigated and would not result in any significant harm. Elsewhere in the development the rear gardens would be marked by 1.8m high close board fencing while more public facing areas would use a masonry wall.
- 5.32 The boundary treatments for the play area and allotments, while acceptable in principle will require details to be submitted by condition.
- 5.33 Subject to a series of conditions to secure the details of the hard landscape surfaces, play area equipment and street furniture, as well as the

implementation of the proposed soft landscaping works and future maintenance, no objection is raised in terms of the landscape impact.

5.34 **Ecology**

In support of the application the following documents have been provided: Ecological Appraisal (All Ecology, January 2022), Bat Survey Report (All Ecology, January 2022), Great Crested Newt eDNA report (All Ecology, May 2022) and a Biodiversity Net Gain Report (All Ecology, June 2022).

5.35 The site provides suitable foraging and commuting habitat for bats. Two trees were identified as supporting bat roosting features, one is subject to removal. Two emergence/re-entry surveys were undertaken which found no roosting bats. The submitted information recommends soft felling due to the presence of these features.

5.36 The eDNA survey undertaken on 2 nearby ponds found evidence of Great Crested Newts (GCN). The rapid risk assessment deemed that an offence is unlikely should precautionary methods be adopted. The submitted report outlines acceptable methods to be used.

5.37 The submitted Biodiversity Net Gain (BNG) assessment has been submitted using the most up to date version, 3.1. There is an expected biodiversity increase of 12.64% habitat and 53.12% hedgerow which is welcomed.

5.38 **Archaeology**

The submitted Heritage Desk Based Assessment states that the potential for highly significant archaeology to occur on site is low. However, there is still archaeological potential at the site.

5.39 As such, a condition will be included for a programme of archaeological work to be submitted to and approved in writing by the LPA.

5.40 **Drainage**

Some concern has been raised by local residents in relation to potential flood risk at the site and the capacity of the existing drainage/foul water system to cope with extra capacity.

5.41 The site is located in Flood Zone 1 where there is the lowest risk of flooding, therefore the sequential test is not required.

5.42 In accordance with the SuDs hierarchy, infiltration tests were requested to evidence this is not a suitable method of surface water disposal at this site. Subsequently, a Ground investigation report suitably confirmed that this is the case. Attenuation with controlled discharge is therefore an acceptable method, the most viable SuDs option at this site is a combination of lined permeable paving and underground attenuation storage, prior to discharging into the wider

sewer network via a hydrobrake. A private management company will be appointed to maintain the surface water drainage network.

- 5.43 The developers have been in contact with the adjacent landowners in regard to how the drainage network interacts when it would discharge into the wider network and it has been shown that their system has the capacity to accommodate the surface water from this site. The adjacent site is being offered for adoption by Icosa Water who the agent confirmed that 'from a pump capacity viewpoint, the pump station can handle the extra dwellings'. In terms of emergency storage, the attenuation required for the existing system is 13.6m<sup>3</sup>. The required emergency storage of the additional 21 dwellings is 3.36m<sup>3</sup> which it is noted can be suitably accommodated within the wet well which has a peak storage level of 24.416m AOD.
- 5.44 In regard to foul water, this is proposed to discharge directly into the new fowls water system at the adjacent site to the west which has capacity to accommodate both foul and surface water from the application site. Wessex Water have raised no objection to this, however they have indicated the foul sewers could either be adopted by ICOSA (becoming an extension of the existing inset area) or alternatively Wessex Water could adopt the sewers. These details will be required by condition.
- 5.45 As such, no objections are raised to the proposed drainage strategy subject to an appropriately worded condition requiring a detailed drainage
- 5.46 **Transportation**  
The transportation considerations fall broadly into two separate issues; whether the development is in a sustainable location and secondly how the proposal would impact the existing highway network.
- 5.47 Paragraph 105 of the NPPF states that 'Significant development should be focussed on locations which are or can be made sustainable, through limiting the need for travel and offering a genuine choice of transport modes. This can help reduce congestion and emissions, and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into consideration.'
- 5.48 With regard to the specific impact of development upon the highway network, paragraph 111 of the NPPF states that '*development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety or residual cumulative impacts on the road network would be severe.*'
- 5.49 **Sustainability**  
It is acknowledged that Falfield is a relatively unsustainable location in so far as it is devoid of services, shops (other than a small post office), educational or

leisure facilities. There are limited employment opportunities within the immediate area. Other than the convenience shop which includes a post office, the nearest supermarket is located in Thornbury approximately 5 miles from the site. In addition the nearest local health facilities are also located in Thornbury.

5.50 In terms of schools, the nearest Primary schools are Tortworth Primary (1.3 miles) and St Andrews CE, Cromhall (3.2 miles). Unfortunately, there is no dedicated walking or cycling route to these schools and an attempt to do this would be dangerous. In terms of secondary schools the nearest are Castle School, Thornbury (4 miles) and Marlwood School (5.3 miles). These are also not accessible by a safe route and are a significant distance away. However, in mitigation a contribution of £294,595 has been agreed with the applicant towards the provision of school transport. This will be secured through a Section 106 agreement.

5.51 Bus service provision is comparable to many rural locations and includes the following:

Service 60 to Thornbury: departs from The Huntsman stop. Weekdays and Saturdays- 2 hr frequency to Thornbury.

Service 62 to Bristol: depart from The Gable Hotel and arrives Bristol Broadmead at 07:47. Depart at 10:30 and 13:00 and arrives at Bristol Bus Station at 11:00 and 13:00 respectively. Two afternoon services from The Huntsman at 14:45 and 16:45 and arrive at Bristol Bus Station at 15:50 and 17:50. The return from Bristol Bus station leave at 16:10 and 18:10 arriving at The Gables at 16:38 and 18:48.

There is a 2 hourly service from The Gables to Dursley forst bus departying at 08:28 and last bus departing Dursley at 15:38.

Service 207 to Thornbury Tesco: weekdays – 2 buses a day departing at 08:11 and 16:27. Returning at 15:38 and 17:08.

Service X6 to Charfield and Katherine Lady Berkeley School, Kingswood- departying 07:22 and returing 17:32

As with all rural services, this is a supported service and vulnerable to change. It is therefore accepted that most journeys to and from the site would be made by private vehicle. Though it should be noted that there are three pairs of bus stops in the proximity of the site.

Bus service provision is covered under the CIL 123 list, as such there can be no further obligation from the developer for additional monies to improve services. That said, contributions were secured via S106 on the neighbouring Heneage Farm development for the bus stops to be upgraded. Furthermore, the footway alongside of the A38 (which is subject to a 40mph speed limit) from

the access into the site to Falfield Village Hall is between 1.5 and 1.3m wide. This section of footway will be widened to at least 2m where possible with a short pedestrian guard rail opposite the link into the site to prevent people walking out into the carriageway. This would provide a safer pedestrian access to the nearby Huntsman bus stops. This work is to be secured by condition and a S278 agreement with the Highway Authority.

Keep clear markings will also be installed on Moorslade Lane.

#### 5.52 **Impact on Highway Network**

Some concern has been raised by local residents in regard to an increase in traffic and subsequent highway safety concerns. While it is acknowledged that traffic would increase, there would be suitable visibility and the council's highway officer has raised no concerns over highway safety either on the proposed scheme itself or through the adjacent development. A Road Safety Audit was carried out and actions agreed between the council and developer.

5.53 Concern has also been raised in regard to the impact on the A38 and junction 14 of the M5 where congestion can occur during peak times. However, given the trip rates are comparable to the adjacent Falfield Grange development, and the predicted traffic impact, National Highways did not sustain an objection to the proposed development.

5.54 Some concern has been raised by local residents in regards to parking. Policy PSP16 of the PSP plan sets out the required minimum number of off-street parking spaces to be provided per dwelling. Each dwelling on site is considered to meet these adopted standards. As such, no objections are raised in terms of the proposals impact on the highway.

5.55 That said, in order to ensure the safety of the highway during construction period a condition will be included for a Construction Environmental Management Plan (CEMP) to be agreed in writing prior to the commencement of the development.

5.56 Overall the site is located in a less than ideal location in terms of sustainability, given the distance to key facilities. The site would therefore rely heavily on private vehicles journeys. Though limited, there are however public transport services as detailed above to surrounding areas. This weighs against the scheme in the planning balance. In terms of direct impact on the highway, including the proposed improvements, the proposal is acceptable in highway terms.

#### 5.57 **Education**

The proposed development is estimated to generate the following pupil yield:

Nursery children- 2  
Primary Pupils- 7  
Secondary Pupils- 4



- 5.58 Childcare sufficiently assessment shows that sufficient early years places are available in the Charfield ward to provide for the additional 2 children. There are 2 primary schools within a 2 mile radius of the application site. However, there is no safe walking route to either of these schools. There are no secondary schools within a 3 mile radius. Therefore, to ensure pupils have sufficient transport to school, financial contributions will be sought for the additional transport costs.
- 5.59 The cost per place is calculated using the Department for Education cost calculator of £15,891 per additional primary place and £24,084 per additional secondary pupil place. The financial contributions sought are therefore as follows:

| No of Dwellings | Nursery Contribution | Primary Contribution Transport only | Secondary Contribution Transport only | Total Contribution |
|-----------------|----------------------|-------------------------------------|---------------------------------------|--------------------|
|                 | £                    | £                                   | £                                     | £                  |
| 21              | 0                    | 259,350                             | 35,245                                | 294,595            |

5.60 **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.

- 5.61 With regards to the above the proposal would have a positive impact on equalities by providing 7 affordable homes, with an accessible wheelchair unit.

5.62 **Other matters**

The impact of the development on neighbouring house prices is not a material planning consideration.

- 5.63 The highlighted inaccuracies within the submitted Transport Statement are noted, however these are considered to be minor inaccuracies which have not hindered officers in making an informed decision, nor have they substantially altered the assessment of the proposal.

- 5.64 Some concern was raised in regard to the scope of the neighbour consultation, however the consultation carried out by the Council was in line with the Town and Country Planning (Development Management Procedure) (England) Order 2015 and the adopted Statement of Community Involvement (SCI).
- 5.65 There is no reason to believe that the development would lead to an increase in anti-social behaviour.
- 5.66 **Summary**  
As stated above, the council's settlement policies are considered out of date. As such, when assessing the proposal under paragraph 11(d) of the NPPF the tilted balance applies. Therefore, should the benefits of the scheme not be significantly and demonstrably outweighed by the harm, the application should be approved accordingly.
- 5.67 The heritage harm to the adjacent heritage assets was limited but harm nonetheless. This has been given significant weight in accordance with Policy and statutory duties to give special regard and great weight to the preservation of a listed building and its setting. However, officers consider that the public benefits of providing 21 homes with affordable units outweighs the harm in this case.
- 5.68 The sites location has also been given significant weight, however it is noted that the site is adjoining the existing settlement boundary and existing development at Heneage Farm for 85 dwellings that was approved by the Local Planning Authority. There would be some benefit to the local shop and public house in Falfield through additional population. There would also be some benefit to the local schools through additional pupils attending the school. Contributions are secured by S106 for school transport costs in relation to this.
- 5.69 On balance, it is considered there is a presumption in favour of sustainable development. Significant weight is given to the provision of housing which would support growth. Additionally, the proposal would provide 7no. affordable housing units.
- 5.70 Whilst there have been some harm identified, this would not significantly and demonstrably outweigh the public benefits of the scheme. As such, the application is recommend for approval.

## **6 CONCLUSION**

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

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

## **7 RECOMMENDATION**

- 7.1 It is recommended that the application be **APPROVED** subject to the conditions written on the decision notice.
- 7.2 That authority be delegated to the Executive Director of Place to grant planning permission, subject to the conditions set out below and the applicant voluntarily entering into an Agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) to secure the following:

a) **Affordable Housing**

35% of dwellings to be delivered as affordable housing on site as defined by the NPPF. For the proposed development of 21 no. dwellings, this would equate to 7 affordable homes.

Tenure split of 76% Social Rent and 24% Shared Ownership. Based on a requirement of 7 affordable homes this will generate a split of:

**Social Rent**

- 1x 1 bed 2 person bungalow
- 2 x 2 bed 4 person bungalow
- 1 x 2 bed 4 person house
- 1 x 3 bed 5 person house

**Shared Ownership**

- 1 x 2 bed 4 person house
- 1 x 3 bed 5 person house

In all other respects the development shall comply with the requirements as set out in paragraphs 5.12-5.17 of this report.

The reason for this:

To accord with Policy CS18 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013

b) **Public Open Space**

On-Site provision for Children and Young People (equipped play area), as indicated in green on the Site Layout- Coloured Plan(drawing no.101 Rev K)) and comprising a minimum of 115.5 sq.m.

On-site provision of allotments, as indicated in green on the Site Layout-Coloured Plan(drawing no.101 Rev K) and comprising of minimum of 95.4 sq.m.

£44,475.40 towards off-site Outdoor Sports Facilities and £13,461.25 for towards the maintenance of this provision.

On-site provision of Allotments, Informal Recreation Space, Informal Open Space and Children and Young People provision is to be privately managed.

The reason for this:

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

c) Education

Primary School Transport Contribution of £259,350

Secondary School Transport Contribution of £35,245

The reason for this:

To accord with Policy CS23 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013

## CONDITIONS

1. The development hereby permitted shall be begun before the expiration of one year 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. Prior to the commencement of development above Damp Proof Course (DPC) level, sample panels of natural stonework, demonstrating the colour, texture and pointing are to be erected on site and approved in writing by the Local Planning Authority. The approved sample panel shall be kept on site for reference until the stonework is complete. Development shall be carried out in accordance with the agreed sample.

Reason

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. Prior to the commencement of development above Damp Proof Course (DPC) level, sample panels of facing brickwork, demonstrating the colour, facebond and pointing are to be erected on site and approved in writing by the Local Planning Authority. The approved sample panel shall be kept on site for reference until the brickwork is complete. Development shall be carried out in accordance with the agreed sample.

Reason

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

4. Prior to the commencement of development above Damp Proof Course (DPC) level, sample panels of render indicating colours and texture, shall be erected on site and approved in writing by the Local Planning Authority. The approved sample panel shall be kept on site for reference until the development is complete. Development shall be carried out in accordance with the agreed sample.

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.

5. Prior to the commencement of the development above Damp Proof Course (DPC) level, samples of roof tiles shall be submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the agreed details.

Reason

To ensure an adequate standard of external appearance and to accord with policy CS1 of the South Gloucestershire Core Strategy (adopted) December 2013.

6. The proposed soft landscaping works shall be implemented no later than the first planting season following completion of construction works, in accordance with the approved Soft Landscape Plan (drawing no. 21\_184\_101\_I).

Reason

To protect the character and appearance of the area, and to accord with Policy CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy PSP2 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; and, the National Planning Policy Framework.

7. Prior to first occupation of the first dwelling hereby approved, details of all proposed hard landscape surface treatments, proposed levels and any soil retention/retaining walls that may be required, together with supporting schedule of proposed manufacturer hard landscape materials and site furniture products shall be submitted to and approved in writing by the Local Planning Authority. Works shall be implemented in accordance with the agreed details and maintained as such thereafter.

Reason

To protect the character and appearance of the area, and to accord with Policy CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy PSP2 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; and, the National Planning Policy Framework

8. Prior to the occupation of the first dwelling hereby approved, a plan showing the detailed design of the proposed play area shall be submitted to and approved in writing by the Local Planning Authority. This is to include:

- o details of the boundary treatment/gates showing a maximum height of 1 metre;
- o details of the proposed play equipment.
- o Plan showing how wheelchair access will be facilitated in the play area and surrounding area

The development shall be implemented in accordance with the approved details.

**Reason**

To ensure the provision of the quantity, quality and accessibility of the public open space for the projected needs of the residents, and to accord with policies CS1 and CS24 of the South Gloucestershire Council Local Plan Core Strategy (adopted) December 2013

9. Prior to the commencement of any groundworks, including any exempt infrastructure, geotechnical or remediation works, a programme of archaeological work and (where subsequent mitigation, outreach and publication strategy, including a timetable for the mitigation strategy, must be submitted to and approved by the local planning authority. Thereafter the approved programme of mitigated measures and method of outreach and publication shall be implemented in all respects.

**Reason**

In the interest of archaeological investigation or recording, and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and Policy PSP17 of the South Gloucestershire Local Plan Policies Sites and Places Plan (adopted) November 2017. This is a pre-commencement condition to ensure that archaeology at the site is adequately protected.

10. The development shall be carried out in accordance with the approved Arboricultural Report and Tree Protection Plan compiled by Silverback (received on 21st September 2022) and additional Root Protection update, compiled by Silverback, received on 21st March 2023, and thereafter the trees shall be retained. The fencing shall be retained and maintained in accordance with the agreed details throughout the course of the development.

**Reason**

To ensure the works are carried out in an appropriate manner and in the interests of the health and visual amenity of the trees, and to accord with Policy PSP3 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017 and The Town and Country Planning (Tree Preservation) (England) Regulations 2012

11. Any contamination found during the course of construction of the development that was not previously identified in the Ground Investigation Report (dated 18th May 2022) shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found additional remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development is resumed or continued.

Reason

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

12. Prior to the commencement of development (including any groundworks), a Landscape and Ecological Management Plan (LEMP) shall be submitted to and agreed with the Council in writing. The Plan shall accord with the approved landscape plans and include details of all existing habitat to be retained; any new habitat to be created including provision for bird and bat boxes; and its management. The LEMP shall also include a programme of maintenance of all landscaping works for a period of 5 years, covering the establishment of all new planting. All works are to be carried out in accordance with the approved LEMP.

Reason

In the interests of the ecology of the site and to protect the landscape character, to accord with policy CS9 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013; and PSP2 and PSP19 of the South Gloucestershire Local Plan Policies Sites and Places Plan (adopted) November 2017. This is a pre-commencement condition to ensure that wildlife on the site is adequately protected.

13. The development shall proceed in strict accordance with the Mitigation Measures provided in the Ecological Appraisal (All Ecology, January 2022) and Bat Survey Report (All Ecology, January 2022).

Reason

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

14. Prior to the erection of any external lighting at the site, details of a scheme of lighting shall be submitted to and agreed in writing by the Local Planning Authority. For the avoidance of doubt the scheme will demonstrate the north and western green corridors of the site being dark (lux levels no higher than 1 lux) for bats. All external lighting erected shall thereafter accord with the approved details.

Reason

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

15. Prior to the commencement of development above Damp Proof Course (DPC) level, details of the PV panels and Air Source Heat Pumps, including detailed specification, which will be installed to achieve a reduction in residual emissions from renewable energy in line with the approved Energy Statement shall be submitted to and agreed in writing by the Local Planning Authority. The renewable energy technology shall be installed in accordance with the agreed details prior to the first occupation of the corresponding dwellings.

Reason

To provide energy reduction, efficiency, renewable and low-carbon energy measures in accordance with Policy PSP6 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (November 2017) and the provisions of the NPPF.

16. As per approved plans all 7 Affordable Dwellings on plots shall be constructed to meet Part M of the Building Regulations accessibility standard M4(2). The Affordable Dwelling (social rented) on plot number 7, shall be constructed to meet Part M of the Building Regulations accessibility standard M4(3)(2)(a).

Reason

To ensure inclusive design access in accordance with Policy CS1 of the South Gloucestershire Council Local Plan Core Strategy (adopted) December 2013; and Policy PSP37 of the South Gloucestershire Local Plan Policies Sites and Places Plan (adopted) November 2017.

17. A site specific Construction Environmental Management Plan (CEMP), shall be agreed in writing with the Local Planning Authority prior to commencement of development including any clearance of vegetation. The plan must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust and site lighting. The CEMP must also demonstrate how the developer will prevent harm to the retained or created ecological features during the construction phase of development. The plan shall include, but not be limited to:

- o A mitigation strategy to ensure that there is no harm to any dormouse through vegetation removal.
- o Processes for keeping local residents informed of works being carried out and dealing with complaints.
- o All works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the Local Planning Authority, shall be carried out only between the following hours: 07 30 Hours and 18 00 Hours on Mondays to Fridays and 08 00 and 13 00 Hours on Saturdays and; at no time on Sundays and Bank Holidays.
- o Deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above.
- o Measures to control the migration of mud from the site by vehicles during construction.
- o Mitigation measures as defined in BS 5528: Parts 1 and 2: 2009 Noise and Vibration
- o Control on Construction and Open Sites shall be used to minimise noise disturbance from construction works. Piling will not be undertaken.
- o Procedures for emergency deviation of the agreed working hours.
- o Control measures for dust and other air-borne pollutants;
- o Measures for controlling the use of site lighting whether required for safe working or for security purposes.
- o Locations for the storage of all plant, machinery and materials including oils and chemicals to be used in connection with the construction of the development.
- o The control and removal of spoil and wastes.
- o Access arrangements for construction vehicles.
- o Measures to control the tracking of mud off-site from vehicles.
- o Measures to control dust from the demolition and construction works approved.



- o Adequate provision of fuel oil storage, landing, delivery and use, and how any spillage can be dealt with and contained.
- o Adequate provision for the delivery and storage of materials.
- o Adequate provision for contractor and visitor parking.
- o A lorry routing schedule.
- o Contact details of the main contractor.
- o Pedestrian cyclist and horse rider protection.
- o Proposed temporary traffic restrictions.
- o Arrangements for turning facilities on site for vehicles.
- o Membership details for the Considerate Constructor Scheme or similar regime and site induction of the workforce highlighting pollution prevention and awareness.

The CEMP as approved by the Council shall be fully complied with at all times. The development shall be implemented in accordance with the approved CEMP.

#### Reason

To ensure that the construction of the development does not bring about adverse impacts in terms of ecology, highway safety and the amenities of the area and to accord with policies CS1, CS2, CS9 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013; and policies PSP8, PSP10, PSP11, PSP19, PSP21 of the South Gloucestershire Local Plan Policies Sites and Places Plan (adopted) November 2017. This is a pre-commencement condition to avoid any adverse impacts.

18. Prior to the first occupation of the dwellings hereby approved, the proposed car parking facilities for that dwelling are to be completed in accordance with the approved plans.

#### Reason

In the interests of highway safety, and to accord with Policies PSP11 and PSP16 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017.

19. Prior to the first occupation of the dwellings the applicant must enter into an appropriate S278 agreement to carry-out the highway works as shown in principle on the approved Layout Review, plan no. 2105140-002 REV G and to secure all necessary approvals, Regulation Orders and fees as required to achieve this; and shall construct and complete the road works to the approved adoptable standard in accordance with the highway layout hereby approved. For the avoidance of doubt, the scheme of works are:

- a) Footway widened alongside the A38 between the site pedestrian access and the Village Hall access.
- b) Provision of KEEP CLEAR road markings on Moorslade Road at the entrance to the Park and Share site.

#### Reason

In the interests of highway safety and to accord with Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; 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.

20. Prior to the commencement of development, surface water drainage details including SUDS (Sustainable Drainage Systems e.g. soakaways if ground conditions are satisfactory), and foul water disposal for flood prevention; pollution control and environmental protection shall be submitted and approved in writing by the Local Planning Authority. For the avoidance of doubt, this should include the following details:
- o Confirmation and acceptance of an agreed connection point and discharge rate for surface water disposal and foul sewer connection from Icosa Water.
  - o A clearly labelled drainage layout plan showing the pipe networks and any attenuation features.
  - o Updated drainage calculations to show there is no flooding on site in 1 in 30 year storm events (winter and summer); and no flooding of buildings or off site in 1 in 100 year plus an allowance for climate change storm event (winter and summer) in line with the current industry accepted allowance.
  - o Where attenuation forms part of the Surface Water Network, calculations showing the volume of attenuation provided, demonstrating how the system operates during a 1 in 100 year plus an allowance for climate change storm event (winter and summer) in line with the current industry accepted allowance.
  - o The plan should also show any pipe node numbers referred to within the drainage calculations.
  - o A manhole / inspection chamber schedule to include cover and invert levels.
  - o Ownership and/or responsibility, along with details of the maintenance regime in relation to the Surface Water Network and any components such as Attenuation/Infiltration features and Flow Control Devices where applicable for the lifetime of the development.

Works shall be carried out in accordance with the approved details.

#### Reason

To comply with South Gloucestershire Local Plan: Policies, Sites and Plans Plan (Adopted) November 2017 Policy PSP20; South Gloucestershire Local Plan: South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 Policy CS1 and Policy CS9; and National Planning Policy Framework. This is required to be agreed prior to commencement of development to avoid any unnecessary remedial action in the future.

21. The development hereby approved shall carried out in strict accordance with the following plans:

Received by the Council on 21st September 2022:

814 - 100 rev A Site Location Plan

814 - 114 rev B Dv1 Type Floor Plans

814 - 115 rev B Dv1 Type Elevations

814 - 116 rev B M Type Floor Plans  
814 - 117 rev B M Type Elevations  
814 - 118 rev B N Type Floor Plans  
814 - 119 rev B N Type Elevations  
814 - 125 rev A Affordable Plots 7-9 Floor Plans  
814 - 126 rev A Affordable Plots 7-9 Elevations  
814 - 127 Affordable Plots 10-12 Floor Plans  
814 - 128 rev A Affordable Plots 10-12 Elevations  
814 - 132 N+ Type Floor Plans  
814 - 133 N+ Type Elevations  
814 - 134 F Type Floor Plans  
814 - 135 F Type Elevations  
814 - 136 P Type Floor Plans  
814 - 137 P Type Elevations  
814 - 138 M & A3 Type Floor Plans  
814 - 139 M & A3 Type Elevations  
814 - 140 rev B Single Garage  
814 - 141 rev B Double Garage  
2105140 - 001 rev G Preliminary Drainage Strategy Plan  
2105140 - 003 rev C External Levels Plan  
814 - 200 rev B Materials Schedule  
814 - 201 rev B Accommodation Schedule

Received by the Council on 10th January 2023:  
2105140 - 002 rev G Layout Review- Vehicle Tracking

Received by the Council on 14th March 2023:  
21\_184\_101\_I Soft Landscaping Plan

Received by the Council on 15th March 2023:  
814 - 101 rev K Site Layout Plan  
814 - 101 rev K Site Layout- Coloured  
814 - 102 rev C Site Layout - Boundary Treatments Plan  
814 - 103 rev C Site Layout & Wall Materials Plan  
814 - 104 rev C Site Layout & Roof Materials Plan  
814 - 105 rev C Site Layout & Tenures Plan  
814 - 106 rev C Site Layout & Ownership Plan  
814 - 108 rev C Site Layout & POS Locations  
814 - 109 rev C Site Layout & PV Panel Locations  
814 - 131 rev C Site Layout & ASHP Locations

Reason  
To define the terms and extent of the permission.

**Case Officer: James Reynolds**  
**Authorising Officer: Marie Bath**

**CIRCULATED SCHEDULE NO. 24/23 -16th June 2023**

|                                  |  |                         |                               |
|----------------------------------|--|-------------------------|-------------------------------|
| <b>App No.:</b>                  | P22/05217/F  | <b>Applicant:</b>       | Mr Sean Dolan                 |
| <b>Site:</b>                     | Land Off Henfield Road Coalpit Heath<br>South Gloucestershire BS36 2UH   | <b>Date Reg:</b>        | 1st September<br>2022         |
| <b>Proposal:</b>                 | Change of use of land from agricultural<br>to traveller site (sui generis), to<br>facilitate stationing of 2no. static<br>caravans and erection of 1no. Day<br>room with associated works. | <b>Parish:</b>          | Westerleigh Parish<br>Council |
| <b>Map Ref:</b>                  | 367787 179389  | <b>Ward:</b>            | Frampton Cotterell            |
| <b>Application<br/>Category:</b> | Minor  | <b>Target<br/>Date:</b> | 30th June 2023                |



© South Gloucestershire Council 2007.all rights reserved.

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

100023410, 2008.

N.T.S.

P22/05217/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 has been referred to the Circulated Schedule following the receipt of an objection from Westerleigh Parish Council and 11no. local residents; the concerns raised being contrary to the Officer recommendation.

## **1. THE PROPOSAL**

- 1.1 The application relates to a small paddock/grass area with some remnant hard-standing, which lies on the north-eastern side of Henfield Road, Coalpit Heath; with its frontage delineated by a low, native, clipped hedgerow. A block of woodland lies to the north-west of the site with trees overhanging its boundary; housing off Bitterwell Close adjoins the sites north-eastern and eastern boundaries. The entrance to the Kendleshire Golf Club lies on the opposite side of the road. There is an existing gated access to the site off Henfield Road. The site lies within the Bristol/Bath Green Belt and open countryside.
- 1.2 This is an application for the change of use of land from agricultural to gypsy/traveller site (sui generis), to facilitate the stationing of 2No. static caravans and the erection of 1No. Day Room with associated works.
- 1.3 The 2No. static caravans would be arranged within the NE and SE margins of the site with the day room to the SE of the site entrance; all surrounded by areas of grass.

## **2. POLICY CONTEXT**

### **2.1 National Guidance**

National Planning Policy Framework (NPPF) July 2021  
NPPF accompanying document Planning Policy for Traveller Sites (PPTS) August 2015  
Ministerial Statement by the Rt. Hon. Brandon Lewis MP 2 July 2013. National Planning Practice Guidance (NPPG) March 2014

### **2.2 Development Plans**

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

CS1 - High Quality Design  
CS4A - Presumption in Favour of Sustainable Development  
CS8 - Improving Accessibility  
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 Assessments  
 PSP16 - Parking Standards  
 PSP17 - Heritage Assets and the Historic Environment  
 PSP19 - Wider Biodiversity  
 PSP20 - Flood Risk, Surface Water and Watercourse Management  
 PSP21 - Environmental Pollution and Impacts

### 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) (Revised and Proposed for Adoption Nov. 2014) - Site lies within the SW margin of LCA 12: Westerleigh Vale and Oldland Ridge, the boundary of which runs along the Henfield Road.

Green Infrastructure: Guidance for New Development SPD (adopted April 2021)

Trees and Development Sites: Guidance for New Development SPD (adopted April 2021)

South Gloucestershire Council Residential Parking Standards Approved 2013.

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'

### Relevant Case Law

- 2.4 Case law is clear that there is a duty on both the Local Planning Authority (LPA) and Secretary of State to treat the best interests of the child as a primary consideration, and that no other consideration is inherently more important (see *AZ v SSCLG & South Gloucestershire Council* [2012] and *Collins v SSCLG* [2013]).

## 3. RELEVANT PLANNING HISTORY

- 3.1 PK15/5446/F - Erection of 1no. detached dwelling with associated works.  
 Refused 15<sup>th</sup> Feb. 2016

- 3.2 P88/2922 - Use of land for stationing of mobile home.  
 Refused 2<sup>nd</sup> Nov. 1988

### Recent Appeal Decision

- 3.3 P20/23933/RVC – Land at Bristol Rd. Frampton Cotterell.  
 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, dated 10 April 2017.  
 Refused 30<sup>th</sup> June 2021  
 Appeal Ref. APP/P0119/W/21/3289677 – allowed 2<sup>nd</sup> March 2023

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

##### 4.1 Westerleigh Parish Council

Objects to this application on the grounds that it constitutes inappropriate development in the Green Belt and therefore conflicts with PSP7 (Development in the Green Belt).

##### 4.2 Other Consultees

###### Economic Development

No response

###### Sustainable Transport - Transportation DC

No objection subject to conditions to secure the access and car parking arrangements.

###### Planning Policy

PPTS states that the government's overarching aim is to ensure fair and equal treatment for travellers, in a way that facilitates the traditional and nomadic way of life of travellers while respecting the interests of the settled community (para 3).

Subject to this, there is a high level of need for Gypsy/ Traveller pitches in South Gloucestershire. The proposed development would result in a new Gypsy/Traveller site, providing two additional pitches, therefore contributing to meeting the existing shortfall of sites in South Gloucestershire.

Notwithstanding this, in the case of proposals which come forward in the Green Belt, national policy is clear that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

In local planning policy terms, considerable weight can be applied to Policy CS21 of the adopted Core Strategy. It is for the case officer to consider whether criteria 1 – 4 of CS21 have been satisfied, and it should be deferred to specialist officers for their assessment of the proposal and its compliance with national and local planning policy.

These issues should be given appropriate weight in determining the case officer's recommendation.

###### The Landscape Officer Natural & Built Environment Team

No landscape objection, subject to conditions.

###### Lead Local Flood Authority

No objection in principle.

###### The Ecology Officer Natural & Built Environment Team

A Preliminary Ecological Appraisal (PEA) has been submitted prior to determination. No objections subject to conditions.

#### Manager Corporate Travellers Unit

I can confirm the Sean Dolan and his daughters are Gypsy Travellers and have been known to us for over 20 Years.

### **Other Representations**

#### **4.3 Local Residents**

11no. local residents have objected to the proposal. The concerns raised can be summarised as follows:

- Loss of agricultural land.
- The site lies within the Green Belt and is inappropriate development.
- There are no very special circumstances to overcome the harm to the Green Belt by reason of inappropriateness and any other harm.
- Inadequate access.
- The site is not close to services.
- Adverse impact on wildlife.
- Access onto a busy road.
- The dropped kerb and hard-standings are not permitted.
- Design not in-keeping with the hamlet.
- Disposal of waste water near Bitterwell Lake.
- Previous applications for houses refused.
- There are other gypsy sites that could be intensified.
- Detrimental to the purpose and function of the Green Belt.
- Will set a precedent for other sites in the Green Belt.

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

#### **Principle of Development**

5.1 The application as submitted, proposes the change of use of land from agricultural to gypsy/traveller site (sui generis), to facilitate the stationing of 2No. static caravans and the erection of 1No. Day Room with associated works. The proposed caravans would conform to the definition within Section 29(1) of the Caravan Sites and Control of Development Act 1960 and Section 13(1) of the Caravan Sites Act 1968 and therefore plans and elevations of individual units are not required. Details of the proposed day room have been submitted.

5.2 In location terms, the application site is located beyond any settlement boundary and lies within the Bristol and Bath Green Belt on the north-eastern side of Henfield Road. The location is characterised by a mix of residential properties, woodland, farmland and a golf course.

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

5.3 Policy CS21 of the Core Strategy is the principal policy in the development plan with regard to gypsy and traveller accommodation. It states, primarily, that a review of accommodation will be undertaken as part of the Policies, Sites and Places Plan or a replacement local plan, but that applications in the meantime will be considered having regard to the level of need and most recent



government guidance. A further review is however yet to be undertaken, and as such CS21 remains the principal policy.

5.4 The policy outlines that additional provision will be addressed through the intensification of existing sites in the first instance. The policy then goes on to provide a selection criteria when considering applications and indicates that sites within a reasonable distance of facilities and services would be preferential to those in more remote locations. It is also stipulated that in the Green Belt, development will only be acceptable where 'very special circumstances' can be demonstrated. The selection criteria as referred to above, is set out below and an assessment of the compliance of the scheme with these criteria will be undertaken throughout the remainder of this report:

5.5 'Sites for Gypsies and Travellers will be considered appropriate where they meet the following criteria:

1. The development would not lead to unacceptable environmental effects; and
2. The land is not the subject of unacceptable levels of noise disturbance, air pollution, smell, dust or contamination; and
3. The proposal would not unacceptably prejudice the amenities of existing and new neighbouring residential occupiers; and
4. Adequate provision is made for vehicular access, parking and manoeuvring.'

5.6 The key issues to consider in the determination of this application are as follows:-

- Whether or not the applicant and his family meet the PPTS definition of Gypsies and Travellers.
- The degree to which the proposed development would affect the openness of the Green Belt and encroach into the countryside.
- The effect the proposed development would have on the appearance and character of the site and the surrounding area.
- The accessibility of the site with respect to community services.
- The safety and suitability of the access to the site.
- The effect the proposed development would have on amenity at other properties.
- The degree of national and local need for the proposed development.
- The personal needs and circumstances of the applicants, and
- In the overall balance of planning considerations, whether harm by reason of inappropriateness and any other harm would be outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal as sustainable development in the Green Belt.

#### **Definition of Gypsy and Traveller**

5.7 For planning purposes, the definition of gypsies and travellers is contained in Annex 1 of the PPTS. It states gypsies or travellers are:

*"Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own family's or dependents' educational or health needs or old age have ceased to travel*

*temporarily, but excluding members of an organised group of travelling show-people or circus people travelling together as such.”*

(It should be noted however that the Court of Appeal recently issued a judgement (Lisa Smith v SSLUHC & Ors [2022] EWCA Civ 1391) regarding the definition of the term ‘gypsies and travellers’ in the Planning Policy for Traveller Sites 2015 (PPTS), with specific reference to those who have permanently ceased to pursue nomadic lifestyles. The PPTS definition was found to be unlawfully discriminatory, with its main objective to make it harder for elderly and disabled ethnic gypsies and travellers to obtain planning permission.)

- 5.8 The Authority has published the ‘Gypsy and Traveller Accommodation Assessment (GTAA) 2017 Explanatory Note’. In this document the Authority sets out why it has adopted a broader definition of gypsies and travellers than that contained in PPTS. This note is being used to establish the Authority’s position as the New Local Plan progresses. It is yet to be subject to examination; however, officers attach weight to it (albeit limited) as it is an important document in indicating the future direction the Authority will take in addressing the historic under-supply of specialist gypsy and traveller accommodation in the district.
- 5.9 While the Authority’s broader definition has been used to establish need; and as a result, that need may be higher than if the more restrictive national definition was used, for the purposes of this application, the definition in the PPTS will be used. This is because it is considered a more robust position; if the applicant meets the national definition then they would de-facto meet the local definition. To determine whether a person may be included within the national definition, consideration should be given to whether they previously have led a nomadic habit of life; the reasons for ceasing a nomadic habit of life; and whether there is the intention of living a nomadic habit of life in the future.
- 5.10 Officers have concluded that the proposed occupants of the site do fall within the definition of gypsies and travellers for planning purposes and have been known to the Council for over 20 years as such. This has been confirmed by the Council’s Traveller Unit Manager. On the basis that officers are satisfied that the proposed occupants fall within the definition of gypsies for planning purposes, the assessment of this application should continue as follows.
- 5.11 PPTS states that the government’s overarching aim is to ensure fair and equal treatment for gypsies and travellers, in a way that facilitates the traditional and nomadic way of life while respecting the interests of the settled community (para 3).
- 5.12 Subject to this, there is a high level of need for Gypsy/Traveller pitches in South Gloucestershire. The proposed development would result in a new Gypsy/Traveller site, providing two additional pitches, therefore contributing to meeting the existing shortfall of sites in South Gloucestershire.
- 5.13 Notwithstanding this, in the case of proposals which come forward in the Green Belt, national policy is clear that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special

circumstances (para 16). In local planning policy terms, considerable weight can be applied to Policy CS21 of the adopted Core Strategy.

### **Green Belt Issues**

- 5.14 The application site is located within the Bristol and Bath Green Belt. Policies CS5 and CS34 of the Core Strategy and policy PSP7 of the Policies, Sites and Places Plan support the protection of the Green Belt from inappropriate development. The NPPF attaches great importance to the Green Belt – with the fundamental aim of preventing urban sprawl and keeping land open in nature. In order to achieve this, there is a general presumption against inappropriate development in the Green Belt. Any type of development in the Green Belt is considered inappropriate, unless it falls into a predefined exception category or very special circumstances override the presumption against inappropriate development. Very special circumstances will not be found unless the harm to Green Belt and any other harm is clearly outweighed by the benefits of the proposal.
- 5.15 The provision of a gypsy/traveller site is not listed as an exception category for development in either Paragraph 149 or 150 of the NPPF. As such, the development is an inappropriate form of development. Furthermore, Policy E of the PPTS is unequivocal that traveller sites in the Green Belt are inappropriate development. The development is therefore, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
- 5.16 Paragraph 16 of the Planning Policy for Traveller Sites August 2015 clearly states that ‘Inappropriate development is harmful to the Green Belt and should not be approved, except in very special circumstances. Traveller sites (temporary or permanent) in the Green Belt are inappropriate development. Subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances’.
- 5.17 In addition to this, the guidance at paragraph 27 of PPTS confirms that, where local planning authorities cannot demonstrate a 5-year land supply of deliverable sites; this continues to be a significant material consideration when considering planning applications for the grant of temporary permission. However, the guidance has now introduced exceptions to further qualify this, which include proposals that involve land designated as Green Belt (*inter alia*).

### **Openness**

- 5.18 The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The openness of the Green Belt has a spatial aspect as well as a visual aspect.
- 5.19 The site itself is modest in scale and the pitches are not expansively proportioned, with only one Day Room and no touring caravans. The site is for most part enclosed by field hedgerow boundaries, although a number of these are unmanaged and in a poor condition. The site gateway has a somewhat domestic appearance and scale.

- 5.20 The recent Court of Appeal case of *Turner v SSCLG & East Dorset Council* (2016) EWCA Civ 466 confirmed that it was not irrational for an Inspector to determine that the impact on openness of moveable development such as caravans and mobile homes is less than the impact of an equivalent permanent structure.
- 5.21 The site does relate closely to existing built form i.e. the houses in Bitterwell Close. There would however be an adverse effect on openness due to the proposal adding structures to a presently open and undeveloped site. Nevertheless, having regard to the 'Turner' judgement and the constraints on through views, the effect on openness would be limited.
- 5.22 The limited structures to be brought onto the land would be contrary to one of the purposes of including land in the Green Belt as they would represent encroachment into the countryside. The contained nature of the site however, would limit this to causing little harm. Nevertheless, the Framework states that substantial weight should be given to any harm to the Green Belt.

### **The Extent of Any Other Harm**

#### **Impact on the Appearance of the Area and the Open Countryside**

- 5.23 In the case of sites in the open countryside, such as this, the guidance has also strengthened its advice to local planning authorities, advising that new traveller site development in open countryside that is away from existing settlements; should be very strictly limited. LPAs should also ensure that sites in rural areas respect the scale of, and do not dominate the nearest settled community or place undue pressure on local infrastructure.
- 5.24 The site is not allocated and lies in the open countryside but is not 'away' from the existing settlement, lying in relatively close proximity to Coalpit Heath and its services; and adjacent to the residential properties in Bitterwell Close and along Henfield Road. The small size and limited occupancy of the proposed development would not dominate the community of Coalpit Heath generally.
- 5.25 Whilst the proposals will be seen in views along Henfield Road, and to some extent in private views from overlooking properties, any discernible visual impact on the openness of the Green Belt can be mitigated by enhancing the hedgerow planting; this can be secured via an appropriate landscaping condition. The landscape is not a 'valued' one as referred to in the Framework and having regard to the acceptability of a countryside location close to facilities in both the Framework and in Policy CS21, the weight to be afforded the visual effect of the proposal is very limited.

#### **Transportation Issues**

- 5.26 The site lies within relatively easy reach of services, being close to the village of Coalpit Heath with a footpath along Henfield Road. There is a bus stop within 800m of the site with connections to Badminton Road and the regular services into Yate and Bristol. The proposal is therefore not remote and is considered to be sustainable from a transportation viewpoint. There is an existing vehicular access with dropped kerb from Henfield Road into the site; there is a 30mph speed limit on Henfield Road. The Council's Transportation Officer raises no

objection to the use of this access. There would be adequate parking provision to serve the proposed development. The numbers of vehicles and occupiers would be limited. Car and Cycle parking facilities could be secured by condition. Electric Vehicle charging points are secured via Building Regulations. The cumulative impacts of the proposal on highway safety would not be severe and as such, there are no objections on transportation grounds.

#### Impact on Residential Amenity

- 5.27 The nearest residential properties lie to the east in Bitterwell Close. Buildings for agriculture or forestry would not be inappropriate in this Green Belt location and loss of view is not a material consideration in the determination of planning applications. The existing boundary hedgerows can be enhanced to provide additional screening.
- 5.28 Given the small scale of the proposed day room and the single-storey and enclosed nature of the development as a whole, there would be no impact on residential amenity to result from overbearing impact, loss of light or loss of privacy from overlooking; adequate amenity space would be provided to serve the proposal. Whilst concerns have been raised about past breaches of planning control on the site, that is a separate matter and should not jeopardise this current proposal submitted by a different applicant. Each application must be determined on its individual merits and officers must consider the scheme now before them. Officers therefore conclude that the scheme would not unacceptably prejudice the amenities of existing and new neighbouring residential occupiers (CS21).

#### Environmental Issues

- 5.30 Foul disposal is now proposed to the main sewer in Henfield Road and surface runoff to an existing watercourse. The application site lies within Flood Zone 1. The site has not been undermined for coal and is not subject to excessive levels of noise, dust or smell.
- 5.31 As is normally the case with gypsy sites and in order to allay local resident concerns, any permission would be subject to a raft of conditions to control *inter alia*, commercial activities, outside storage and the parking of commercial vehicles and the number of caravans.

#### Landscape

- 5.32 The site is predominantly grassland with some remnant hard-standings from the previous use as a plant nursery. There is woodland to the NW and a substantial hedge to the SE. The site frontage on Henfield Road is delineated by a further hedge which is sparse in places.
- 5.33 The Council's Landscape Architect raises no objection to the proposal subject to conditions to secure the following:
- all existing hedgerows are to be protected during construction/drainage excavation works to BS5837:2012
  - SW frontage hedgerow to be reinforced/infilled with new native hedge planting and groups of taller stock/growing trees, and managed at a min. 2.5m growth height, with detailed planting plan and 5 year maintenance schedule.

- Ecological Issues
- 5.34 The site is not covered by any ecological designations. A Preliminary Ecological Appraisal (Acer Ecology, May 2023) has now been submitted and identified the following:

**Species protected under the Conservation of Habitats & Species Regulations 2017 ('European Protected Species) and Wildlife & Countryside Act 1981 (as amended):**

**Bats**

There were no buildings recorded. Three trees adjacent to the site were assessed to provide moderate suitability to support roosting bats. These trees are to be retained. The site was assessed to provide high quality foraging and commuting habitat for bats.

**Great Crested Newts**

No ponds were recorded on the site. Nine ponds are present within 500m of the site with the nearest located approximately 90m away. The vegetated fly-tipped rubble and brash pile offer suitable terrestrial habitat for GCN. Precautionary measures to be implemented during site clearance have been provided at section 4.3.1. Given that the majority of suitable habitat is to be retained, the mitigation to be provided is sufficient.

**Dormice**

No evidence of dormice was recorded, however the hedgerows on the site and adjacent woodland were considered suitable for foraging and commuting dormice. Suitable mitigation would be provided in the event that hedgerows are proposed for removal. The Plans however indicate that existing hedgerows would be retained.

**Species protected under the Wildlife and Countryside Act 1981 (as amended):**

**Birds**

Suitable bird nesting habitat was recorded in the form of hedgerow, trees and scrub. Suitable mitigation would be provided.

**Reptiles**

Suitable habitat for reptiles was recorded in the form of grassland, hedgerow and on site refugia. The site offers good ecological connectivity via hedgerows and adjacent woodland habitat. Precautionary measures to be implemented during site clearance have been provided at section 4.3.1. Given that the majority of suitable habitat is to be retained, the mitigation provided is sufficient.

**Badgers protected under the Badger Act 1992:**

No evidence of badger activity was recorded however badgers could pass through the site. Suitable mitigation has been provided.

**Species of principle importance (Priority Species) Section 41 Natural Environment and Rural Communities (NERC) Act and Local Biodiversity Action Plan Species:**

**Hedgehog**

No evidence of hedgehog activity was recorded however hedgehogs could pass through the site. Suitable mitigation has been provided.

**Invertebrates**

The site is expected to support a common assemblage of invertebrates.

- 5.33 Given the above findings of the Ecological Appraisal and subject to conditions to secure the proposed mitigation, there are no objections on ecological grounds.

**Other Matters**

**Need for Gypsy and Traveller Accommodation**

- 5.34 Whilst CS21 remains the Council's principal development plan policy, the figures set out in CS21 relating to identified need are no longer up-to-date. The most up-to-date information relating to need is set out in the Gypsy and Traveller Accommodation Assessment (GTAA) 2017. Based on the GTAA 2017, there is a need for 61 additional pitches for Gypsies/ Travellers in South Gloucestershire by 2032. Following the Lisa Smith judgement, this figure could increase further. The Council is currently refreshing its GTAA and an update is due to be published later this year, however the 2017 GTAA represent the latest figures.
- 5.35 On the basis that allocations are yet to be made as part of any new local plan, and given the current shortfall in gypsy/traveller pitches, the Local Planning Authority is currently unable to demonstrate it has a 5-year supply of gypsy and traveller accommodation. Furthermore, the authority has an historic track record of under delivery of gypsy and traveller accommodation with a significant shortfall in supply and a ministerial direction to make significant improvements to supply and delivery.
- 5.36 Paragraph 22 of the Planning Policy for Traveller Sites (PPTS) emulates Section 38(6) of the Planning and Compulsory Purchase Act 2004. It states that applications should be determined in accordance with the development plan, unless material considerations indicate otherwise. As it is established that the Authority does not currently have a 5-year supply, national guidance should be given greater weight as a material planning consideration.
- 5.37 Paragraph 23 of PPTS states that applications for gypsy and traveller sites should be assessed in the context of the presumption in favour of sustainable development; and, where a local planning authority cannot demonstrate an up-to-date 5 year supply of deliverable sites, this should be a significant material factor in the determination of applications (paragraph 27). The exception to this is where the land in question is subject to a national designation, such as Green Belt, as is the case here, where the tilted balance contained within the presumption in favour of sustainable development does not apply. Paragraph 24 of the PPTS sets out that Local Planning Authorities should apply weight to:

- a) the existing level of local provision and need for sites
- b) the availability (or lack) of alternative accommodation for the applicants c) other personal circumstances of the applicant
- d) that the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites
- e) that they should determine applications for sites from any travellers and not just those with local connections

5.38 The locational and impact assessment criteria of CS21 therefore can still be afforded full weight in decision taking.

5.39 The conclusion remains that there is unmet need that is unlikely to be fully met in the near future. The Inspector for a recent appeal hearing APP/P0119/W/21/3289677 Land at Bristol Rd, Frampton Cotterell, concurred with this view and attributed substantial weight to it.

Lack of available, suitable, acceptable, affordable alternative sites:

5.40 There are still no available sites in the South Gloucestershire area for gypsies and travellers generally, and the two Council sites are still full with waiting lists. As stated in paragraph 24b of Planning Policy for Traveller Sites the availability (or lack) of alternative accommodation for the applicants is a relevant matter to be considered, and significant weight attaches to this matter, subject to consideration of the reference to paragraph 16 contained in the policy.

Lack of a five year supply of sites

5.41 The Council cannot demonstrate a five-year supply in respect of gypsy and traveller sites, as sought in paragraph 10 of Planning Policy for Traveller Sites. Paragraph 27 goes on to state that this is a significant material consideration in any planning decision for the grant of temporary permission, but further states the exception where the site is on Green Belt land, as here. However, the application is for permanent use and the consideration of very special circumstances remains as set out in both the Framework and Planning Policy for Traveller Sites. The effect of the stated exception in the Green Belt is over the weight to be applied, now advised to be less than significant, and moderate weight is afforded this matter here.

The likely location of sites

5.42 Some 25% only of the Council's area is outside the Green Belt or areas that are otherwise constrained. This however is mainly to the North, where access to services is less convenient. There does therefore appear to be a reasonable likelihood of Green Belt land being needed in the new Local Plan for the provision of sites, but not a certainty, so that moderate weight only is attached.

Personal Circumstances

5.43 The applicant has two adult daughters one of which is now married. The other daughter has two young children so there is clearly now insufficient room for the family to all live at the applicant's site. The proposal if approved, would



allow the two adult daughters to each have their own home and allow their children to have a settled education.

- 5.44 It is not unusual for gypsies to live in extended family groups where they can give mutual support to each other, not least with child care when the bread winner is travelling for work. It is a fact that having a settled base from which an adult member of the family can travel to seek work is acceptable and is supported by Government policy (see previous Land at Bristol Rd. Appeal Decision Letter para. 29).
- 5.45 Article 3(1) of the United Nations Convention on the Rights of the Child provides that the best interests of the child shall be a primary consideration in all actions by public authorities concerning children, meaning that no other consideration can be inherently more important than the best interests of the child. They must properly be afforded an importance or weight as great as any other material consideration prior to examination of the circumstances of the case. This will be considered further in the planning balance that follows.

#### **Green Belt and Planning Balance**

- 5.46 The development would be inappropriate development that would harm the openness of the Green Belt. The Framework states that inappropriate development in the Green Belt should not be approved except in very special circumstances. It advises that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
- 5.47 The need for further sites for Gypsies and Travellers nationally, regionally and sub-regionally attracts significant weight. In South Gloucestershire, the unmet need for sites, the absence of a five-year supply, the limited prospect of a meaningful remedy anytime soon, the persistent record of policy failure, and the immediate unavailability of suitable alternative sites each amount to considerations of substantial weight.
- 5.48 The development would secure two pitches to address need and supply on a permanent basis. In the recent Bristol Road Appeal the point was made that the propensity for decision makers to only grant personal permissions for Gypsy and Traveller sites in the Green Belt in South Gloucestershire has been a key factor in contributing to its longstanding policy failure, given that when the occupants leave or pass on, the sites lose their authorised purpose. The Inspector had sympathy with this argument, and attributed it significant weight.
- 5.49 Approximately 75% of South Gloucestershire is within the Green Belt or otherwise constrained, and logically a high proportion of the remaining land will already be built up. This means that, when sites are sought to be allocated, a quantum will invariably be selected within the existing Green Belt. This also attributes significant weight.
- 5.50 The site has relatively good access to the range of services and facilities within Coalpit Heath. There is no impression that the site and its occupants are deliberately isolated from the rest of the community. In fact, the opposite

impression is given. This attracts moderate weight, as does the fact that this site is immediately deliverable.

- 5.51 Significant weight is also attributed to the personal circumstances of the proposed occupants, specifically the benefits of a settled base for the children present on the site, with particular reference to their future educational needs.
- 5.52 Your officer has balanced the harm to the Green Belt including the loss of openness against these considerations. In doing so officers recognise that the PPTS states that, subject to the best interests of the child, personal circumstances and unmet need are **unlikely** to clearly outweigh the harm to the Green Belt and any other harm so as to establish very special circumstances. However, in the Bristol Road Appeal it was established that the word unlikely does not mean **never**, and that it is not always necessary to rely on personal circumstances when granting permission in the Green Belt.
- 5.53 The Inspector for the Bristol Road Appeal concluded that:

*“In my view, the other considerations before me are of such magnitude and weight that they combine to form very special circumstances. Indeed, this is before the personal circumstances of the site occupiers are accounted for. They clearly outweigh the harm to the Green Belt by reason of inappropriateness and loss of openness. Consequently, I conclude that the development accords with Policies CS5, CS21 and CS34 of the CS and the Framework insofar as they address inappropriate development within the Green Belt.”*

Given that nothing has changed in the interim, it therefore follows that the same reasoning should be applied here and a grant of full planning permission should be granted.

- 5.54 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 considerations to be reflected into the design of policies and the delivery of services.
- 5.55 With regards to the above, this planning application is considered to have a neutral impact on equality. Equalities have been given due consideration in the application of planning policy as discussed in this report.

## **6. CONCLUSION**

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

## **7. RECOMMENDATION**

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

### **CONDITIONS**

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

#### **Reason**

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

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

Plans as Existing Drawing No. 1673-PL-02 received 30th August 2022

Plans & Elevations as Existing & Proposed Drawing No. 1673-PL-01 Rev E received 25th April 2023

#### **Reason**

To define the terms and extent of the permission.

3. There shall be no more than 2 pitches on the land the subject of this consent and within the individual pitches hereby approved no more than one mobile home (as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 as amended) shall be stationed at any time.

#### **Reason**

To protect the visual amenity of the Green Belt and landscape in general to accord with Policy PSP2 of the South Gloucestershire Local Plan : Policies, Sites and Places Plan (Adopted) 6th Nov. 2017 and Policy CS34 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec 2013.

4. No commercial activities shall take place on the land the subject of this consent, including the storage of materials.

#### **Reason**

To protect the visual amenity of the Green Belt and landscape in general to accord with Policy PSP2 of the South Gloucestershire Local Plan : Policies, Sites and Places

Plan (Adopted) 6th Nov. 2017 and Policy CS34 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec 2013.

5. No vehicle over 3.5 tonnes shall be stationed, parked or stored on the land the subject of this consent.

Reason

To protect the visual amenity of the Green Belt and landscape in general to accord with Policy PSP2 of the South Gloucestershire Local Plan : Policies, Sites and Places Plan (Adopted) 6th Nov. 2017 and Policy CS34 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec 2013.

6. The mobile homes shall be sited in accordance with the approved Plans & Elevations As Existing & Proposed Drawing No. 1673-PL-01 Rev E received 25th April 2023.

Reason

To protect the visual amenity of the Green Belt and landscape in general to accord with Policy PSP2 of the South Gloucestershire Local Plan : Policies, Sites and Places Plan (Adopted) 6th Nov. 2017 and Policy CS34 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec 2013.

7. Prior to the commencement of development a detailed landscape plan, specifying the location, species, stock size, planting centres and quantities of all proposed tree and structure planting (to be implemented in the first season following completion of construction works); together with details of all proposed boundary and hard landscape surface treatments, including entrance gate; and method of protection for existing trees to BS5837:2012 during construction phase, shall be submitted to and approved in writing by the Local Planning authority. The SW frontage hedgerow is to be reinforced/infilled with new native hedge planting and groups of taller stock/growing trees. The development shall be carried out in accordance with these agreed details.

Reason

To enhance the screening of the site and to protect the visual amenity of the Green Belt and landscape in general to accord with Policy PSP2 of the South Gloucestershire Local Plan : Policies, Sites and Places Plan (Adopted) 6th Nov. 2017 and Policy CS34 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec 2013. This is a prior to commencement condition to ensure that existing landscaping is not sterilised and that the site can be adequately screened.

8. Prior to the commencement of development, a schedule of landscape maintenance for a minimum period of 5 years, covering the establishment of all new planting, shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. The SW frontage hedgerow is to be managed at a min. 2.5m growth height. The landscaping shall be maintained in accordance with the approved schedule.

Reason

To protect the visual amenity of the Green Belt and landscape in general to accord with Policy PSP2 of the South Gloucestershire Local Plan : Policies, Sites and Places Plan (Adopted) 6th Nov. 2017 and Policy CS34 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec 2013. This is a prior to commencement condition to

ensure that existing landscaping is not sterilised and that the site will be adequately screened.

9. Prior to the commencement of the development of the amenity/dayroom hereby permitted, samples or details of the roofing and external facing materials proposed to be used for the building shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out only in accordance with the approved details.

Reason

In the interests of good design and to protect the visual amenity of the Green Belt and landscape in general to accord with Policy PSP2 of the South Gloucestershire Local Plan : Policies, Sites and Places Plan (Adopted) 6th Nov. 2017 and Policies CS1 and CS34 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec 2013.

10. Prior to the first occupation of the development hereby approved, details of the refuse collection and storage facilities shall be submitted to and approved in writing by the Local Planning Authority. The development shall accord with these approved details and they shall be retained thereafter.

Reason

To ensure adequate refuse collection and storage facilities are provided to protect the visual amenity of the Green Belt and landscape in general to accord with Policy PSP2 of the South Gloucestershire Local Plan : Policies, Sites and Places Plan (Adopted) 6th Nov. 2017 and Policies CS1 and CS34 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec 2013 and the South Gloucestershire Council Waste Collection: guidance for new developments (SPD) Adopted Jan 2015.

11. The hours of working on site during the period of construction shall be restricted to 07:30 to 18.00 Monday to Friday and 08:00 to 13:00 on Saturdays with no working permitted on Sundays or Bank 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 Policies PSP8 and PSP21 of The South Gloucestershire Local Plan: Policies Sites and Places Plan (Adopted) 8th Nov. 2017.

12. Prior to the first occupation of the development hereby approved, the car parking spaces, access, and manoeuvring areas shall be provided in accordance with the approved Plans & Elevations As Existing & Proposed Drawing No. 1673-PL-01 Rev E received 25th April 2023 and thereafter retained as such for the purposes intended.

Reason

To ensure the satisfactory provision of car parking, access and manoeuvring facilities; in the interest of highway safety and the amenity of the area, and to accord with Policies PSP11 and PSP16 of the South Gloucestershire Local Plan : Policies Sites

and Places Plan (Adopted) 8th Nov. 2017 and Policy CS8 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec. 2013.

13. Prior to the first occupation of the development hereby approved, covered and secure parking for two cycles shall be provided, the details of which shall be submitted to and agreed in writing by, the Local Planning Authority. The cycle parking shall be implemented in accordance with the agreed details.

Reason

To promote sustainable travel and to accord with Policy CS8 of the South Gloucestershire Local Plan ; Core Strategy (Adopted) Dec. 2013

14. 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

To secure the site as a gypsy and traveller site in accordance with Policy CS21 of The South Gloucestershire Local Plan Core Strategy adopted December 2013 and the requirements of the NPPF.

15. The development shall proceed in strict accordance with the mitigation measures provided in the Preliminary Ecological Appraisal (Acer Ecology, May 2023).

Reason

In the interests of protected species and the bio-diversity of the location, to accord with Policy PSP19 of The South Gloucestershire Local Plan : Policies, Sites and Places Plan (Adopted) Nov. 2017 and Policy CS9 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec. 2013.

16. Prior to the first occupation of the site for the purposes hereby approved, details of all proposed external lighting are to be submitted to the local authority for review and is to include the location and specification. All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason 1

To ensure there isn't excessive light spill onto adjacent habitats; in the interests of protected species and the bio-diversity of the location, to accord with Policy PSP19 of The South Gloucestershire Local Plan : Policies, Sites and Places Plan (Adopted) Nov. 2017 and Policy CS9 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec. 2013.

Reason 2

To minimise light pollution in the countryside and to protect the visual amenity of the Green Belt and landscape in general to accord with Policy PSP21 and PSP2 of the

South Gloucestershire Local Plan : Policies, Sites and Places Plan (Adopted) 6th Nov. 2017 and Policies CS1 and CS34 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec 2013.

17. Prior to the first occupation of the site for the purposes hereby approved, an Ecological Enhancement Plan showing the location and specifications of enhancements detailed within the Preliminary Ecological Appraisal (Acer Ecology, May 2023) shall be submitted to and approved in writing by the Local Planning Authority. This includes, but is not limited to, bird and bat boxes. Thereafter the enhancements shall be installed in accordance with the agreed details and prior to the first occupation of the site.

**Reason**

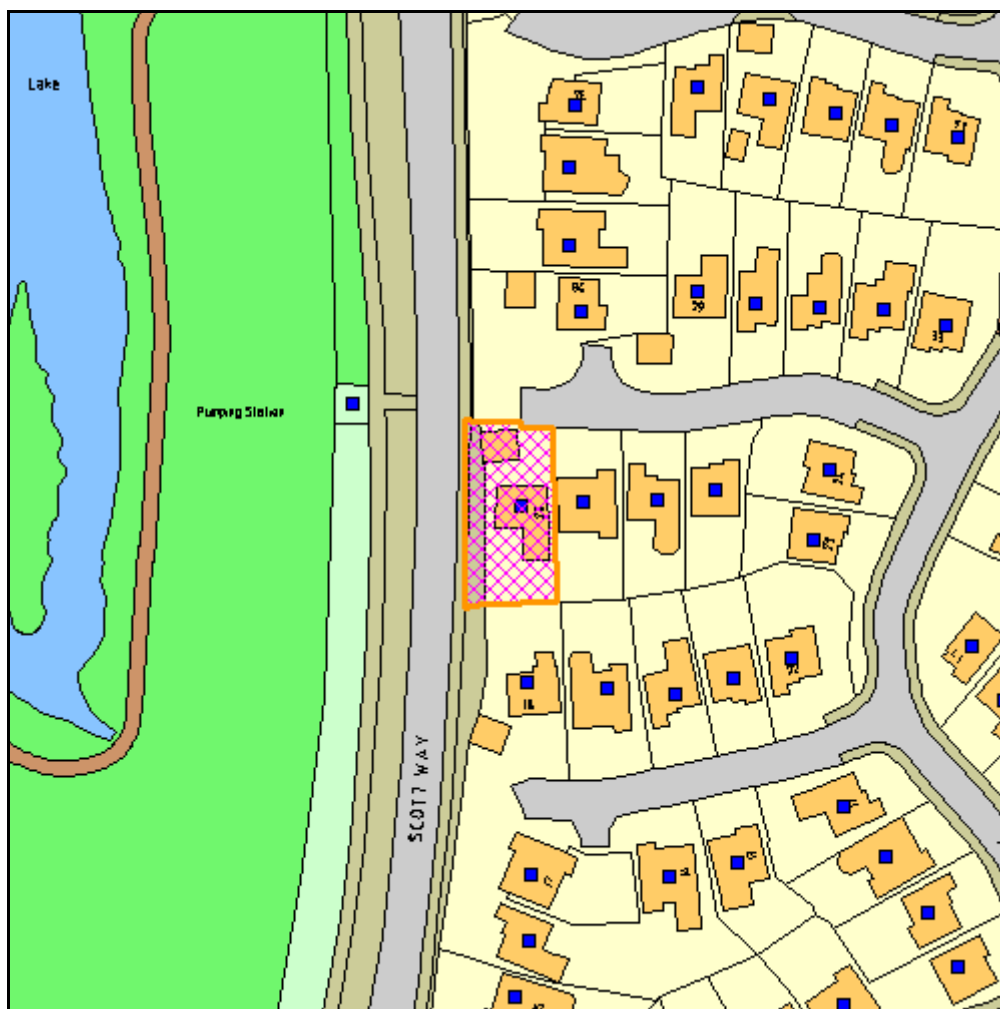
In the interests of protected species and the bio-diversity of the location, to accord with Policy PSP19 of The South Gloucestershire Local Plan : Policies, Sites and Places Plan (Adopted) Nov. 2017 and Policy CS9 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec. 2013.

**Case Officer: Roger Hemming**

**Authorising Officer: Suzanne D'Arcy**

**CIRCULATED SCHEDULE NO. 24/23 -16th June 2023**

|                                  |  |                         |                   |
|----------------------------------|--|-------------------------|-------------------|
| <b>App No.:</b>                  | P23/00381/F  | <b>Applicant:</b>       | S. Newcombe       |
| <b>Site:</b>                     | 28 Hudson Close Yate South<br>Gloucestershire BS37 4NP   | <b>Date Reg:</b>        | 2nd February 2023 |
| <b>Proposal:</b>                 | Change of use of open amenity space<br>(Sui Generis) to residential amenity<br>space (Class C3) as defined in the<br>Town and Country Planning (Use<br>Classes) Order 1987 (as amended)<br>with the erection of 1.9m fence<br>(Retrospective). | <b>Parish:</b>          | Yate Town Council |
| <b>Map Ref:</b>                  | 371719 181818  | <b>Ward:</b>            | Yate Central      |
| <b>Application<br/>Category:</b> | Minor  | <b>Target<br/>Date:</b> | 8th June 2023     |



© South Gloucestershire Council 2007.all rights reserved.

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

100023410, 2008.

N.T.S.

P23/00381/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.

## **REASONS FOR REPORTING TO CIRCULATED SCHEDULE**

This application is to appear on Circulated Schedule due to the receipt of an objection from the Town Council contrary to the officer's recommendation.

### **1. THE PROPOSAL**

- 1.1 Full planning permission is sought for the change of use from open amenity land (Sui Generis) to residential (Class C3) and the erection of a 1.9m fence. As originally submitted the application was retrospective to retain development that had already been completed without planning permission. During the course of the application and following advice from specialist officers the applicant has amended the proposed plans to relocate the existing unauthorised fence further back from the adjacent footpath and agreed to additional planting.
- 1.2 The application site relates to a two storey detached dwelling within the established residential area of Yate. The small strip of open amenity scrub land has been enclosed by a 1.9m timber fence. The open amenity land has always been in the ownership of the property owner but has recently been enclosed by a boundary fence. The revised application seeks to realign the fence 1 metre back from its present location and includes the retention of an existing hedge, at present set behind the new fence.

### **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  
PSP5 Undesignated Open Spaces within urban areas  
PSP8 Residential Amenity  
PSP11 Transport Impact Management

PSP19 Wider Biodiversity  
PSP38 Development within Existing Residential Curtilages  
PSP43 Private Amenity Space Standards

## 2.3 Supplementary Planning Guidance

Design Checklist SPD (Adopted) August 2007  
Householder Design Guide SPD (Adopted) March 2021

## 3. **RELEVANT PLANNING HISTORY**

### 3.1 None

### 3.2 For the adjacent property at 18 Hudson Close and the same amenity space subject to this application:

P23/00835/F – “Erection of 1.8m high fence to facilitate a change of use of open amenity space to residential amenity space (Class C3) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended) (Retrospective).” – Approved with conditions – 8<sup>th</sup> June 2023

## 4. **CONSULTATION RESPONSES**

### 4.1 Yate Town Council

Objection. Acknowledged minor changes to revised plan but concerned with loss of wildlife corridor.

### 4.2 Other Consultees

Sustainable Transport. Objected to original plans due to close proximity of fence to footway. No objection to amended plans as fence has been set back further from highway.

Landscape Officer. Objected to original proposal due to loss of vegetation and proximity of fence to footpath. No objection to amended plans but suggest additional planting to aid biodiversity.

Ecology Officer: No objection. The new hedgerow and trees compensate for the loss of vegetation, although a native hedgerow would be preferred.

### **Other Representations**

### 4.3 Local Residents

No comments received

## 5. **ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

As the proposal includes a change of use away from amenity land to residential, PSP5 is the most relevant policy to be considered. PSP5 covers undesignated open spaces within urban areas and settlements. PSP5 permits development within such areas of undesignated open space provided it does not adversely affect the quality, character, biodiversity, sustainable water management, recreation opportunities, heritage value, amenity, or distinctiveness of the locality. The development is acceptable in principle but will be determined against the analysis set out below.

## 5.2 Loss of Amenity Land

The amenity land in question is a small strip of land running along Scott Way and adjacent to the side elevation of the property. The land is approximately 2 m wide and in the ownership of the property owner. Whilst the intention of the original consent to build the estate was to leave open amenity space in front of the houses in Scott Way, due to the fact that responsibility and ownership was always under the various home owners the upkeep and treatment varies greatly. Furthermore, there was no condition on the original planning permission for the estate that conditioned the open space was to be retained. At several locations on the same estate fencing has already been erected. The original proposal for this application did not maintain a strip of land between the footpath and fence. Following advice from specialist officers the revised proposal does retain a strip of land containing an existing hedge and forms a corridor between the new fence and the footpath. The revised plans are considered not to harm the visual amenity of the area and the open green character will remain, albeit to a slightly lesser extent. This proposal also mirrors the line of the adjacent recently approved proposal on the same amenity space. The proposal is therefore considered acceptable in terms of PSP5.

## 5.3 Design and Visual Amenity

Policy CS1 of the Core Strategy and Policy PSP1 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 original plans were considered unacceptable by the Councils Landscape and Transport officers as the existing fence would have been set against the footpath with no space between the fence and footpath. Following advice from the specialist officers the applicant has submitted revised plans that sets the fence back 1 metre and now as an existing laurel hedge between the footpath and the realigned fence. The hedge will be retained to a height of approximately 1.8m to cover the existing timber fence. This existing hedge retained at this height will soften the impact of the realigned fence. Following advice from the Councils Landscape Officer the applicant has agreed to plant 2 additional rowan trees within the existing garden area to aid biodiversity and further soften the appearance of the existing fence as they will be seen above the fence as they mature.

5.5 On the basis of the revised plan it is not considered that the proposed development would detract from or negatively impact the visual amenity of the site, street scene or character of the area. A similar fence has also been approved on the amenity space for the adjacent property and this proposal presents a consistent line of boundary treatments for the two properties. To ensure the existing fence is moved in a timely manner and the additional agreed planting is carried out a condition will be added to ensure the revised landscaping scheme is implemented within 3 months. The proposal is therefore considered acceptable in terms of CS1 and PSP 1

5.6 Highway Safety and Transport.

The Councils Transport officer objected to the original proposal as the fence would have been set directly against the footpath and result in a narrowing effect making it uncomfortable for pedestrians. The revised proposal now as the fence set back 1 metre with a hedge between the footpath and fence. The Transport Officer now has no objection to the revised plans and the proposal is therefore considered acceptable in terms of PSP 11.

5.7 Ecology

It is noted that the town council have objected on concerns around the loss of a wildlife corridor. In light of this objection the Council's ecology officer was consulted where no objection has been raised. It is considered setting back of the fencing along with the replacement of the removed hedge with newly planted hedgerows and proposed trees help to compensate for the removed vegetation in biodiversity terms. Subject to securing the scheme is carried out within a suitable timeframe the development is considered acceptable in terms of PSP 19.

5.8 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

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

## 6. **CONCLUSION**

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

## 7. **RECOMMENDATION**

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

### **CONDITIONS**

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

Existing Block Plan dated 24th January 2023

Existing and Proposed Block and Location Plan dated 30th January 2023

Proposed Block Plan dated 20th April 2023

Existing and Proposed Elevations dated 20th April 2023

Reason

To define the terms and extent of the permission.

2. The approved Landscape Plan as shown on plan "Proposed Block Plan" dated 20th April 2023 shall be completed within 3 months of the date of the decision notice.

Reason

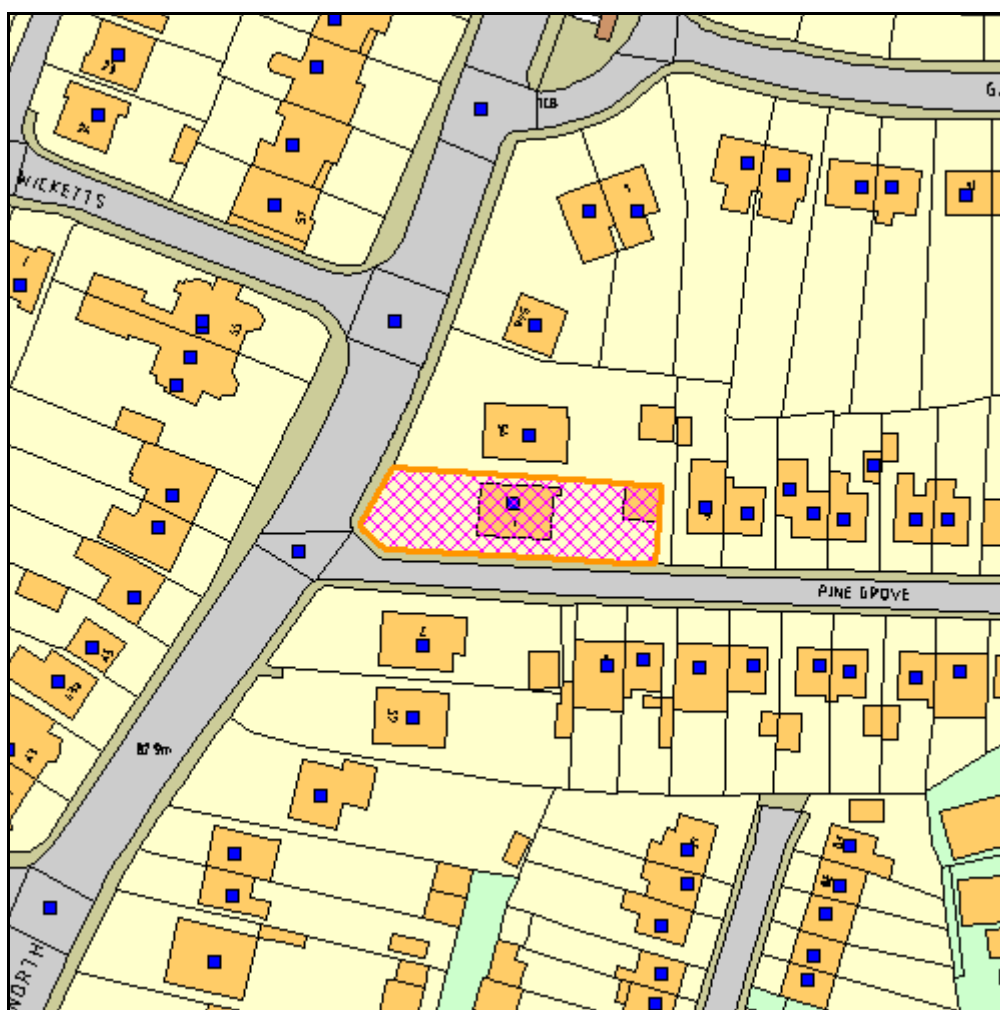
To ensure the satisfactory external appearance of the development in the interests of visual amenity and to protect the residential amenity of the neighbouring occupiers and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and the National Planning Policy Framework.

**Case Officer: Kevan Hooper**

**Authorising Officer: Dawn Russell**

## CIRCULATED SCHEDULE NO. 24/23 -16th June 2023

|                                  |   |                         |                        |
|----------------------------------|---|-------------------------|------------------------|
| <b>App No.:</b>                  | P23/00562/HH  | <b>Applicant:</b>       | Mr Samuel Powell       |
| <b>Site:</b>                     | 1 Pine Grove Filton South<br>Gloucestershire BS7 0SL                        | <b>Date Reg:</b>        | 13th February<br>2023  |
| <b>Proposal:</b>                 | Conversion of existing garage to form<br>annexe ancillary to main dwelling. | <b>Parish:</b>          | Filton Town<br>Council |
| <b>Map Ref:</b>                  | 359990 178425   | <b>Ward:</b>            | Filton                 |
| <b>Application<br/>Category:</b> | Householder   | <b>Target<br/>Date:</b> | 30th June 2023         |



© South Gloucestershire Council 2007. all rights reserved.

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

100023410, 2008.

N.T.S.

P23/00562/HH

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

**This planning application appears on the Circulated Schedule because the proposal has received 1No objection from Filton Town Council and 3No objections from neighbouring residents, which is contrary to the officer's recommendation.**

## **1. THE PROPOSAL**

- 1.1 The application seeks full planning permission for the conversion of an existing garage to form annexe ancillary to main dwelling, as detailed on the application form and illustrated on the accompanying drawings.
- 1.2 The application site can be found at 1 Pine Grove; it is set within a good sized plot, and the host dwellinghouse is an existing 5 bedroom detached property. It is located within the residential area and settlement boundary of Filton.
- 1.3 An existing telegraph pole is also located within the public footpath and is immediately located adjacent to the residential curtilage of the application site. This telegraph pole has also added to the negotiations to the off-street parking to the application site.
- 1.3 The Pre-Application advice (ref PRE22/0599) suggested that such a conversion of an existing garage to form an ancillary annexe, should not only demonstrate a clear physical and functional relationship to the host dwellinghouse but that it would also not be suitable or attractive in its own right as an independent dwelling. Furthermore, it was also recommended that 3No. on-site parking spaces should also be provided to meet the minimum size requirements.
- 1.4 As part of the assessment of this application, comments have been received from sustainable transport and streetcare colleagues in respect of the off-street parking arrangements proposed. As such, negotiations and options have been circulated and discussed between these statutory parties and the applicant's agent, and forming a discussion to find an appropriate and acceptable solution to the off-street parking arrangements.

## **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework July 2021  
National Planning Policy Guidance
- 2.2 Development Plans  
South Gloucestershire Local Plan Core Strategy Adopted December 2013
  - CS1 High Quality Design
  - CS4a Presumption in Favour of Sustainable Development
  - CS5 Location of Development
  - CS8 Improving Accessibility

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

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

2.3 Supplementary Planning Guidance

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

3. **RELEVANT PLANNING HISTORY**

- 3.1 PRE22/0599. Conversion of existing detached garage to form dwelling or annexe. 04.10.2022.

4. **CONSULTATION RESPONSES**

4.1 Filton Town Council

1No letter of objection comments received -

- *The annex shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as No 1 Pine Grove, Filton. Plans submitted with this application must be kept and not altered in the future.*
- *Concerns of over development;*
- *Proposal is not in keeping with the neighbouring houses; and*
- *Concerns are raised over the access and highways as the works be carried out at the Wessex reserves redevelopment on the same single carriageway road.*

4.2 Other Consultees

Sustainable Transport – Transportation DC  
No Objections.

Highway Structures  
No Comments.

**Other Representations**

4.3 Local Residents

3No letters of Objection comments received –

- *Concerns raised that the proposals constitutes inappropriate intensification of development;*
- *Concerns that the proposal would result in unacceptable impacts from loss of privacy and overlooking;*
- *Concern that the property is currently owned by a landlord who already lets the property as a five person HMO;*



- *The proposal will constitute a self-contained studio flat, and if permitted, will be rented out separate to the main house;*
- *Major concern of inadequate on-site parking provision;*
- *Concerns of inadequate on-street parking and access to service vehicles (i.e. refuse vehicles);*
- *Concern that the existing telegraph pole will prevent direct access to the proposed parking spaces;*
- *Concerns raised that the minimum 3No off-street parking spaces required for the 5+ occupant HMO cannot be provided without relocating an obstructing telegraph pole;*
- *Comments received that the position of the existing telegraph pole isn't identified correctly on the submitted plans;*
- *Concerns raised of limited/restricted proposed private amenity space;*
- *Concerns over the increase in rubbish from the extended property;*
- *Concerns raised over the existing vegetation to the residential curtilage/boundary of the application site and its maintenance;*
- *Concern that the proposal would lead to a loss of trees and vegetation to the boundary in such a highly built up area that form part of a settlement pattern that contributes significantly to local character.*

## 5. **ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

Policy PSP38 of the PSP Plan (November 2017) allows the principle of development within residential curtilages, subject to considerations of visual amenity, residential amenity and highway safety. It states that new dwellings and extensions within existing residential curtilages are acceptable in principle but should respect the overall design and character of the street and surrounding area. They should not prejudice the amenities of neighbours, or that of highway safety and the parking provision should be of an acceptable level for any new and existing buildings. The adequate provision of private amenity space should also not be sacrificed for any new development that forms part of a settlement pattern that also contributes to local character.

5.2 Policy CS1 of the Core Strategy seeks that the siting, form, scale, height, massing, detailing, colour and materials are informed by, respect and enhance the character, distinctiveness and amenity of both the application site and its context.

### 5.3 Annexe Test

By definition an annexe must be ancillary to the main dwelling house and should have some form of physical and functional reliance upon it. Ultimately, the resultant development should be one planning unit i.e. one household rather than two separate dwellings. In this instance, the proposal has some of the elements of principal living accommodation (a living/kitchen area; bedroom and shower room) that could enable it to be used as an independent unit of residential accommodation.

5.4 It is noted that the annexe would share the existing garden with the host dwellinghouse and will also share the services and facilities of the host

dwellinghouse and it will be let under a single AST once complete. As such, officers can conclude that the annexe would be used ancillary to the main house and for the avoidance of doubt, a condition will be applied to ensure that the annexe remains ancillary to the host dwellinghouse.

5.5 Design and Visual Amenity

Policy CS1 of the Core Strategy and policy PSP38 of the Policies, Sites and Places Plan seek to ensure that development proposals are of the highest possible standards of design.

5.6 The garage conversion is proposed to feature a gable end pitched roof, with an approximate eaves height of 2.3 meters from ground level, extending to a width of 6.0 meters and depth of 5.2 meters. No windows will replace the existing vehicular garage door which currently fronts onto Pine Grove.

5.7 This conversion of the existing garage to form an annexe ancillary has been proposed carefully through its design to complement the main dwellinghouse in its choice of materials, details and components, ensuring that the aesthetical appearance of this ancillary annexe continues to compliment the main dwellinghouse and its surrounding neighbouring properties, and therefore the scale and form of this proposed conversion of an existing garage to form an annexe ancillary does respect the proportions and character of the existing dwellinghouse.

5.8 On balance, it is not considered that it would not appear out of character to the main dwellinghouse and its surrounding neighbouring properties, and as such, the proposal is considered of the highest possible standard of design and complies with policies CS1 and PSP38 and the Household Design Guide SPD.

5.9 Residential Amenity

Policy PSP38 of the Policies, Sites and Places Plan explains that development will be permitted provided that it would not detrimentally impact the residential amenities of nearby occupiers and would not prejudice the retention of adequate private amenity space. Policy PSP8 specifically relates to impacts on residential amenity and outlines that unacceptable impacts could result from (but are not restricted to); loss of privacy and overlooking; overbearing and dominant impact; loss of light; noise or disturbance.

5.10 This conversion to form an annexe ancillary to the main dwellinghouse is modest in scale, and this is achieved by its single-storey nature and maintained gable end, pitched roof form. The proposal would not result in any unreasonable harm to neighbouring amenity, nor would it have a detrimental impact on the amenity of the application site. The application therefore satisfies the requirements of PSP8 and PSP38.

5.11 Transport

Policy PSP16 of the Policies, Sites and Places Plan sets out the Councils parking standards. Following the submission of the initial application, a proposed block plan was submitted which indicated an existing telegraph pole just beside the residential curtilage being shown incorrectly. Furthermore, said

plan also indicated 3No off street parking spaces to the application site, to the front of the annexe.

- 5.12 A revised proposed block plan now indicates the telegraph pole in the correct position, and the parking arrangement plan illustrates 3No parking spaces within the residential curtilage of the site. The application is therefore now acceptable in transportation terms.

5.13 Private Amenity Space

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

5.14 Other Matters

Concerns have been raised by Filton Town Council in respect of access and highways, as the works be carried out at the Wessex reserves redevelopment on the same single carriageway road. Although these concerns are noted, they are not a material consideration of this planning application.

- 5.15 Further comments have also been received from neighbouring consultees in respect of the existing host dwellinghouse already being occupied as a House of Multiple Occupation (HMO). Although such concerns are noted, the application is not to use the property as an HMO – the application is just for an annex.

5.16 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.

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

## 6. CONCLUSION

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

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

## **7. RECOMMENDATION**

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

### **CONDITIONS**

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

Reason

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

2. The annex hereby permitted shall not be occupied at any other time other than for ancillary purposes as part of the main residential use of the dwelling known as 1 Pine Grove, Filton, South Gloucestershire, BS7 0SL.

Reason

To protect the residential amenity of the host dwelling to accord with policy PSP8 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan Adopted November 2017.

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

PA23/300/01 Location Plan (Date received 11/02/23)  
PA23/300/02 Rev A Existing Site Plan (Date received 04/04/23)  
PA23/300/03 Rev B Proposed Site Plan (Date received 03/05/23)  
PA23/300/04 Existing Floor Plan (Date received 11/02/23)  
PA23/300/05 Existing Elevations (Date received 11/02/23)  
PA23/300/06 Proposed Floor Plans (Date received 11/02/23)  
PA23/300/07 Proposed Elevations (Date received 11/02/23)  
PA23/300/08 Parking Arrangement (Date received 03/05/23)

Reason

To define the terms and extent of the permission.

**Case Officer: Helen Turner**  
**Authorising Officer: Marie Bath**