

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: 29/23

Date to Members: 21/07/2023

Member's Deadline: 27/07/2023 (5.00pm)

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

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

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

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

NOTES FOR COUNCILLORS

– formal arrangements for referral to committee

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- a. All applications, where approval is deemed to be granted upon the expiry of a defined period
- b. All applications to be determined the lawfulness of a proposed or existing use of a site
- c. All applications for non-material amendments
- d. All applications to discharge planning conditions
- e. All applications solely required because of the removal of Permitted Development Rights or Article 4 direction
- f. Any footpath stopping up or diversion required to implement an approved scheme

Additional guidance for Members

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

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

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

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

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

A template for referral is set out below:

Referral from Circulated Schedule to Development Management Committee

1. Application reference number:

2. Site Location:

3. Reasons for referral:

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

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

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

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

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

Date:

To be emailed to MemberReferral@southglos.gov.uk

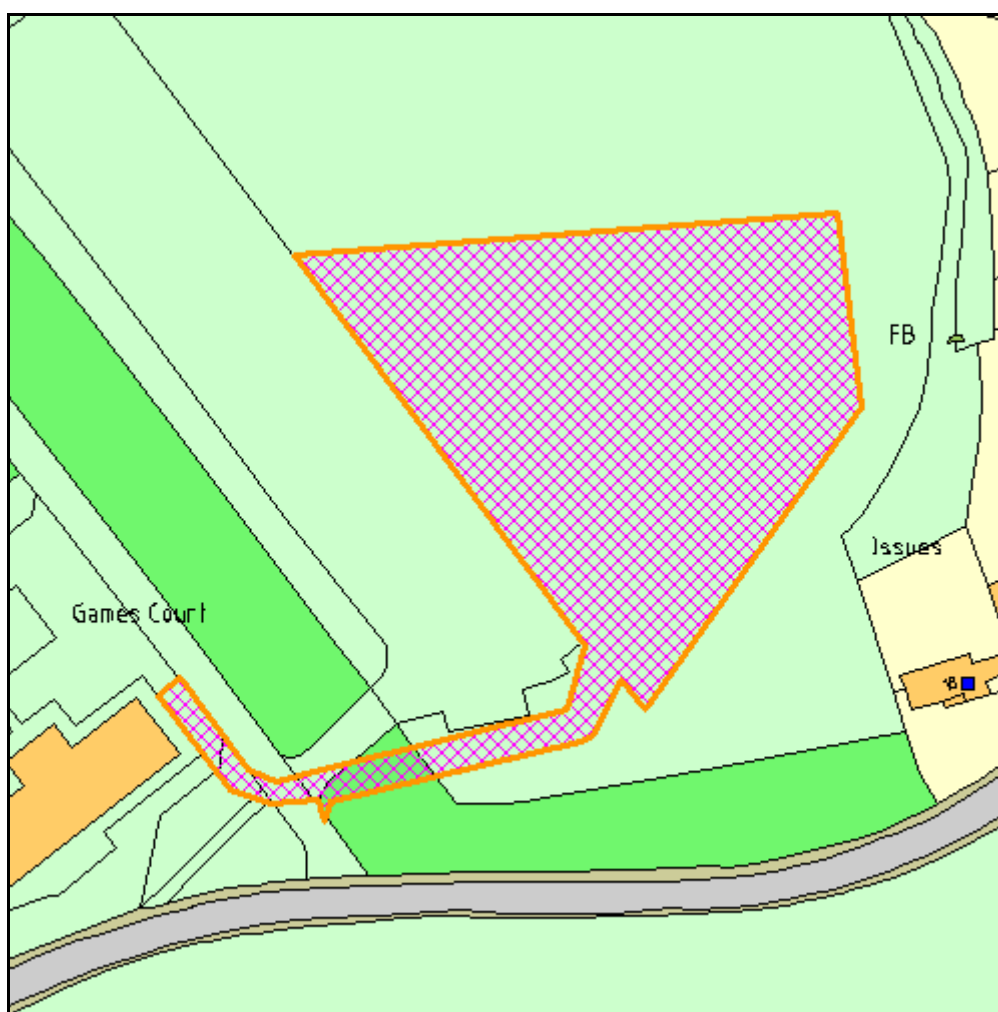
CIRCULATED SCHEDULE 21 July 2023

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ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	P21/08123/F	Approve with Conditions	HMP Eastwood Park Eastwood Park Falfield South Gloucestershire GL12 8DB	Charfield	Falfield Parish Council
2	P22/00346/F	Approve with Conditions	Land At Arnoldsfield Trading Estate The Downs Wickwar South Gloucestershire	Chipping Sodbury And Cotswold Edge	Wickwar Parish Council
3	P23/01329/HH	Split decision See D/N	77 Eagle Drive Patchway South Gloucestershire BS34 5RQ	Charlton And Cribbs	Patchway Town Council
4	P23/01618/RVC	Approve with Conditions	Land At And East Of Wild Place Blackhorse Hill Easter Compton South Gloucestershire BS10 7TP	Pilning And Severn Beach	Almondsbury Parish Council
5	P23/01656/F	Approve with Conditions	113 High Street Oldland Common South Gloucestershire BS30 9TG	Bitton And Oldland Common	Bitton Parish Council
6	P23/01868/HH	Approve with Conditions	3 Turnpike Gate Wickwar South Gloucestershire GL12 8ND	Chipping Sodbury And Cotswold Edge	Wickwar Parish Council

CIRCULATED SCHEDULE NO. 29/23 -21st July 2023

App No.:	P21/08123/F	Applicant:	c/o Agent Ministry of Justice
Site:	HMP Eastwood Park Eastwood Park Falfield South Gloucestershire GL12 8DB	Date Reg:	23rd December 2021
Proposal:	Installation of Ground Mounted solar photovoltaic (PV) panels.	Parish:	Falfield Parish Council
Map Ref:	367749 192953	Ward:	Charfield
Application Category:	Minor	Target Date:	30th June 2023



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N.T.S.

P21/08123/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 as a result of concerns raised by the Parish Council.

1. THE PROPOSAL

- 1.1 HMP Eastwood is accessed off the north side of Church Avenue, to the west of Falfield. The application site lies within the northern margin of the C.19 historic parkland associated with the Grade II listed Eastwood Park House, but on the opposite NE side from the house, at the eastern end of the HMP Eastwood complex.
- 1.2 The proposed 'irregular triangular' development site comprises the southern part of the field that lies to the east of the prison car park and west of residential development fronting onto both Church Avenue and Eastley Close. Housing fronting on to Sundayshill Lane lies further NE, and that onto the A38 further SE. Existing tree planting extends around the western side of the car park, and northern edge of Church Avenue. A public footpath (OFA 12/20) crosses the northern part of the field.
- 1.3 It is proposed to install ground mounted solar photovoltaic (PV) panels on the site. The panels would be mounted in a landscape configuration, spread across 5 rows. All the tables would face south. The work angle would be at the optimal 23 degrees for this scheme with a row separation of 4.36 meters. The PV panels compound area (fenced compound) would be approximately 2,191m². The panels would not exceed 2.45m in height.
- 1.4 416 panels would be installed (187kWp total) connected to 3 PV inverters. The yearly PV energy production is estimated at 190.5MWh, equivalent to 12.1% of the prison's yearly energy usage.
- 1.5 The application is supported by the following documents:
 - Detailed Landscape Proposal Drwng. No. LUC-11357-LD-PLN-213 Rev C
 - Tree Protection Plan Drwng. No. 1897-01
 - Tree Survey & Tree Photos by S.J. Stephens Associates 17th March 2022
 - Arboricultural Impact Assessment by SJ Stephens Assoc. 25th April 2022
 - Ecological Assessment by LUC dated 08th Oct. 2021
 - Landscape and Ecological Management Plan Jan 2022
 - Historic Environment Opinion by LUC dated June 2021
 - Landscape and Visual Appraisal by LUC dated Dec. 2021
 - Arboricultural Impact Assessment by S.J.Stephens April 2022
 - Planning Statement by Cushman & Wakefield dated Dec. 2021
 - Solar Panel Details
 - Traffic Management Plan by Engie Feb. 2022

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework July 2021
National Planning Practice Guidance

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design
CS2 Green Infrastructure
CS3 Renewable and Low Carbon Energy Generation
CS4a Presumption in Favour of Sustainable Development
CS5 Location of Development
CS8 Improving Accessibility
CS9 Managing the Environment and Heritage
CS34 Rural Areas

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

PSP1 Local Distinctiveness
PSP2 Landscape
PSP3 Trees and Woodland
PSP6 Onsite Renewable and Low Carbon Energy
PSP8 Residential Amenity
PSP11 Transport Impact Management
PSP17 Heritage Assets and the Historic Environment
PSP19 Wider Biodiversity
PSP20 Flood Risk, Surface Water and Watercourse Management

2.3 Supplementary Planning Guidance

South Gloucestershire Landscape Character Assessment SPD (Revised and Proposed for Adoption November 2014) Site lies within LCA 7: Falfield Vale
Green Infrastructure: Guidance for New Development SPD (adopted April 2021)
Trees and Development Sites: Guidance for New Development SPD (adopted April 2021)
Design Guide Checklist SPD 2007
Renewables SPD 2014
Historic England's Good Practice Advice in Planning Note 2 Managing Significance in Decision-Taking in the Historic Environment
Historic England's Good Practice Advice in Planning Note 3 "The Setting of Heritage Assets (2nd Edition).

3. RELEVANT PLANNING HISTORY

- 3.1 P89/3132 - Construction of car park. Replacement of boundary security fence 5.2M in height.
Approved 31st Jan. 1990

- 3.2 PT09/0002/F - Erection of 2 storey house-block and 5.2 metre high fencing. Construction of car park.
Approved 13th Feb. 2009
- 3.3 PT04/2277/C84 - Erection of two storey building to form Juvenile accommodation block. Erection of fencing and construction of 30 additional parking spaces.
Approved 27th Oct. 2004

4. CONSULTATION RESPONSES

4.1 Falfield Parish Council

Due to the nature of Church Avenue which is an un-adopted road and will be the only access to the site in question, the Parish Council have concerns in relation to the movement of construction traffic to and from the site along with associated safety concerns. With residents cars parked on this road, along with its width, can on occasions lead to issues arising with heavy goods vehicles having difficulty in passing vehicles parked on this road.

Therefore the Parish Council would like to see a Construction Management Plan put in place to control the movement of all construction traffic to and from the site and in particular no movements before 9am and after 4pm Monday to Friday and to avoid any movements at weekends

4.2 Other Consultees

Highway Structures

No response

Lead Local Flood Authority

No objection subject to standard informatives relating to a highway drain and private sewer location.

Sustainable Transport - Transportation DC

No objection subject to a condition to secure a Construction Traffic Management Plan (CTMP).

The Tree Team

No objection in principle.

The Archaeology Officer Natural & Built Environment Team

No objection subject to standard conditions.

The Landscape Officer Natural & Built Environment Team

No objection subject to compliance conditions.

The Listed Building & Conservation Officer Natural & Built

The only heritage asset that would be affected by the development proposals is considered to be the locally registered Eastwood Park and Garden in which the application site is located within. While mindful of the wider estate of HMP

Eastwood Park (mainly located to the west of the application site), while the impact of the development proposals on the character of the locally registered park would not be significant, it would nevertheless increase the sense of the development of the former historic park which would further erode its historic character. Therefore, while the impact of the development proposals may be considered to be limited, they would still cause a degree of harm in light of the character and significance of the Eastwood Park locally registered park and garden. The application is therefore to be determined within the context of paragraph 203 of the NPPF which is a matter for the decision maker

The Ecology Officer Natural & Built Environment Team

No objection subject to a condition to secure a translocation exercise for slow worms.

Other Representations

4.3 Local Residents

2no. responses were received from the occupants of no.8 Eastly Close, both objecting to the proposal. The concerns raised are summarised as follows:

- The site has already been cleared of vegetation.
- Impact on wildlife.
- Screen hedging to car park removed resulting in light pollution.
- Screen planting will overshadow garden.
- Light intrusion from proposed lighting of Solar Panels.
- Loss of privacy from proposed CCTV.
- Impact on bats.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The overarching aim of the planning system is to contribute to the achievement of sustainable development i.e. “meeting the needs of the present without compromising the ability of future generations to meet their own needs”. This can be achieved through economic, social and environmental means. Moving to a low carbon economy, mitigating and adapting to climate change and using natural resources can be prudently considered to help meet this environmental objective. In general there is a strong national and international agenda to reduce CO2 emissions through the generation of energy from renewable sources.

5.2 Energy Legislation Policy and Guidance

National Planning Policy Framework 2021

Chapter 14 of the NPPF entitled ‘Meeting the challenge of climate change, flooding and coastal change’ provides guidance on renewable energy developments.

Para 158 states that when determining planning applications for renewable and low carbon development, local planning authorities should:

a) Not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and

b) approve the application if its impacts are (or can be made) acceptable

National Planning Practice Guidance

Paragraph 013 Reference ID: 5-013-20150327 of the National Planning Practice Guidance is of most relevance to the proposal. This sets out the criteria of significant planning considerations that relate to large scale ground-mounted solar photovoltaic farms and states that:

The deployment of large-scale solar farms can have a negative impact on the rural environment, particularly in undulating landscapes. However, the visual impact of a well-planned and well-screened solar farm can be properly addressed within the landscape if planned sensitively. Particular factors a local planning authority will need to consider include:

- encouraging the effective use of land by focussing large scale solar farms on previously developed and non-agricultural land, provided that it is not of high environmental value;
- Where a proposal involves Greenfield land, whether (i) the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land; and (ii) the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays.

In addition, the written ministerial statement on solar energy: protecting the local and global environment made on 25 March 2015 that solar farms are normally temporary structures and planning conditions can be used to ensure that the installations are removed when no longer in use and the land is restored to its previous use;

- the proposal's visual impact, the effect on landscape of glint and glare and on neighbouring uses and aircraft safety;
- the extent to which there may be additional impacts if solar arrays follow the daily movement of the sun;
- the need for, and impact of, security measures such as lights and fencing;
- great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting. Depending on their scale, design and prominence, a large scale solar farm within the setting of a heritage asset may cause substantial harm to the significance of the asset;
- the potential to mitigate landscape and visual impacts through, for example, screening with native hedges;

- the energy generating potential, which can vary for a number of reasons including, latitude and aspect.

The approach to assessing cumulative landscape and visual impact of large scale solar farms is likely to be the same as assessing the impact of wind turbines. However, in the case of ground-mounted solar panels it should be noted that with effective screening and appropriate land topography the area of a zone of visual influence could be zero.

Whilst the proposal is **not considered to be ‘large scale’** these issues are considered later in this report.

Climate Change Act 2008 (2050 Target Amendment) Order 2019

On 12 June 2019 the Government laid the draft Climate Change Act 2008 (2050 Target Amendment) Order 2019 to amend the Climate Change Act 2008 by introducing a target for at least a 100% reduction of greenhouse gas emissions (compared to 1990 levels) in the UK by 2050. This is otherwise known as a net zero target, thereby constituting a legally binding commitment to end the UK’s contribution to climate change. In response to the Committee on Climate Change’s report, in June 2019 the UK became the first country to declare a climate emergency and legislate long-term climate targets. This legislation led to the amendment of the Climate Change Act 2008, introducing a legally binding target to achieve ‘net zero’ by 2050. The pathway to net zero is now firmly enshrined in the UK’s statutory and policy provisions.

National Infrastructure Strategy – Fairer, Faster and Greener (November 2020)
The Strategy sets out the UK Government’s plans to deliver on its ambition to ‘deliver an infrastructure revolution’ a radical improvement in the quality of the UK’s infrastructure to help level up the Country, strengthen the Union and put the UK on the path to net zero emissions by 2050.

Energy White Paper (December 2020, revised draft February 2022).
The White Paper’s goal is for a shift from fossil fuels to clean energy.

The above documents outline the immediate and pressing need for deployment of renewable energy generation in the UK. It is clear that solar PV development is recognised by the Government as a key part of the UK’s transition to achieving a low carbon economy. These are material considerations in the assessment of this planning application.

5.3 Local Development Framework

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.

In this case, the starting point when considering the application is policy CS3 of the Core Strategy, Renewable and Low Carbon Energy Generation, and the other relevant policies as listed in section 2. Policy CS3 states that proposals

for the generation of energy from renewable sources that would not cause **significant** demonstrable harm to residential amenity, individually or cumulatively will be supported.

- 5.4 The panels will comply with Energy Performance Certificate requirements and Building Control Regulations.
- 5.5 A Landscape Design and Mitigation Strategy and associated Landscape Proposal Plan, Ecological Assessment and Historic Environment Opinion report have been produced to support the planning application, all of which demonstrate that the location and design of the proposed installation can be mitigated against in order to have no significant impact to the local landscape, habitats, or the historic environment providing all precautionary avoidance and mitigation methods are implemented.
- 5.6 The site lies within a secure prison estate with no access by the public. The solar compound would be fenced off with access only required for maintenance purposes. The potential risk of accidents is minimal, and no public rights of way will be affected as a result of the development.
- 5.7 Approving the application would allow MoJ as the second largest Central Government estate to reduce its total greenhouse gas emissions in line with national policy to reduce carbon and transition to low carbon energy sources. It will also make a positive contribution to the Council meeting its Climate Emergency commitments.
- 5.8 The assessment of the proposed PV installation against the adopted renewable energy policies demonstrate that any impacts are (or can be made) acceptable, which is in accordance with NPPF paragraph 158.

Ecology and Biodiversity

- 5.9 An ecological assessment (LUC, Oct. 2021) has been submitted. The site is not covered by any designated sites. The site consists of marshy grassland which was found to be species poor and does not qualify as priority habitat.
- 5.10 ***Species protected under the Conservation of Habitats & Species Regulations 2017 ('European Protected Species) and Wildlife & Countryside Act 1981 (as amended):***

Bats

All of the trees on site did not support potential bat roosting features, some more mature trees were identified within the hedgerow outside of the site's boundary. Enhancements have been recommended and this is welcomed.

It is understood that lighting will not be installed during and post construction, however if any is proposed in the future recommendations have been provided.

Great crested newt (GCN)

5 ponds were subject to habitat assessments, one did not exist anymore, one was on the other side of a dispersal barrier and out of the remaining 3 two were subject to eDNA surveys which returned negative results.

Dormice

The hedgerow on site is relatively young and lacks connectivity to the wider site, it was concluded that it is unlikely that dormice are present.

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

Birds

There is suitable habitat for nesting birds including ground nesting birds, however the likely presence of ground nesting birds is reduced due to the presence of domestic cats and no signs were recorded. Suitable mitigation and enhancements has been recommended.

Reptiles

There are suitable habitats for reptiles and reptile surveys were conducted which found a good population of adult and juvenile slow worms.

Mitigation has been recommended, a translocation exercise can be conditioned to ensure reptiles do not re-enter the site during construction.

Badgers protected under the Badger Act 1992:

No setts were recorded on site, however footprints, mammal trails and dung pits were found. There are suitable foraging opportunities for badgers.

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

Hedgehog

Hedgehogs have not been detailed within the report, however mitigation for badgers should also apply to hedgehogs and it is understood that no additional fencing will be installed post development preventing use.

Invertebrates

The report does not detail the habitat suitability for invertebrates, it is assumed from the habitats present that there is a moderate assemblage of invertebrates present. Enhancements have been recommended and this is welcomed.

- 5.11 The submission illustrates that the proposal will introduce 3.no bat boxes, 3.no bird boxes, 2.no invertebrate habitat, 1.no hibernacula habitat, 30.no scattered trees along with the enhancement of semi-improved grass land, marshy grass land and native hedgerow. This will result in a total habitat and total hedgerow net gain of 148.74 % and 239.91% respectively.

- 5.12 Subject to conditions to ensure that the development proceeds in full accordance with mitigation measures provided within the Ecological Assessment; the submission and approval of a landscape and ecological management plan (LEMP); and a translocation exercise for slowworms; there are no objections on ecological grounds.

Landscape Issues

- 5.13 An updated landscape design and LEMP was submitted February 2022, and updated LVA information/addendum submitted March 2022.
- 5.14 The proposals will result in an inevitable change to the landscape character and appearance of the field in which the solar scheme is proposed. The related Moderate and Minor adverse visual effects on local/medium views will reduce to Minor and negligible adverse as the proposed mitigation hedgerow and tree planting matures.
- 5.15 The design and mitigation strategy includes appropriate native hedgerow planting (including trees) along the NE site boundary and around the solar array compound, together with a range of grassland habitat areas, which are welcomed.
- 5.16 The application site comprises marshy grassland of low agricultural value.
- 5.17 Subject to conditions to secure a detailed planting plan and a LEMP there are no objections on landscape grounds.

Heritage Issues

- 5.18 A Heritage Environment Opinion (ref: HE MoJ Eastwood Park HMP-1.1) has been submitted in support of this application. The HEO concludes that the Grade II listed Eastwood Park House is potentially sensitive to setting change as a result of the proposed development, however the extent of effects to both the house and the parkland should be limited by the fact that the site makes a relatively small contribution to their significance in its current form. The effects to the non-designated Eastwood deer park and HMP Eastwood Park military camp are stated as uncertain. However, on this point, physical effects would be limited by the fact that the proposed solar arrays are ground mounted and the only ground intrusive works relate to the connection route to the existing switchboard, fencing and the access route. In addition to which, the Site would only include a small part of these assets. The Historic Opinion report concludes that no effects have been identified in relation to any of the other designated and non-designated heritage assets identified. Taking an overall view of the likelihood of harm to the significance of the historic environment, a Moderate overall level of effect has been identified.
- 5.19 The Council's Listed Buildings and Conservation Officer confirms that the only heritage asset that would be affected by the development proposals is considered to be the locally registered Eastwood Park and Garden in which the application site is located within. While the impact of the development proposals may be considered to be limited, they would still cause a degree of

harm in light of the character and significance of the Eastwood Park locally registered park and garden.

- 5.20 The application needs therefore to be considered within the context of paragraph 203 of the NPPF. This “weighing-up” exercise is to consider whether robust material considerations in the public interest can be identified that are considered sufficient to outweigh the identified magnitude of harm, which in this case is considered to be ‘limited’.
- 5.21 The council must be satisfied that the public benefits resulting from the wider aspect of the scheme clearly outweigh the harm to the heritage asset. The principal benefit of the proposal is in this case down to the public benefit that would arise from the generation of renewable energy. This helps meet the objective of reducing the reliance on unsustainable energy generation in the interests of reducing the impacts of climate change. This is directly linked to the UK commitment to reducing the impact of climate change. It is considered that the proposed development would make a positive contribution and would bring positive wider environmental benefits. The application proposals make a positive contribution to meeting the amended Climate Change targets as set out within the Climate Change Act 2008 (2050 Target Amendment) Order 2019. In the context of a declared climate emergency, the benefits of the scheme must weigh heavily in the planning balance.
- 5.22 It is considered that the public benefit from the provision of the solar panels outweighs any residual harm to the heritage assets and that the development is in accord with the objectives of Section 66 (1) of the Planning (Listed Building and Conservation Areas) Act 1990 and the requirements of the National Planning Policy Framework.

Archaeology

- 5.23 The application is accompanied by an Historic Environment Opinion prepared by LUC (2021). There is archaeological potential to this location, notably dating to the Iron Age and Roman periods, but as the Opinion has identified, part of the site was stripped back in 2005. The extent of damage caused by this activity is unclear. A topsoil strip may not have had a great impact but that is dependent on the depth at which the archaeology might survive. Regardless, it is unlikely that archaeology of such significance to preclude development would occur on site. As such, there is no objection to this application and no requirement for pre-determination work. However, there is a need for archaeological investigation; this can be secured by condition.

Transportation Issues

- 5.24 Whilst there is no transportation objection to this proposal the applicant is required to submit a Construction Traffic Management Plan, as also requested by the Parish Council. This can be secured by condition.

Impact on Residential Amenity

- 5.25 It is considered that given the nature of the development even accounting for the height at the upper edge of the panels, that views to the development in this flat landscape will be limited. The development will be visible from some properties but at a sufficient distance and thus it is considered that views would be significantly restricted both by the flat landscape, the distances involved and by existing and proposed landscaping. The impact would reduce as proposed landscaping matures.
- 5.26 Notwithstanding the above, views are not in themselves a factor when considering residential amenity, but rather the impact from the development itself. Solar panels are designed to absorb light rather than reflect it, glare would not occur in the same way as reflections off a mirror. Given the relationship described above between the nearest properties, intervening landscape features and the development, it is not therefore considered that there would be any significant harm to neighbouring dwellings by means of glint and glare. It is not proposed to introduce any additional lighting. The applicant's agent has also confirmed that no additional CCTV will be introduced to the site, which is a concern of local residents.
- 5.27 Nor is it considered on the basis of the evidence submitted that there would be any significant impact with regard to noise either during the construction of the development or its operation. A condition would secure a Construction Management Plan to include working hours etc. and this would control any impacts during the construction phase. It is not considered, that the proposed development would result in any significant detriment to residential amenity.
- 5.28 Consideration of likely impact on Equalities
The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society; it sets out the different ways in which it is unlawful to treat someone. As a result of this Act the public sector equality duty came into force. Among other things those subject to the equality duty must have due regard to: eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity and foster good relations between people who share a protected characteristic and those who do not. The general equality duty therefore requires organisations to consider how they could positively contribute to the advancement of equality and good relations. It requires equality considerations to be reflected into the design of policies and the delivery of services.

With regards to the above this planning application is considered to have a neutral impact on equality in terms of persons of protected characteristics.

- 5.29 The Planning Balance
In summary the application proposal is considered to carry significant beneficial weight principally due to point 1 of Policy CS3 above but also elements of point 4 in particular. Having regards to the above, the proposed solar energy panels would make a positive contribution towards renewable energy production in South Gloucestershire and the objectives of the CCS, as well as contributing towards the National commitment. These benefits therefore carry significant weight in considering this planning application.

5.30 The proposed panels will provide energy solely for the operational prison with the objective of reducing mains energy usage and offsetting carbon emissions. By investing in renewable energy, the MoJ can reduce their energy consumption at HMP Eastwood Park, thus contributing towards the national priority to move towards net zero carbon.

5.31 It is considered that the proposed development would meet the local and national policy objectives for renewable energy development and as such is sustainable development that should be approved.

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 on the Decision Notice.

CONDITIONS

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

Reason

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

2. The development shall proceed in strict accordance with the Mitigation Measures provided in the Ecological Impact Assessment (LUC, Oct 2021).

Reason:

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

3. A landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to the occupation of the development. The LEMP shall be written in accordance with BS42020. The LEMP shall include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation and landscape aims and objectives of the

LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details. The LEMP is also to include an ecological enhancement plan detailing the location and specification of the ecological enhancements detailed within the Ecological Assessment (LUC, October 2021).

Reason:

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

A condition precedent is needed in order to avoid the need for future remedial action.

4. Prior to the commencement of the development hereby approved, details of a translocation exercise for slowworms shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the translocation exercise shall be carried out in full accordance with the details so approved by suitably qualified persons. The results of the translocation exercise shall be provided to the Local Planning Authority for written approval prior to the commencement of the development hereby approved.

Reason:

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

This is a pre-commencement condition to ensure the safety of protected species.

5. No development shall take place including any works of demolition until a construction management plan or construction method statement has been submitted to and been approved in writing by the Local Planning Authority. For the avoidance of doubt the statement shall include details of:

Parking of vehicle of site operatives and visitors;

Routes for construction traffic; to avoid network peak times;

The Construction Hours;

Method of prevention of mud being carried onto highway and provision of wheel-washing facilities on site;

Pedestrian and cyclist protection;

Arrangements for turning facilities of site for vehicles;

Method to prevent dust.

Temporary signage and its location in relation to the agreed routing details to and from the site.

The approved plan/statement shall be adhered to throughout the construction period thereafter.

Reason:

In the interests of highway safety and to accord with Policy CS8 of the South Gloucestershire Council Local Plan Core Strategy 2013.

A pre-commencement condition is required to avoid the need for future remedial action

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

Reason

In 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 the National Planning Policy Framework.

A pre-commencement condition is required because future remedial action would not be possible.

7. The development shall not be brought into its intended use until i) the results of the programme of archaeological investigation and post investigation assessment has been completed in accordance with the approved Written Scheme of Investigation and ii) that the provision for analysis, publication and dissemination of results (where necessary and based upon the significance of the archaeology found), and archive deposition, has been confirmed in writing to, and approved by, the Local Planning Authority.

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 the National Planning Policy Framework.

A condition precedent is needed in order to avoid the sterilisation of archaeological remains.

8. The planting scheme shown on the Detailed Landscape Proposals Plan Drawing No. LUC-11357-LD-PLN-213 received 02nd Feb. 2022, shall be implemented in the first planting season following completion of construction works and in accordance with the approved details .

(It is requested that an alternative species to Sycamore is specified for planting in the tender/contract documentation.)

Reason:

In order to conserve and enhance the natural environment and to accord with Policy CS9 of the South Gloucestershire Local Plan Core Strategy 2013 and Policy CS19 of the South Gloucestershire Local Plan Policies Sites and Places Plan 2017.

9. The development hereby approved shall be carried out in full accordance with the Arboricultural Impact Assessment by S.J Stephens Assoc. 25th April 2022.

Reason:

In order to conserve and enhance the natural environment and to accord with Policy CS9 of the South Gloucestershire Local Plan Core Strategy 2013 and Policy CS19 of the South Gloucestershire Local Plan Policies Sites and Places Plan 2017 and Policies PSP2 and PSP3 of The South Gloucestershire Local Plan, Policies, Sites and Places Plan (Adopted) Nov. 2017.

10. The development shall be carried out in accordance with the following approved plans:

Site Location Plan Sheet 1 of 2 Drwng. no. XXXXXX-MAC-XX-XX-DR-A-0200 Rev 3 received 21st Dec. 2021

PV Generation Layout Sheet 2 of 2 Drwng. no. XXXXXX-MAC-XX-XX-DR-A-0201 Rev 3 received 21st Dec. 2021

Landscaping Plan Drwng. no. LUC-11357-LD-PLN-313 Rev B received

Detailed Landscape Proposals Drwing no. LUC-11357-LD-PLN-213 Rev C received 2nd Feb 2022

Tree Protection Plan Drawing no. 1897-01 received 25th March 2022

Reason:

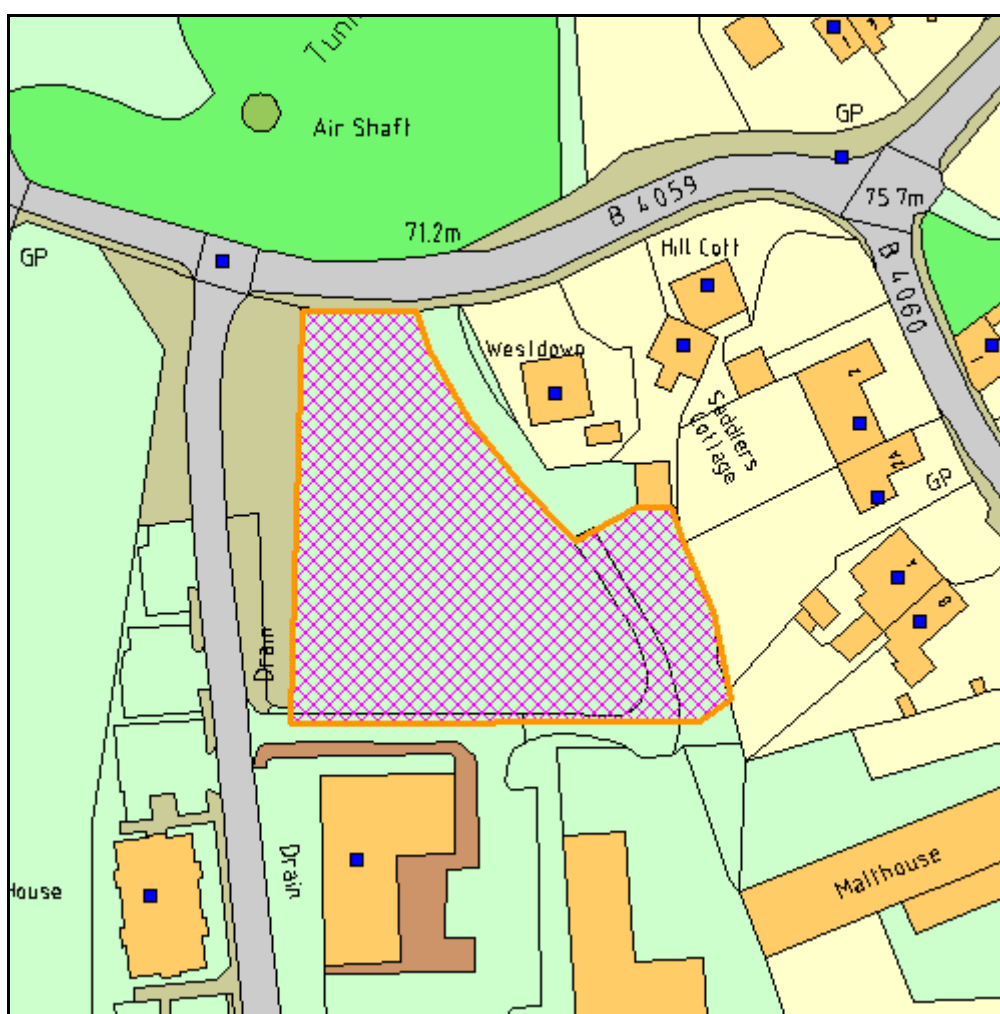
For the avoidance of doubt

Case Officer: Roger Hemming

Authorising Officer: Marie Bath

CIRCULATED SCHEDULE NO. 29/23 -21st July 2023

App No.:	P22/00346/F	Applicant:	A E Wilcox And Son Ltd
Site:	Land At Arnoldsfield Trading Estate The Downs Wickwar South Gloucestershire	Date Reg:	16th February 2022
Proposal:	Erection of 3 no Industrial Workshops (Class E(g)(iii)) and siting of 4no. storage units (Class B8) with access road ,parking and associated works.	Parish:	Wickwar Parish Council
Map Ref:	372220 188478	Ward:	Chipping Sodbury And Cotswold Edge
Application Category:	Minor	Target Date:	31st July 2023



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100023410, 2008.

N.T.S.

P22/00346/F

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

REASON FOR APPEARING ON CIRCULATED SCHEDULE

This application appears on the Council's Circulated Schedule procedure following the receipt of more than 3no. objections contrary to the officer recommendation below.

THE PROPOSAL

- 1.1 Planning Permission is sought for erection of 3 no. Industrial Workshops and siting of 4 no. self storage units (Use Class B8) with access road, parking and associated works.
- 1.2 The application site comprises grassed area of land with some trees to the centre, and bounded by further trees and vegetation. The site levels are undulating and rising from west to east. A chain mesh fence and a stream run along the western boundary. The site is in flood zone 1 and is situated within the Wickwar settlement boundary and the Wickwar Conservation Area.
- 1.3 To west of the site is the access road into the Arnoldfield Trading estate and parking. To the north are existing two storey commercial buildings, to the south lies the nearest public road, 'The Downs' beyond which is woodland. To the east lie residential cottages accessed via a lane adjoining the eastern site boundary, with further residential properties, including listed Grade II listed Old School House with rear gardens backing on to the application site. Grade II listed Old Malthouse lies to the south-east.
- 1.4 The application has been revised since originally submitted to alter the 8no storage containers to a building containing 4no storage units and additional information to consider noise impact, Heritage, Archaeology and Ecology. Certificate B has also been completed, with notice served on the owner of the access.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework
Planning Practice Guidance

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1	High Quality Design
CS2	Green Infrastructure
CS4a	Presumption in Favour of Sustainable Development
CS5	Location of Development
CS8	Improving Accessibility
CS9	Managing the Environment and Heritage
CS12	Safeguarded areas for economic development

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

PSP1	Local Distinctiveness
PSP2	Landscape
PSP3	Trees and Woodland
PSP5	Undesignated Open Spaces within Urban Areas and Settlements
PSP6	Onsite Renewable and Low Carbon Energy
PSP8	Residential Amenity
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP17	Heritage Assets and the Historic Environment
PSP19	Wider Biodiversity
PSP20	Flood Risk, Surface Water and Watercourse Management
PSP21	Environmental Pollution and Impacts
PSP26	Enterprise Areas
PSP27	B8 Storage and Distribution Uses

- 2.3 Supplementary Planning Guidance
Design Checklist SPD (Adopted 2007)
Wickwar Conservation Area Appraisal (Adopted 1998)

3. RELEVANT PLANNING HISTORY

- 3.1 Land to West
P86/1474 - Erection of two storey office building approximately 580 sq. Metres in area (approx. 6,200 sq. Ft.); Construction of car parking areas and alterations to access road.
Approved 04.06.86 subject to conditions
- 3.2 Land to South
P98/1630 - Erection of two storey office building (Class B1(c)) and associated car parking (in accordance with amended details received by the Council on the 19 August 1998).
Approved 09.10.98 subject to conditions
- 3.3 PK07/0297/F - Erection of two-storey building to comprise of vehicle servicing building with M.O.T. testing facilities and ancillary office.(Class B2) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended).
Approved 03.01.08 subject to conditions
- 3.4 Land to East (School Yard. 2 High Street)
P20/01908/F - Replacement of collapsed section of boundary wall
Approved 13.03.20 subject to conditions

4. CONSULTATION RESPONSES

- 4.1 Wickwar Parish Council
No objection to the workshop plans as they are in keeping. However has concerns about the appropriateness of the siting of shipping containers as storage units in that setting and the impact on the public visual amenity.

4.2 Sustainable Transport

Access – the main access into the site is via the existing ArnoldsField Trading Estate access from the B4509 that would not change as part of the new development. There are some concerns over the likely increase of traffic on the adjoining highway networks in the area with the existing highway network leading to the site considered to be substandard in terms of vertical and horizontal alignment visibility and general road safety.

Traffic - No traffic assessment has been provided as part of this application although the applicant provides some information on the likely number of new employees associated with new development. Information provided with the application suggests that with each new commercial unit there would potentially be between three to five new operatives per unit (i.e. maximum of 15 employees) considered to be reasonable. In view of the information provided and having regards to the modest scale of the new building proposed, satisfied that the level of traffic to be generated by the new development would be small and as such the traffic impact of the proposal would not be severe to justify the refusal of this application on traffic ground.

Parking - Plan submitted shows a new parking area on site for 11 vehicles plus an area on site is designated for overflow parking. Satisfied that adequate off-street parking and manoeuvring area can be provided on site and as such there is no objection on parking issue.

Conclusion - no objection recommend the following conditions:

1. Provide off street parking in accordance with the submitted and approved plans and subsequently maintain these satisfactorily thereafter.
2. Provide minimum of 3 electrical charging point on site.
3. Provide secure and undercover cycle parking with all details to be submitted for written approval by the Council.

4.3 Highway Structures

No comment

4.4 Lead Local Flood Authority

No objection in principle to this application subject to the following comments and informatives.

Environment Agency **Risk of Surface Water Flooding** map show ground profiles in this development area as being subject to overland flow or flood routing in the event of high intensity rainfall (i.e. non-watercourse and non-sewer surcharging). The development area is shown as category 1 in 30yr surface water flooding. In line with Flood Risk Standing Advice the developer must consider whether he has appropriately considered surface water drainage and flood risks to and from the development site which could occur as a result of the development. NOTE: This is separate from the watercourse Flood Zone maps and does not require submission of a Flood Risk Assessment.

Public sewer location: The proximity of a public foul water sewer may affect the layout of the development. Refer the application to Wessex Water for determination.

Note: Private sewers were transferred to the water and sewerage company (Wessex Water PLC) on 1 October 2011 and are now of public sewer status. Maintenance of these sewers are now the responsibility of Wessex Water and will therefore be subject to 'building over' or 'building in close proximity to' restrictions. The applicant or agent is recommended to discuss this matter with Wessex Water PLC.

The development appears to lie within 5.0 metres of an Ordinary watercourse Access and maintenance strips must be provided to all 'ordinary' watercourses, ditches and culverts. A building/site boundary clearance of 3 to 5 metres either side of the measured watercourse width is required in accordance with the Environment Agency recommendations. (Clearance dimension advice can be provided upon request). Consideration to locating such items in open space should be given at the design stage.

Flood risk and overland floodwater movement from the watercourse or upstream culvert inlet must also be considered.

The legal boundary must be confirmed if the watercourse lies within, or borders, the site because of maintenance implications.

4.5 Wessex Water

No objections to this application. Advise information for the applicant for new connections to the public foul sewer.

The site is crossed by an existing 300mm and 100mm public foul sewer. This must be accurately located and plotted on site. Wessex Water require unrestricted access for repair and maintenance activities. The proposed site plan has allowed for a no build easement either side of the public sewer. There must be no buildings or structures 3 metres either side of the outer pipe or diversion will be required.

Is indicated that surface water will be disposed of via the existing water course, this is subject to agreement with the LLFA. There must be no surface water connections into the foul sewer network.

4.6 Listed Building and Conservation Officer

Subject to recommended conditions for details of all external facing materials and tiles, and a sample panel, consider that by reason of scale, design, positioning and materials, the development proposals would ensure that the character and appearance of the Wickwar Conservation Area is preserved. For the same reasons also consider that the development proposals would not result in a change in setting that would cause harm to the overall architectural and historic interest of either the grade II listed Old School House or Old Malthouse. Re-location of proposed storage units retain key view through Wickwar Conservation Area.

- 4.7 Archaeology Officer
No objection subject to conditions relating to a programme of archaeological investigation.
- 4.8 Economic Development
- 4.9 Planning Policy
No response received
- 4.10 Environmental Protection – Noise
No objection subject to a condition relating to noise levels.
- 4.11 Environmental Protection – Air Quality
- 4.12 Environmental Protection – Contaminated Land
No adverse comments
- 4.13 Tree Officer
No objection subject to works being carried out in accordance with tree report.
- 4.14 Ecology
No objections subject to conditions relating to mitigation, external lighting and enhancement and mitigation.

Other Representations

Local Residents/Neighbouring Occupiers

- 4.15 4no. objection comments have been received, summarised as:
- Storage containers are visually inappropriate
 - Harm to heritage
 - Risk of damage to listed retaining wall
 - Risk of damage to trees
 - Storage containers sited at highest point on site
 - Impact from construction on existing businesses
 - Noise impact from industrial buildings
 - Increased traffic detrimental to safety and amenity
 - Access and parking not properly considered
 - Could cause antisocial parking
 - Access restricted
 - Does not represent effective use of land
 - Loss of green open space
 - Development not compatible with existing commercial activities
 - Incorrect Certificates completed

5. ANALYSIS OF PROPOSAL

Principle of Development

- 5.1 Policy CS4A of the Core Strategy provides a presumption in favour of sustainable development and for this to be approved unless material considerations indicate otherwise. Policy CS12 safeguards employment land for economic development, specifically for B Use Classes, with Arnoldsfield Trading Estate listed as site 39 in Table 1 to this policy as a safeguarded rural area. Policy PS27 of the Policies, Sites and Places Plan 2017 additionally provides support for Storage and Distribution uses within safeguarded economic areas.
- 5.2 The submitted Planning Statement refers to earlier planning permissions granted at the site. These relate to adjoining developments at the south and whilst identify the application site for future development with indicative layouts provide no detailed approvals for buildings and/or uses to take place, therefore are considered to provide minimal weight in support of the principle of development.
- 5.3 The proposed development is however acceptable in principle since it would provide light industrial and storage uses within a safeguarded employment area (Arnoldsfield Trading Estate), and extending this estate utilising the existing access and circulation. It is considered reasonable in this case to attach a restrictive use condition to the workshop building, as other uses within Class E would require further consideration against the development plan.

Design, Visual Amenity and Conservation

- 5.4 Core Strategy Policy CS1 requires proposals to demonstrate 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. Policies, Sites and Places Plan Policy PSP1 seeks proposals to respond constructively to the buildings and characteristics that make a particularly positive contribution to the distinctiveness of the area.
- 5.5 The application site lies within the Wickwar Conservation Area, for which Policy PSP17 requires proposals to preserve and where appropriate enhance the special character and appearance of the area. Two listed buildings also lie within vicinity of the site for which the historic interest of their setting is required be preserved.
- 5.6 The submitted Planning Statement identifies that due regard and importance has been given to maintaining a vista from the highway across the site in southerly direction, to highlight prominence of the Old Malthouse, with position of the industrial building to the south-west corner. The Statement of Significance details that design and materials for the proposed industrial building would be complementary to the Malthouse.
- 5.7 In reference to the Wickwar Conservation Area Appraisal the proposal, by virtue of the building position and scale, would largely retain an important view

identified as across the site to the south-east, which is currently partly obscured by mature trees. The site is also identified as an area for enhancement, and the submitted statements propose a complimentary landscaping scheme to be approved through condition. The proposed building materials would provide a traditional appearance and softer edge to the trading estate, with the site topography assisting to mitigate visual impact of the storage unit. The proposal is therefore considered would preserve and enhance the character and appearance of the Conservation area, and not harm setting of the two nearby listed buildings, a view supported by comments received from the Conservation Officer.

- 5.8 The general design of the proposed industrial building is also considered to complement the existing estate, being sited to north of existing offices of similar scale, and similarly with gable ends to the west and east. The proposed materials for walls of natural local stone with brick headers provides a traditional appearance contrasted with grey cladding and red/brown roof tiles to maintain consistency with existing building to the south-east. Its design and appearance is therefore considered acceptable subject to recommended planning condition for details of the external materials.
- 5.9 The proposed storage containers have been replaced with a storage building constructed from stone to the front and side, with cladding to the south and rear where the building abuts the site boundaries and would not be visible. The storage building is a visual improvement on the proposed storage containers, and are built into the existing sloped ground and will be sited below the top of the existing retaining wall.
- 5.10 Overall, the high quality materials and choice of location, which retains views through the site, conserve the appearance of the Conservation Area and would not cause harm to the setting of nearby listed buildings.

Landscaping

- 5.11 Policies, Sites and Places Plan Policy PSP2 requires hard and soft landscape works to be of a high standard of design and an integral part of the development incorporating existing landscape features where appropriate. Policy PSP3 similarly requires proposals to minimise the loss of existing vegetation on a site that is of importance in terms of ecological, recreational, historical or landscape value.
- 5.12 The proposed layout has reduced the amount of hardstanding required, proposing grassed areas and shrub planting outside of the access, turning and parking areas. A detailed Landscape Strategy drawing will be required by condition, indicating the type of proposed hard surfaces eg. tarmac, paving, boundary treatments, and types of planting, from which specific surface materials, boundaries, and planting details.

Trees

- 5.13 An Arboricultural Impact Assessment has been submitted. The area proposed for development currently comprises unused land, predominantly grass. There

is a shallow drainage ditch extending along the southern boundary of the site, separating the site from the adjacent car park area.

- 5.14 T01 and T02 are growing on the southern side of the drainage ditch. It is unlikely that the existing ditch is deep enough to have prevented any root encroachment from T01 and T02. Specialist construction methods will therefore be required to minimise any potential impact.
- 5.15 T06 (Category C) is proposed for removal. All other trees on site (Category A, B and C) are proposed to be retained. 2no. trees are proposed to replace the removed tree.
- 5.16 The recommendations and Tree Protection within the Arboricultural Impact Assessment are considered to be acceptable, subject to the recommendations within the report being conditioned.

Ecology

- 5.17 An Ecological Assessment (MP Ecology, August 2022), has been submitted. No designated sites are located within the site. No impacts on designated sites are likely as a result of the proposed development. Habitats onsite include grassland, boundary trees, rubble and disturbed ground.
- 5.18 No trees on site were identified as having potential to support roosting bats. No mention of the sites suitability for foraging and commuting bats was mentioned within the report. Recommendations to minimise light spill onto surrounding habitats should be used to limit disturbance to bats.
- 5.19 No waterbodies are present within the site. Waterbodies were identified at 330m to 400m to the north and west of the site. The report recommends removal of vegetated rubble piles to be removed under ecological supervision to protect reptiles and amphibians. This should be undertaken outside of the hibernation season.
- 5.20 The 'large tree' was identified as offering potential for nesting birds. Recommendations to remove trees outside the nesting bird season or if birds are confirmed absent by an ecologist.
- 5.21 Reptiles were identified as likely absent. The report recommends removal of vegetated rubble piles to be removed under ecological supervision to protect reptiles and amphibians. This should be undertaken outside of the hibernation season.
- 5.22 No evidence of mammal activity was recorded.
- 5.23 The site is of relatively low ecological value given the habitats present. Suitable precautionary mitigation has been included within the report alongside enhancement opportunities including new tree planting, bird and bat boxes.

Archaeology

- 5.24 The application is supported by an archaeological desk-based assessment (D Hardwick 2023). There are some issues with the DBA, in that a search of the Historic Environment Record has not been completed, instead relying on Know Your Place, which does not contain complete records.
- 5.25 Firstly, it doesn't show the full extent of heritage assets. Instead, it creates a point in the centre of the asset which makes it difficult to show how large something was or where its boundaries were. Secondly, and has been shown in the DBA, not all the descriptions of a record are complete on Know Your Place. Thirdly, Know Your Place does not show investigations, so any archaeological activities that have taken place, such as the nearby evaluation in Wickwar, do not show up. This is important as investigations near to the site can help to determine what the below ground stratigraphy of the proposal site might be like (e.g. at what depth archaeology might survive) and it may also show the occurrence of archaeology outside of defined areas. For example, if Medieval archaeology was found outside of the established historic settlement, then there would be a much greater potential for this to be the same with the Project Site. Whilst the DBA has used the ADS for its events this is highly likely to be incomplete and again does not show the extent of the works that have taken place. This is also important because absence of evidence is not always absence of archaeology and the fact that very few archaeological investigations have taken place, and none on the application site, means it is harder for a desk-based assessment to make strong conclusions on the presence or absence of archaeology.
- 5.26 The DBA however does highlight some quite important elements. The DBA's interpretation of individual records from Know Your Place is very useful as rather than just accepting the information presented it attempts to either highlight or challenge it, which is welcome, particularly as it is clear that several HER features are wrongly located.
- 5.27 The topographical assessment against the prospective Saxon settlement is useful as it seems reasonable that the Saxon settlement, if it were focussed around the church, was more to the north rather than to the south and therefore unlikely to be upon the application site. Similarly, identifying that the site was formerly an orchard and finding the Wessex Water map showing the public sewer route across the site demonstrates that the site has been, at least partially, impacted by previous activity, which would have reduced the archaeological potential. However it is unlikely that the orchard would have largely destroyed any archaeology that existed. In many cases the extent of these roots is not as damaging as perceived and elsewhere archaeology survives quite well beneath former orchards.
- 5.28 The fieldnames are also important although there is likely more to them than the DBA highlights. Whilst Townsend may be a surname, the location of the application site would imply to me that it is associated with the settlement rather than a personal name. Townsend is a term that refers to land at the end of a settlement (see Cavill, P. A New Dictionary of English Field-Names 2018) and could be interpreted as being within the bounds of the settlement. Whilst the Wickwar EUS (Extensive Urban Survey) shows the extent of the Medieval town

at the time of Roger de la Warre, towns like this do expand and contract and the fieldname might be indicative of this.

- 5.29 Furthermore, the stream to the west of the site would appear to act as a natural boundary. Even if it has been artificially straightened it appears on early maps and must have been a feature perhaps back into the Medieval period. Such features are known, elsewhere, to mark the boundaries of settlements, so this is not necessarily evidence that the application site did lie outside the Medieval settlement.
- 5.30 The LPA disagrees with the summary of the DBA that no further mitigation is deemed necessary, and that the sewer route makes further work redundant as the extent of these workings does not cover the entirety of the site and therefore there is sufficient surviving land to preserve archaeology. It is likely that if archaeology does survive here, it is unlikely to be of such significance to preclude development and, therefore there is no longer an archaeological objection, subject to conditions requiring the submission of a programme of archaeological investigation.

Transport

- 5.31 The main access into the site is via the Arnoldsfield Trading Estate access from the B4509. This is an existing access that is not proposed to be altered as part of the development. Some concerns have been raised over the increase in traffic on the adjoining highway network. It is acknowledged that the road leading to the site is substandard in terms of vertical and horizontal alignment, visibility, and general road safety.
- 5.32 No traffic assessment has been provided as part of the application, however the applicant expects the likely number of new employees associated with the development would be 3no.-5no. for each commercial unit, i.e. a maximum of 15no., which is reasonable. 23no. parking spaces are shown for the workshops, including 4no. van spaces, which is sufficient.
- 5.33 The proposed storage units show 11no. spaces, with 3no. of these being electric charging points. Visitor numbers for the storage units are likely to be low.
- 5.34 In view of the information provided, and the modest scale of the proposed buildings, the level of traffic generated overall is likely to be small and the traffic impact would not be so severe as to justify a refusal. Parking is sufficient to accommodate all vehicles off-street and manoeuvring can all be undertaken on site. There is no Transport objection to the proposal, subject to conditions relating to the provision of parking and cycle parking.

Amenity and noise

- 5.35 Concerns have been raised regarding noise impact upon both residential and office properties within the area. The storage building is not a type of use that would cause unacceptable impact upon amenity. The workshop building is located approximately 30m from residential properties and 15m from offices.

- 5.36 There are no prospective tenants for the buildings, however use Class E(g)(iii) is restricted to *“any industrial process, being a use, which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit”*. Therefore, by their very nature, would not be of a type to cause undue disturbance.
- 5.37 A noise report has not been submitted, however given the proposed use a condition relating to noise levels is considered to be reasonable. A Construction Environmental Management Plan will also be required.
- 5.38 The proposed storage unit is close to residential properties, however given site levels and the existing retaining wall the proposed ridgeline is sited well below the top of the wall. The proposals will therefore not cause harm to residential amenity by an overbearing impact or overlooking.

Flood risk and drainage

- 5.39 Environment Agency Risk of Surface Water Flooding map show ground profiles in this development area as being subject to overland flow or flood routing in the event of high intensity rainfall (i.e. non-watercourse and non-sewer surcharging). The development area is shown as category 1 in 30yr surface water flooding. In line with Flood Risk Standing Advice the developer must consider whether they have appropriately considered surface water drainage and flood risks to and from the development site which could occur as a result of the development. This is separate from the watercourse Flood Zone maps and does not require submission of a Flood Risk Assessment.
- 5.40 The development appears to lie within 5.0 metres of an Ordinary watercourse. Access and maintenance strips must be provided to all ‘ordinary’ watercourses, ditches and culverts. A building/site boundary clearance of 3 to 5 metres either side of the measured watercourse width is required in accordance with the Environment Agency recommendations.
- 5.41 Flood risk and overland floodwater movement from the watercourse or upstream culvert inlet must also be considered. The legal boundary must be confirmed if the watercourse lies within, or borders, the site because of maintenance implications.
- 5.42 The site is crossed by an existing 300mm and 100mm public foul sewer. The public sewer must be accurately located and plotted on site. Wessex Water require unrestricted access for repair and maintenance activities. The proposed site plan has allowed for a no build easement either side of the public sewer. There must be no buildings or structures 3 metres either side of the outer pipe or diversion will be required.
- 5.43 There is no drainage objection to the proposal.

Consideration of likely impact on Equalities

- 5.44 The Equality Act 2010 legally protects people from discrimination in the

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

- 5.45 Under the Equality Duty, public organisations must consider how they could positively contribute to the advancement of equality and good relations. This should be reflected in the policies of that organisation and the services it delivers.
- 5.46 The local planning authority is statutorily required to apply the Equality Duty to its decision taking. With regards to the Duty, the development contained within this planning application is considered to have neutral impact.

Other matters

- 5.47 Matters including stability and maintenance of walls, and impact on existing businesses from construction noise and construction vehicles have been raised during the course of the application. These are civil matters, and cannot be controlled via the planning process.

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 consent is granted.

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 workshop units granted consent shall be used as Use Class E(g)(iii) only, and no other uses within Class E of The Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to the Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason:

Other uses would require further consideration against the Development Plan.

3. Prior to the commencement of development details of the roofing and external facing materials proposed (excluding stone) to be used shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason:

To ensure the development serves to preserve the character and appearance of the conservation area in accordance with section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out within the NPPF, Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013 and PSP17 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan Development Plan Document (adopted November 2017).

4. Prior to the commencement of relevant works, a representative sample panel of natural facing stone, of at least one metre square, showing the stone, coursing, mortar and pointing, shall be erected on site and approved in writing by the local planning authority. The development shall be completed strictly in accordance with the approved panel, which shall be retained on site until completion of development, for consistency.

Reason:

To ensure the development serves to preserve the character and appearance of the conservation area in accordance with section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out within the NPPF, Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013 and PSP17 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan Development Plan Document (adopted November 2017).

5. Prior to the commencement of use a Landscape Strategy shall be submitted to and approved in writing by the Local Planning Authority, indicating the type of proposed hard surfaces, boundary treatments and an updated detailed planting plan specifying the location, species, stock size, planting centres and quantities of all proposed tree and structure planting, with an implementation schedule. Development shall be carried out in accordance with the details agreed.

Reason:

To protect the character and appearance of the area and residential amenity to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013, Policy PSP8 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017 and the National Planning Policy Framework. This is a condition precedent to ensure suitable planting is agreed prior to works commencing.

6. All hard and/or soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out in the first planting season following the completion of construction or in accordance with the programme (phasing) agreed in writing with the Local Planning Authority. Any trees or plants indicated on the approved scheme which, within a period of five years from the date of the

development being completed, die, are removed or become seriously damaged or diseased shall be replaced during the next planting season with other trees or plants of a species and size to be first approved in writing by the Local Planning Authority.

Reason:

To protect the character and appearance of the area and residential amenity to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013, Policy PSP8 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017 and the National Planning Policy Framework.

7. The development shall be carried out in strict accordance with the Arboricultural Report (Silverback October 2022).

Reason:

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

8. The development shall proceed in strict accordance with the Mitigation Measures provided in the Ecological Assessment (MP Ecology, August 2022), including providing recommended enhancements on site prior to the commencement of use.

Reason:

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

9. No external lighting shall be installed until details of all proposed external lighting are submitted to and approved in writing by the local planning authority, 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:

To protect against harm to protected species and residential amenity and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policies PSP8 and PSP19 of the Policies Sites and Places DPD (Adopted) November 2017; and the National Planning Policy Framework.

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

Reason:

The site is within an area of archaeological interest and the Council will wish to examine and record items of interest discovered. This is a condition precedent because archaeological remains and features may be damaged by the initial development works.

11. The development shall not be brought into its intended use until (i) the results of the programme of archaeological investigation and post investigation assessment has been completed in accordance with an approved Written Scheme of Investigation and (ii) that the provision for analysis, publication and dissemination of results (where necessary and based upon the significance of the archaeology found), and archive deposition, has been confirmed in writing to, and approved by, the Local Planning Authority.

Reason:

The site is within an area of archaeological interest and the Council will wish to examine and record items of interest discovered.

12. Prior to the commencement of use the access, parking, cycle parking and turning areas shown on the Block Plan Proposed (7310/2C 7th June 2023) shall be installed in accordance with the approved details.

Reason:

To ensure the satisfactory provision of parking facilities and in the interest of highway safety to accord with Policies PSP11 and PSP16 and of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017.

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

The CEMP shall include but not necessarily be limited to:

- (i) Measures to control the tracking of mud off-site from vehicles.
- (ii) Measures to control dust from the demolition and construction works approved.
- (iii) Adequate provision for the delivery and storage of materials.
- (iv) Adequate provision for contractor parking.
- (v) A lorry routing schedule, to include measures to coordinate the arrival and departure of construction and delivery vehicles to avoid conflict.
- (vi) Details of Main Contractor including membership of Considerate Constructors scheme or similar.
- (vii) Site Manager contact details.

Reason:

In the interests highway safety and residential amenity and to accord with policies PSP8 and PSP11 of the South Gloucestershire Local Plan: Policies, Sites and Places (Adopted) November 2017. A pre-commencement condition is required to ensure the development is carried out in a safe manner.

14. The hours of working on site during the period of construction shall be restricted to
Monday - Friday 7:30am - 6:00pm
Saturday 8:00am - 1:00pm
No working shall take place on Sundays or Public Holidays.
The term working shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site

Reason:

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

15. The Rating Noise level of the proposed uses and activity shall not exceed the pre-existing Background LA90 noise level when measured and assessed in accordance with the British Standard 4142 as amended.

Reason:

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

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

02 Sep 2022	7310/3A	FLOOR PLAN
02 Sep 2022	7310/4A	ELEVATIONS
02 Sep 2022	7310/5B	EXISTING BLOCK PLAN
02 Sep 2022	7310/8	SITE LEVELS
02 Sep 2022	7310/9	SITE LEVELS
18 Nov 2022		PLANS AND ELEVATIONS
07 Jun 2023	7310/2	C BLOCK PLAN PROPOSED

Reason:

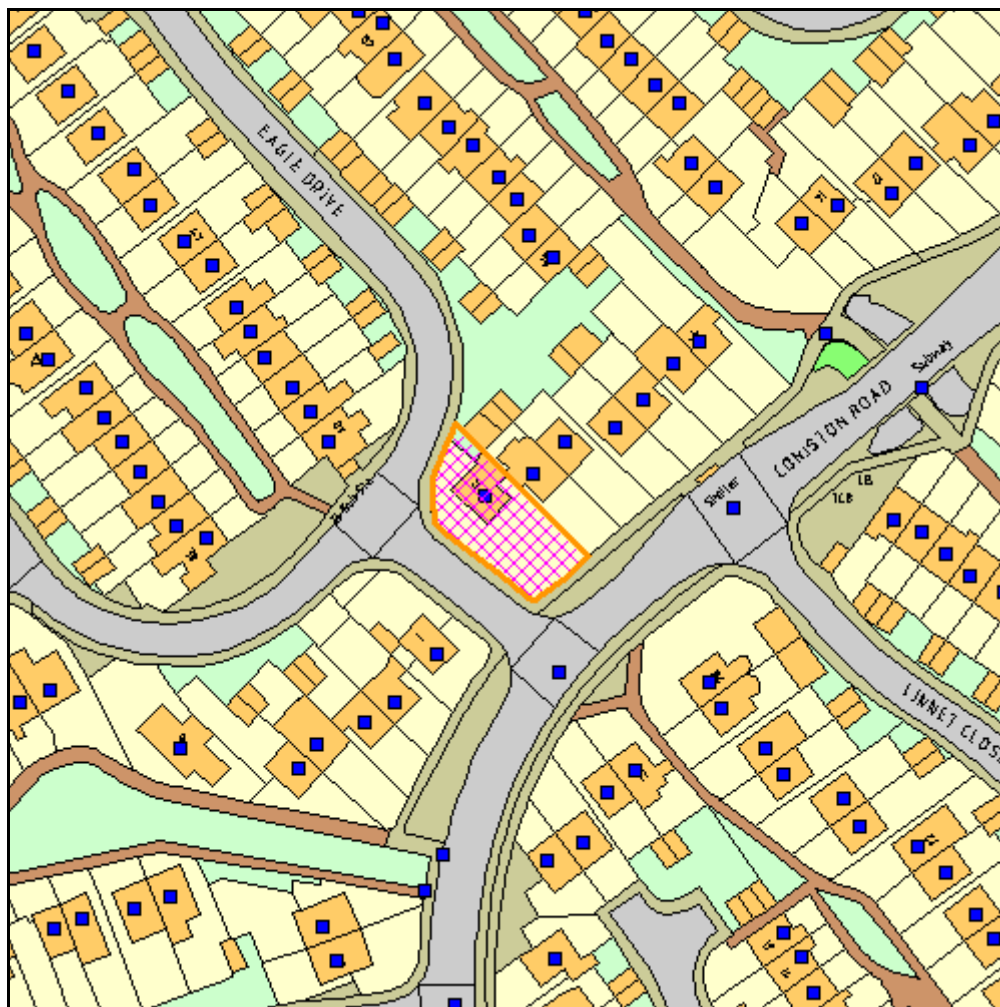
To define the terms and extent of the permission.

Case Officer: Rae Mephram

Authorising Officer: David Stockdale

CIRCULATED SCHEDULE NO. 29/23 -21st July 2023

App No.:	P23/01329/HH	Applicant:	Mr Bikram Singh
Site:	77 Eagle Drive Patchway South Gloucestershire BS34 5RQ	Date Reg:	29th April 2023
Proposal:	Erection of a single storey rear extension to form garage and store. Erection of side porch. Erection of 1.85 meter high boundary fence. (part retrospective)	Parish:	Patchway Town Council
Map Ref:	359188 181754	Ward:	Charlton And Cribbs
Application Category:	Householder	Target Date:	28th July 2023



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100023410, 2008.

N.T.S.

P23/01329/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 application has been referred to Circulated Schedule because the officer recommendation is, in part, contrary to the view of three elected Cllrs and four neighbours.

1. THE PROPOSAL

- 1.1 Planning permission is sought for the erection of a single storey rear extension to form garage and store, the erection of a side porch and the partially retrospective erection of 1.85 metre high boundary fence at 77 Eagle Drive, Patchway.
- 1.2 This application has been submitted following an enforcement investigation concerning the unauthorised erection of a boundary fence.
- 1.3 The application site comprises of a corner plot situated to the north of the junction of Eagle Drive and Coniston Road. The primary feature of the site is a two-storey, mid 20th century, link detached dwellinghouse and its associated curtilage. The dwelling is finished in brick with hanging tiles upon its principal elevation and has benefitted from a single storey side extension, linking the property to its only immediate neighbour, No. 76 Eagle Drive. The remainder of the site is bounded on three sides by Eagle Drive and Coniston Road. Its associated curtilage includes a lawned front garden, an area of hardstanding to the side and rear sufficient for the off-street parking of three vehicles with access gained from Eagle Drive. The surrounding area is predominantly residential in nature, featuring a mix of bungalows and two-storey semi-detached and detached dwellings that have been constructed in a similar architectural style and with a consistent palette of materials.
- 1.4 The application site is situated within the northern fringe of Bristol's urban area and straddles the course of the Berwick to Tormarton Oil pipeline.

2. POLICY CONTEXT

- 2.1 National Guidance
 - i. National Planning Policy Framework 2021
 - ii. National Planning Practice Guidance

- 2.2 Development Plans

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

CS1 High Quality Design

CS4a Presumption in Favour of Sustainable Development

CS5 Location of Development

CS8 Improving Accessibility

CS25 Communities of the North Fringe of Bristol Urban Area

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

PSP1	Local Distinctiveness
PSP8	Residential Amenity
PSP11	Transport Impact Management
PSP21	Environmental Pollution and Impacts
PSP16	Parking Standards
PSP38	Development Within Existing Residential Curtilages, Including New Extensions and New Dwellings
PSP43	Private Amenity Space Standards

2.3 Supplementary Planning Guidance

- i. Design Checklist SPD (Adopted 2007)
- ii. Technical Advice Note: Assessing Residential Amenity 2016
- iii. Residential Parking Standards SPD (Adopted 2013)
- iv. Householder Design Guide SPD (Adopted 2021)

3. RELEVANT PLANNING HISTORY

3.1 **N4159** Erection of boundary wall. **Withdrawn** 20th September 1978.

3.2 **SG.2138/Q** No further details available.

The relevant file with the details of this application is presently missing from the Council's microfiche records. However, from the Council's separate database that includes all known restrictions upon permitted development rights, it can be ascertained that this planning permission included a condition removing both Class E of Part 1 (relating to the erection of outbuildings) and Class A of Part 2 (relating to the minor operations such as the erection of gates, walls and fences) of the permitted development rights afforded to householders.

4. CONSULTATION RESPONSES

4.1 Patchway Town Council

No objection.

4.2 Cllr Sam Scott

Paragraph 14 of the NPPF provides for a presumption in favour of sustainable development where in keeping with local policy of which I believe this is. The fence itself is in keeping with the frontage of the local area, and with access being opened from the side. Significant consideration should be given to the overall character of the development which again is in keeping with local area.

4.3 Cllr Jo Buddharaju

The applicant has made representations to all three councillors in previous term. We have visited the premises and been through the detail with the

applicant. The application entails erection of extension, porch and fence. We fully support the application. The fence seems a reasonable ask from the resident as its a matter of privacy for his young family and most importantly safety for his toddler and baby, who would spend most of their time in the garden while at home. The house is busy road facing and there can be no mistake in terms of safety of kids. The hedges which were previously there were in fact a safety hazard as they were running into half of the pedestrian foot path and leaving blind corner for any cyclist or motorist entering Coniston Road from the street. Most residents we spoke to in our visit were in favour of this fence instead of hedges as it was helping them in manoeuvring around the corner.

4.4 Cllr Sanjay Shambhu

The applicant has made representations to me and my colleagues Cllrs Jo Buddharaju and former Cllr Brian Hopkinson. We have paid a visit to the site as local councillors. We are supporting the conversion hedge fence into a wooded fence as it provides better access for pedestrians. Erstwhile hedges were spread all along the public path and had become a trip hazard for public. Hedges were also unsafe for applicant's young children. And therefore, I urge that this application be approved.

4.5 Neighbouring Residents

There have been four additional representations received, all in support of the development.

5. **ANALYSIS OF PROPOSAL**

Principle of Development

- 5.1 The application site is situated within the northern fringe of Bristol's urban area and is currently utilised as a C3 dwellinghouse. The proposed development would extend the area of living accommodation at the expense of part of the hardstanding to the side and rear of the property as well as enclose the front garden with a boundary fence. This minor intensification of the existing residential use is a form of development that is supported by PSP38 subject to considerations of visual amenity, residential amenity and highway safety. In addition, 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. As such, the proposal raises no issues in principle subject to the various material considerations addressed below.

Design, Character & Appearance

- 5.2 Policy CS1 of the Core Strategy and policy PSP1 and PSP38 of the Policies, Sites, and Places Plan seek to ensure that development proposals are of the highest possible standards of design. This means that developments should be informed by, respect, and enhance the character, distinctiveness and amenity of both the site and its context. Furthermore, Policy PSP1 of the Policies, Sites

and Places Plan outlines that development proposal should demonstrate an understanding of, and respond constructively to, the buildings and characteristics that make a particularly positive contribution to the distinctiveness of the area.

- 5.3 This planning proposal includes three distinct developments, the erection of a rear extension, the erection of a side porch and the part retrospective erection of a fence around the front garden. These three elements shall be considered in turn, before assessing any cumulative impacts.
- 5.4 However, prior to these individual assessments, it is necessary to address the orientation of this property. Whilst this application site benefits from an Eagle Drive address, its principal elevation is orientated towards Coniston Road. As such, for the purposes of this assessment, the front of the property is the south eastern elevation facing Coniston Road. The description of the development detailed in the application form and on the plans that have been submitted by the applicant's agent have asserted that the front of the property is in fact the southwestern elevation that faces towards Eagle Drive. This has informed their labelling of the various elements of the proposal. Whilst this distinction has no material bearing on the acceptability of the development, such that revised plans have not been sought, it is necessary to clarify at this stage to avoid any subsequent confusion.

Rear Extension

- 5.5 The scale and form of the flat roof rear extension is informed by the 2.75 metre eaves height and 2.66 metre breadth of the existing single storey side extension. This proposal would serve to elongate this existing extension to the side of the original dwellinghouse, along these established building lines, by an additional 5.8 metres to the rear.
- 5.6 The proposed development is technically a rear extension and its rearward projection would exceed the 5 metre maximum depth prescribed in the Householder Design Guide SPD for single storey rear extensions. Yet, the scale and massing of this addition would not challenge the primacy of the main dwellinghouse and from public vantage points, this structure would not present as an extension, but as a rear garage akin to the existing rear garages and carports that are a defining feature of the street scene within Eagle Drive. It is the design aspiration of aligning with the existing garages and carports situated at the rear of these properties that informs this rearward projection. The additional visual coherence afforded to this structure on account of its alignment with these existing features is in this instance acknowledged to be of greater benefit than a strict adherence to the guidance, which would necessitate it being set back by 0.8 metres. The height of the extension is however informed by the existing extension which it adjoins, such that the garage element facing onto the street would be notably taller than the adjacent carport structure. Whilst all the original garages within the street scene benefit from a uniform height that is less than proposed, there are various examples of larger and taller garages within the immediate vicinity, most notably at No. 73, such that the scale of this proposal would not appear unduly oversized or otherwise compromising to the appearance or character of the area.

- 5.7 With regard to matters of detailed design, the alignment of openings and the use of matching UPVC fittings upon the side elevation of the extension would emulate those of the rear elevation in accordance with best practice principles. The use of matching brick would also serve to ensure the extension harmonises with both the existing side extension and the host dwelling itself. As such, the detailing of the rear extension would secure an acceptable finish.

Side Porch

- 5.8 The side porch would align with the principal elevation, projecting a further 2 metres and featuring a breadth of 3 metres. Its simple dual pitched roof would rise from an eaves height of 2.55 metres to a central ridge height of 3.5 metres. The porch would be finished in matching brick, but no details of the proposed tiles have been specified. As such, the imposition of a matching materials condition is appropriate to ensure a coherent appearance that respects the character of the host dwelling.
- 5.9 In terms of scale and massing, this porch would constitute a minor addition to the side of the dwellinghouse that would clearly retain the primacy of the host dwelling. Its simple gabled form would broadly accord with best practice principles, resembling the roof of the main dwelling on a smaller scale. Whilst side extensions are typically sought to be set back from the principal elevation, due to the small scale of this side porch, it would not compromise the balance or overall composition of the principal elevation. Further, notwithstanding the prominence afforded to this side elevation on account of it facing onto the sole vehicular access to both spurs of Eagle Drive, this porch structure would be relatively sympathetic and raises no additional design or character concerns.

Boundary Fence

- 5.10 The submitted plans seek part retrospective permission for the erection of 1.85 metre tall, closed board timber fencing across the entirety of the frontage of the site bounded by Coniston Road and along a 13.7 metre stretch of the site bounded by Eagle Drive, to effectively enclose the front garden.
- 5.11 It is noted that this planning application does not include a section of fencing that has already been erected between the dwelling and Coniston Road along the boundary with No.76 Eagle Drive. Mindful that the application site does not benefit from Class A of Part 2 of the permitted development rights afforded to householders, retrospective planning permission is required for this stretch of fencing. When this matter was brought to the attention of the applicant's agent, the officer's recommendation to include this section of fencing as part of this current development proposal was resisted. As such, notwithstanding the outcome of this application, enforcement action could still legitimately be taken against this element of unauthorised development.
- 5.12 Regarding the part retrospective fencing that is specified upon the plans, this form of enclosure is a typical feature to the rear of properties within the locality, yet a defining characteristic of this housing estate is the open nature of their front gardens. It was the preservation of this distinctive open characteristic which informed the imposition of the original planning restriction upon the erection of additional boundary enclosures across the whole of this estate. As a consequence, the only enclosures of front gardens currently exhibited within

the area are all low-level walls or fences, or soft landscaping features such as hedgerows that do not qualify as development.

- 5.13 The comments of various Cllrs and local residents indicating that the proposed fencing would be 'in keeping' with the local area are not without merit as the presence of similarly tall fences adjacent to the pedestrian footway of roads within this estate are widespread. However, a key distinction is that these are exclusively situated to the side or rear of the dwellinghouses and only relate to cul-de-sacs or estate roads, not distributor roads. Coniston Road is a highly trafficked distributor road and the application site forms a prominent corner plot upon it. As such, it is not the height, form or materials of this fencing but specifically its siting that would appear distinctly alien. The proposed enclosure to a front garden that faces onto the principal throughfare of the estate, would result in an uncharacteristic feature that is both readily legible from public vantage points and detrimental to the distinctively open character of front gardens within the area.
- 5.14 It is noteworthy that a previous planning application to secure a perimeter wall around this application site (N4159) was withdrawn because the resultant enclosure failed to respect the character of the area. This current proposal for perimeter fencing also falls foul of this issue, failing to accord with Policy CS1 in terms of character of the site and its context, Policy PSP1 in terms of demonstrating an understanding of, and responding constructively to, local distinctiveness and also Policy PSP38 which requires development to respect the boundary treatments of the street and surrounding area.
- 5.15 The disconnected nature of the three elements of this development proposal, each relating to a distinct element of the application site, ensure that when these are considered altogether, they raise no additional concerns in terms of cumulative impact.
- 5.16 In light of the above, whilst the proposed porch and rear extension elements would broadly accord with the design aspirations set out in CS1 and PSP38 and could be supported, the part retrospective erection of a boundary fence would constitute an uncharacteristic form of development that fails to respond to local distinctiveness nor respect the boundary treatments of the street and surrounding area, contrary to CS1, PSP1 and part 1) of PSP38. Therefore, in terms of design, this application should either be refused outright, or a split decision issued approving the proposed extensions but refusing the fencing.

Residential Amenity

- 5.17 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 outlines the types of issues that could result in an unacceptable impact and Policy PSP43 sets out the council's private amenity space standards.
- 5.18 On account of the application site being enclosed upon three sides by public highways, the only immediately neighbouring property is No.76 Eagle Drive.

The physical mass of the rear extension, situated upon this boundary, would serve to further enclose the rear garden of No.76, raising amenity concerns with respect to the impact upon light, outlook and the physical presence of this structure.

- 5.19 When considering the acceptability of development in terms of enclosure, light and outlook, it is useful to refer to the Assessing Residential Amenity: TAN which details various methods to ascertain its impact. Of greatest significance in this instance is the 45 degree test, which stipulates that any rear extension that exceeds a 45 degree line drawn from the midpoint of a neighbour's nearest habitable room window is likely to have an unacceptable impact. When applied to this site, the rear extension would exceed this measure by approx. 5 metres. This departure from the guidance is however not determinative and needs to be balanced against any site specific material considerations. Mindful that the rear curtilage of No. 76 is already substantially enclosed by the presence of a rear conservatory, boundary treatments and a carport to the rear, the impact of the proposed development would only be readily appreciable for the initial 0.75 metres between the existing side extension and the corner of the neighbour's carport. The additional height of the extension above the existing boundary fencing for the initial 0.75 metres would not incur an unacceptable impact upon neighbouring amenity. The impact of the extension's projection beyond the carport in terms of light, outlook and sense of enclosure would be almost entirely mitigated by this intervening structure. As such, whilst this development proposal would depart from the guidance detailed in the Assessing Residential Amenity: TAN, the presence of existing structures within No. 76's rear garden would limit its impact to its initial 0.75 metre projection, which would be acceptable.
- 5.20 In terms of privacy, the development as set out in the proposed plans raises no concerns. However, the room labelled as 'storage' within this extension could be utilised over the lifetime of this development as a habitable room by the current or future occupants of the host dwelling. Therefore, it is both appropriate and necessary to restrict the ability of the householder to insert additional windows upon its north-eastern side elevation, as the insertion of a window within the initial 0.75 metre gap between the rear elevation of the host dwelling and the neighbour's carport would afford an unmitigated view across the most defensible space to the rear of their property. This can be secured via condition.
- 5.21 By virtue of the siting of both the fencing around the perimeter of the site and the porch upon the side elevation, neither of these elements would have any adverse impact upon the amenity of neighbouring properties.
- 5.22 With respect to the amenity afforded to the occupants of the host dwelling, the plans indicate that an acceptable degree of light and outlook would be secured for all the existing and proposed habitable rooms. The usable private amenity space retained within the front garden, which is unaltered by these developments, would exceed the minimum provision detailed in PSP43.

- 5.23 Accordingly, subject to the aforementioned condition, this proposal is deemed to be compliant with the requirements of PSP8, PSP43 and parts 2) and 4) of PSP38 concerning residential amenity.

Sustainable Transport & Parking Provision

- 5.24 Policy PSP11 of the Policies, Sites and Places Plan states development proposals that generate a demand for travel will be acceptable provided that access is appropriate, safe, convenient and attractive for all modes of travel arising to and from the site. It also outlines that access should not: contribute to serve congestion; impact on the amenities of communities surrounding access routes; have an unacceptable effect on highway and road safety; and should not harm environmentally sensitive areas. In addition, policy PSP16 of the Policies, Sites and Places Plan sets out the Council's parking standards.
- 5.25 The proposed works would serve to provide additional living accommodation within the property, but would not increase the provision of bedrooms or otherwise expand the degree of occupancy within the dwelling. As such, there is no requirement to increase parking or cycle provision on account of the proposed development.
- 5.26 The location of the porch is proposed to be constructed upon part of the existing driveway, reducing the existing on-site parking provision available within the site. Notwithstanding this, the remaining area of hardstanding to the side of the property would still be sufficient to accommodate two on-site parking spaces, which is the specified provision for such 3-4 bedroom properties detailed in PSP16. In addition, the introduction of a dedicated garage within the rear extension, whilst of insufficient scale to qualify as a dedicated parking space, would afford this property a safe and secure location for cycle storage, in full accordance with the standards set out in PSP16.
- 5.27 In summation, notwithstanding the loss of an existing parking space to accommodate this development, the various elements of this proposal would accord with PSP11, PSP16 and part 3) of PSP38.

Oil Pipeline

- 5.28 Policy PSP21 of the Policies, Sites and Places Plan states that development proposals will be acceptable where they clearly demonstrate that development is sited and designed to prevent unacceptable risks.
- 5.29 The siting of the partially retrospective fencing around the edge of the front garden would straddle the course of the subterranean Berwick to Tormarton oil pipeline. This infrastructure would pose a significant risk of pollution if damaged and benefits from various legal protections under the Energy Act 2013 and Pipeline Safety Regulations 1996. The operator of this infrastructure, Exolum, were consulted regarding this development proposal and have formally objected to the scheme. This is because even minor intrusive activities within the 6 metre easement along the course of the pipeline can pose serious consequences in terms of health and safety, land contamination, expense and other attendant liabilities. In assessing development proposals that have

potential for resulting in environmental pollution, PSP21 details that regard will be had to the relevant legislation (which sits outside the planning system), which will take precedence as a consideration in determining the application. The relevant legislation in this instance is the Energy Act 2013, which prohibits development within the easement of a pipeline without securing a works consent from the operator. The applicant has not sought to secure this consent. Therefore, notwithstanding the relatively minor nature of the intrusive works proposed, the siting and design of the proposed fencing has not clearly demonstrated that it would prevent unacceptable risks to the infrastructure located beneath it.

- 5.30 Further to the above, the response from Exolum also details that this objection is not simply a procedural issue. Should a works consent have been sought for this development, it would not have been granted because the erection of the fencing would unacceptably restrict access to the pipeline, both for routine maintenance and in an emergency situation.
- 5.31 At the behest of the case officer, additional comments have been provided by Exolum which clarify that their objection is only applicable to those elements of the development that affect the easement of the pipeline. As such, they have not sought to object to the erection of a side porch nor the erection of a rear extension.
- 5.32 In conclusion, the siting and design of the fence fails to clearly demonstrate that it would prevent unacceptable risks to the infrastructure situated beneath it, contrary to PSP21. Further, the relevant procedure for securing a works consent for developments that may affect a pipeline has not been adhered to for the fencing that has already been erected, contrary to the duty of care of the landowner. However, the proposed rear extension and side porch elements of this development proposal are situated outside of the easement and would pose no risks to the pipeline. As such, this application should either be refused outright, or a split decision issued approving the proposed extensions but refusing the fencing.

Consideration of likely impact on Equalities

- 5.33 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.
- 5.34 With regards to the above this planning application is considered to have a neutral impact on equality as it would neither advantage nor disadvantage any persons exhibiting protected characteristics.

6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The recommendation to **issue a split decision** 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 a **SPLIT DECISION** is issued as follows:

The part retrospective erection of a 1.85 metre high boundary fence is **REFUSED** for the following reasons:

1. The part retrospective erection of a boundary fence would constitute an uncharacteristic form of development that fails to respond to local distinctiveness nor respect the boundary treatments of the street and surrounding area, contrary to Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (adopted 2013) and Policies PSP1 and part 1) of PSP38 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (adopted 2017).
2. The siting and design of the part retrospective erection of boundary fencing has not clearly demonstrated that it would prevent unacceptable risks to the infrastructure located beneath it, contrary to Policy PSP21 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (adopted 2017).

-and-

The erection of a single storey rear extension and the erection of a side porch are **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 materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

Reason

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

3. No windows shall be inserted at any time in the north-eastern side elevation of the rear extension.

Reason

To protect the privacy and amenity of neighbouring occupiers, and to accord with Policy PSP8 and part 2) of Policy PSP38 of the South Gloucestershire Local Plan: Policies, Sites and Place Plan (Adopted 2017).

4. The porch and rear extension shall be implemented in strict accordance with the following plans:

The Location Plan

Block Plan

Proposed Ground Floor Plan - Drawing No: ED001.1-23

Proposed Side Elevation (Eagle Drive) - Drawing No: ED005-23

Proposed Side Elevation (Consiton Road)- Drawing No: ED006-23

Proposed Front Elevation- Drawing No: ED007-23

Received by the local planning authority on 12th April 2023; and

Proposed Block Plan

Proposed Rear Elevation - Drawing No: ED011-23

Received by the local planning authority on 28th April 2023.

Reason:

For the eradication of doubt as to the parameters of the development hereby permitted, ensuring a high quality design in accordance with policy CS1 of the South Gloucestershire Local Plan, Core Strategy 2013.

5. The part retrospective erection of a boundary fence would constitute an uncharacteristic form of development that fails to respond to local distinctiveness nor respect the boundary treatments of the street and surrounding area, contrary to Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (adopted 2013) and Policies PSP1 and part 1) of PSP38 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (adopted 2017)..
6. The siting and design of the part retrospective erection of boundary fencing has not clearly demonstrated that it would prevent unacceptable risks to the infrastructure located beneath it, contrary to Policy PSP21 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (adopted 2017).

Case Officer: Steffan Thomas

Authorising Officer: Suzanne D'Arcy

CIRCULATED SCHEDULE NO. 29/23 -21st July 2023

App No.: P23/01618/RVC

Applicant: Bristol Clifton And
West Of England
Zoological Society

Date Reg: 18th May 2023

Site: Land At And East Of Wild Place Blackhorse Hill
Easter Compton South Gloucestershire BS10
7TP

Date Reg:

Proposal: Variation of condition 3 (approved plans) attached to planning permission PT06/0339/F - Construction of new roundabout junction at Hollywood Tower Estate with alterations to existing access and associated works.

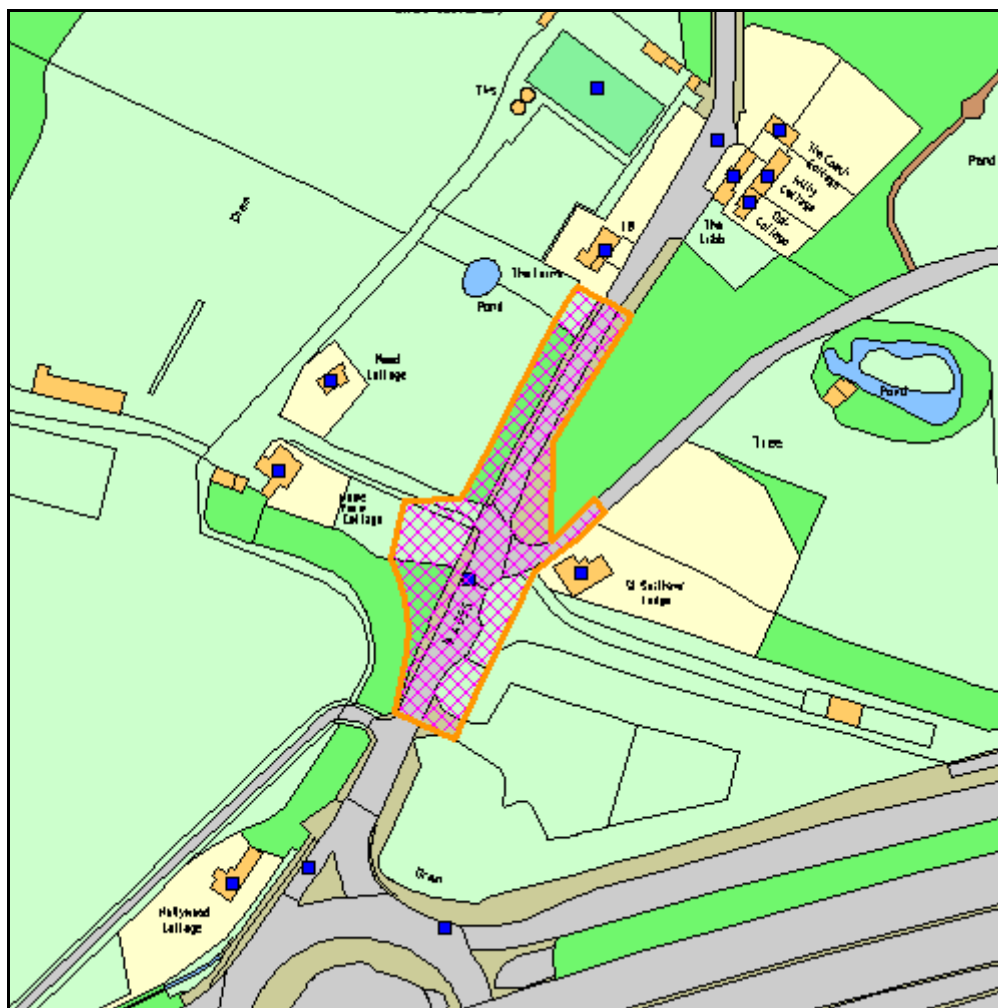
Parish: Almondsbury Parish Council

Map Ref: 357617 181486

Ward: Pilning And Severn Beach
Target 28th July 2023

Application Category: Minor

**Target
Date:**



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P23/01618/RVC

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

REASON FOR REFERRAL TO CIRCULATED SCHEDULE

This application appears on the Circulated Schedule due to a concern being raised by the Parish Council.

1. THE PROPOSAL

- 1.1 This planning application is made under Section 73 (“s73”) of the Town and Country Planning Act 1990 (as amended) (“the Act”). Applications made under this section of the Act seek to develop land without compliance with conditions previously attached to the relevant planning permission.
- 1.2 The applicant is seeking to vary condition 3 of planning permission PT06/0339/F to allow an alteration to the layout of the approved access to the Wild Place Project. The 2006 consent gives planning permission to construct a roundabout at the entrance to the Wild Place
- 1.3 Planning permission PT06/0339/F was granted in March 2008, permitting the construction of a new roundabout providing access into the Wild Place Project (WPP). The description of the development read “*Construction of new roundabout junction at Hollywood Tower Estate with alterations to existing access and associated works*”. Application PT06/0339/F has been lawfully commenced and permission to complete the approved works in its entirety remains.
- 1.4 On 16th March 2023, an application for a non-material amendment (NMA) to planning permission PT06/0339/F was approved (reference P23/00602/NMA) to add a condition to the permission detailing the approved plans. Condition 3 of planning permission PT06/0339/F (as amended by NMA application P23/00602/NMA) states: “The development hereby permitted shall take place in accordance with the following plans:
 - Site plan and plan P3850/10 received 31st January 2006;
 - Drawing number 2451 3.2 Rev B received 29th February 2008.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework July 2021
National Planning Practice Guidance

- 2.2 Development Plans

The South Gloucestershire Local Plan Core Strategy (Adopted) 2013
CS1 - High Quality Design
CS2 - Green Infrastructure

CS4A - Presumption in Favour of Sustainable Development
CS7 - Strategic Transport Infrastructure
CS8 - Improving Accessibility
CS9 - Managing the Environment and Heritage

The South Gloucestershire Local Plan : Policies, Sites and Places Plan
(Adopted) Nov. 2017

PSP1 - Local Distinctiveness
PSP2 - Landscape
PSP3 - Trees and Woodland
PSP11 - Transport Impact Management
PSP16 - Parking Standards
PSP17 - Heritage Assets and the Historic Environment
PSP18 - Statutory Wildlife Protection
PSP19 - Wider Biodiversity
PSP28 - Rural Economy

2.3 Supplementary Planning Guidance

South Gloucestershire Design Check List (SPD)

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

3. RELEVANT PLANNING HISTORY

There is extensive and complex history to the site with the two most relevant application in this instance being:

- 3.1 PT06/0339/F Construction of new roundabout junction at Hollywood Tower Estate with alterations to existing access and associated works. Approved March 2008
- 3.2 P23/00602/NMA Non-material amendment to PT06/0339/F to add the following condition The development hereby permitted shall take place in accordance with the following plans Site plan and plan P3850/10 received 31st January 2006 Drawing number 2451 3.2 Rev B received 29th February 2008.

4. CONSULTATION RESPONSES

4.1 Almondsbury Parish Council

Concerns over the potential traffic problems this may cause, there should be some plan to monitor traffic doesn't impact negatively on people, particularly leaving the motorway

Other Consultees

4.2 Highway Officer

Being mindful of the fallback position, supports the proposal.

4.3 National Highways

No Objection

- 4.4 Conservation Officer
Originally raised no objection to the realignment of the entrance arms but queries the revised boundary treatment.
Following the receipt of boundary treatment detail, no objection
- 4.5 Tree Officer
Prefers this current proposal over and above the consented option
- 4.6 Highway Structures Officer
Wish to make no comment
- 4.7 Ecology Officer
No objection – especially when compared to the consented scheme
- 4.8 Drainage Officer
No objection
- 4.9 Archaeology Officer
Notes that there was no archaeology condition on the previous approval but notes the possibility of a roman road.

Other Representations

- 4.10 Local Residents
None Received

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
Applications made under s73 of the Act seek permission for the development of land without compliance with conditions subject to which a previous planning permission was granted. With applications made under s73, the Local Planning Authority shall consider only the conditions subject to which planning permission was granted; the principle of development is therefore established.
- 5.2 If the Local Planning Authority decides that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, the Authority should grant permission accordingly. If the Authority decides that planning permission should be granted subject to the same conditions, then the application should be refused.
- Assessment
- 5.3 As accurately set out in the applicants supporting letter submitted with the application, PT06/0339/F has been lawfully commenced and the permission to complete the entirety of the works remains extant.
- 5.4 This S73 application seeks permission to vary condition 3 (added via an NMA) to vary the list of approved plans. The changes relate to a relatively minor realignment of the arm from the roundabout into the wild place. As previously approved, the arm swept away gently to the left as it entered into the site. The

revised scheme shows the arm to take a straighter route and run parallel to the exist arm onto the roundabout.

5.5 Transport Impacts

The application is supported by a Transport Technical Note. The transport note concludes that the proposed changes to the access will not have a material impact on the safe operation or capacity of the consented scheme. Both National Highways and the Councils highway officer are satisfied with the proposals and raise no objection to the works. The case officer agrees with this view.

5.6 Arboricultural Impacts

The application is supported by an Arboricultural Briefing Note which concludes that the amended proposals would have a significantly lower impact on the tree stock in the vicinity of the site than the consented scheme. The report has been examined the Councils tree officer. The revised scheme has a significantly lesser impact on trees than the consented scheme. This revised scheme allows for the retention of 12 additional trees over and above the approved scheme. Whilst the proposals will still necessitate the loss of trees, the revised scheme is preferred over the previously consented scheme.

5.7 Ecological Impacts

The application is supported by an Ecological Technical note which concludes that there will be no material impacts on ecological features. Whilst so trees will be lost, this is less than the consented scheme. As such, there is no ecological objection to the proposal.

5.8 Conservation Impacts

The conservation officer raised no objection to the proposed works. Through the course of the application, additional detail was submitted to show how the site boundary will be finished. The approach to replace the wall using natural stone is supported. In order to ensure successful visual integration, a condition will be attached to ensure that the stone work in the wall matches that of the existing stone boundary all. Subject to such a condition, there is no conservation objection to the proposed works.

5.9 Other Conditions

As a decision under s73 has the effect of granting a new (revised) planning permission, the other conditions attached to PT06/0339/F must be reviewed. Only two conditions were attached:

- 1- Time limit for implementation. As the scheme has already been implemented, this condition is no longer required
- 2- Submission of a construction management plan. As this condition has already been discharged, this will be converted to a compliance condition.

5.10 Planning Obligations

The 2006 consent was also subject to a Unilateral Undertaking to secure highway measures/improvements to be delivered as part of the zoo. This UU was subsequently varied by the other applications that followed it. There is no

requirement to re attach the original UU to this S73 as the requirements are secured elsewhere.

5.11 Consideration of likely impact on Equalities

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

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

6. CONCLUSION

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

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

7. RECOMMENDATION

7.1 That the application be approved subject to the following conditions:

CONDITIONS

1. The development hereby permitted shall take place in accordance with the Construction Health and Safety Plan prepared by MJ Church and received by the Council on 17th May 2011 in respect to condition 2 attached to PT06/0339/F.

Reason

In the interests of highway safety to minimise the impact of construction traffic upon the safety and efficiency of the M5 motorway and to accord with Policy CS8 of the Core Strategy (Adopted)

2. The replacement boundary wall as shown on drawing NBZ630-SK-229 shall be finished to match that of the existing boundary wall in terms of materials, height, coursing and finish.

Reason

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

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

Site plan and plan P3850/10 received 31st January 2006

Drawing number 20020-HYD-XX-XX-DR-TP-0007revP01 received on 16th May 2023

Stone Wall Interface NBZ630-SK-229 received on 6th July 2023

Reason

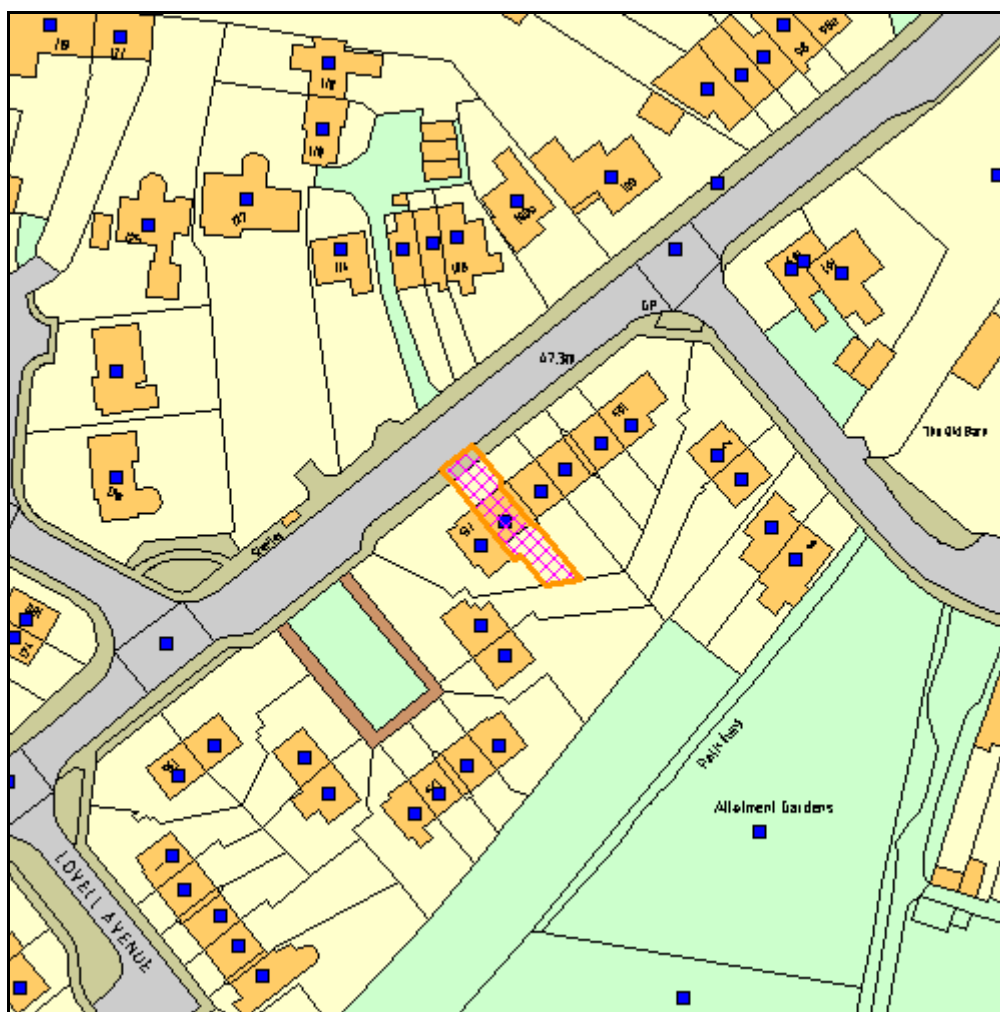
To define and clarify the permission.

Case Officer: Marie Bath

Authorising Officer: David Stockdale

CIRCULATED SCHEDULE NO. 29/23 -21st July 2023

App No.:	P23/01656/F	Applicant:	Miss Gemma Burrow
Site:	113 High Street Oldland Common South Gloucestershire BS30 9TG	Date Reg:	8th June 2023
Proposal:	Creation of vehicular access onto classified road (Class A).	Parish:	Bitton Parish Council
Map Ref:	367714 171598	Ward:	Bitton And Oldland Common
Application Category:	Minor	Target Date:	2nd August 2023



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P23/01656/F

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

CIRCULATED SCHEDULE

This application is referred to the Circulated Schedule following the objection to the proposal by Bitton Parish Council, which is contrary to the officer's recommendation for approval.

1. THE PROPOSAL

- 1.1 Full planning permission is sought for the creation of a new vehicular access to the front of 113 High Street, Oldland Common, which fronts onto a classified (A) road.
- 1.2 The application site comprises of a terraced dwelling, within the residential area of Oldland Common within the wider settlement boundary.

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

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted 2007)
Residential Parking Standards SPD (Adopted 2013)

3. RELEVANT PLANNING HISTORY

- 3.1 No relevant planning history

4. CONSULTATION RESPONSES

4.1 Bitton Parish council

Comments were received on 4th July and are summarised below:
Objection to the application with concerns of entering and exiting onto a main road with no turning facility in place

4.2 Other Consultees

Sustainable Transport – Transportation : comments were received on 7th July and are summarised below:

No objection: Oldland Common High Street is residential in nature with a 30mph speed limit. As such a turning area is not essential. Recommend a condition.

Other Representations

4.3 Local Residents

No representations have been received.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The application seeks permission for the creation of a new vehicular access onto Oldland Common High Street, a classified highway (Class A). Policy PSP38 of the Policies, Sites and Places Plan permits extensions and alterations to existing dwellings within established residential curtilages subject to an assessment of design, amenity and transport. The main issue to deliberate is the impact on highway safety/parking provision.

5.2 Transport

Policy CS8 of the Core Strategy outlines that vehicular access to a site should be well integrated and situated so it supports the street scene and does not compromise walking, cycling, public transport infrastructure and highway safety. Policy PSP11 of the Policies, Sites and Places Plan outlines that appropriate, safe, accessible, convenient and attractive access should be provided for all mode trips arising to and from a particular site. In terms of parking, policy PSP16 of the Policies, Sites and Places Plan sets out the Council's minimum parking standards for residential development.

- 5.3 The proposal would create a new vehicular access onto Oldland Common High Street, an 'A' Class Highway to allow vehicles to park off-street to the front of the application property. There are no fundamental concerns raised by Transportation DC from a highway safety perspective. Officers are satisfied that no turnings pace is required in this instance because, although this is a classified road, traffic speeds in this location are already slow. In addition, if granted permission, the new surface of the parking area would be conditioned to be a permeable, bound material to avoid loose surface material being deposited onto the highway. Subject to the above condition, the development proposal complies with policies CS8, PSP11 and PSP16.

- 5.4 In regard to the objections raised by Bitton Parish Council, the local authorities sustainable transport officer has assessed the applications requirement for a turning facility and has determined that given the dwellings location within a residential area, a turning area is not required. Although the Parish council's comments were taken into consideration, given the comments from sustainable transport, the issue identified is not seen to unacceptably impact upon the acceptability of the proposal.
- 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 To facilitate the proposal, the existing front boundary wall would be demolished. The existing low boundary wall runs along the row of terraced properties, however it is noted that both No115 and No105 (Both ends of the terrace) have off street parking. The applicants front boundary wall positively contributes to the character of the area, although this is limited. Whilst the removal of the wall would detract from the wider character of the area, it does not require explicit planning permission therefore a refusal would likely be dismissed at appeal.
- 5.7 Given the scale of the proposed development, there would be no unacceptable detrimental impacts to the residential amenity of neighbouring occupiers. Therefore, the proposal is deemed to comply with policies PSP8 and PSP38 of the development plan.
- 5.8 Residential Amenity
Policy PSP38 of the Policies, Sites and Places Plan explains that development will be permitted provided that it would not detrimentally impact the residential amenities of nearby occupiers and would not prejudice the retention of adequate private amenity space. Policy PSP8 specifically relates to impacts on residential amenity and outlines that unacceptable impacts could result from (but are not restricted to); loss of privacy and overlooking; overbearing and dominant impact; loss of light; noise or disturbance; and odours, fumes or vibration.
- 5.9 Given the scale of the proposed development, there would be no detrimental impacts to the residential amenity of neighbouring occupiers. Therefore, the proposal is deemed to comply with policies PSP8 and PSP38 of the development plan.
- 5.10 Consideration of likely impact on Equalities
The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society; it sets out the different ways in which it is unlawful to treat someone. As a result of this Act the public sector equality duty came into force. Among other things those subject to the equality duty must have due regard to: eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity and foster good relations between people who share a protected characteristic and those who do not. The general equality duty therefore requires organisations to consider how they could

positively contribute to the advancement of equality and good relations. It requires equality considerations to be reflected into the design of policies and the delivery of services. With regards to the above, this planning application is considered to have a neutral impact on equality.

6. CONCLUSION

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

7. RECOMMENDATION

- 7.1 The recommendation to **grant** permission.

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:

Block Plan (received 30.05.2023) - TQRQM23146193903305

Location Plan (received 30.05.2023) - TQRQM23146200726583

Reason: To define the terms and extent of the permission.

3. The access shall not be brought into use until a double width dropped kerb vehicle crossover has been provided and the parking area has been surfaced with a consolidated material (not loose stone or gravel).

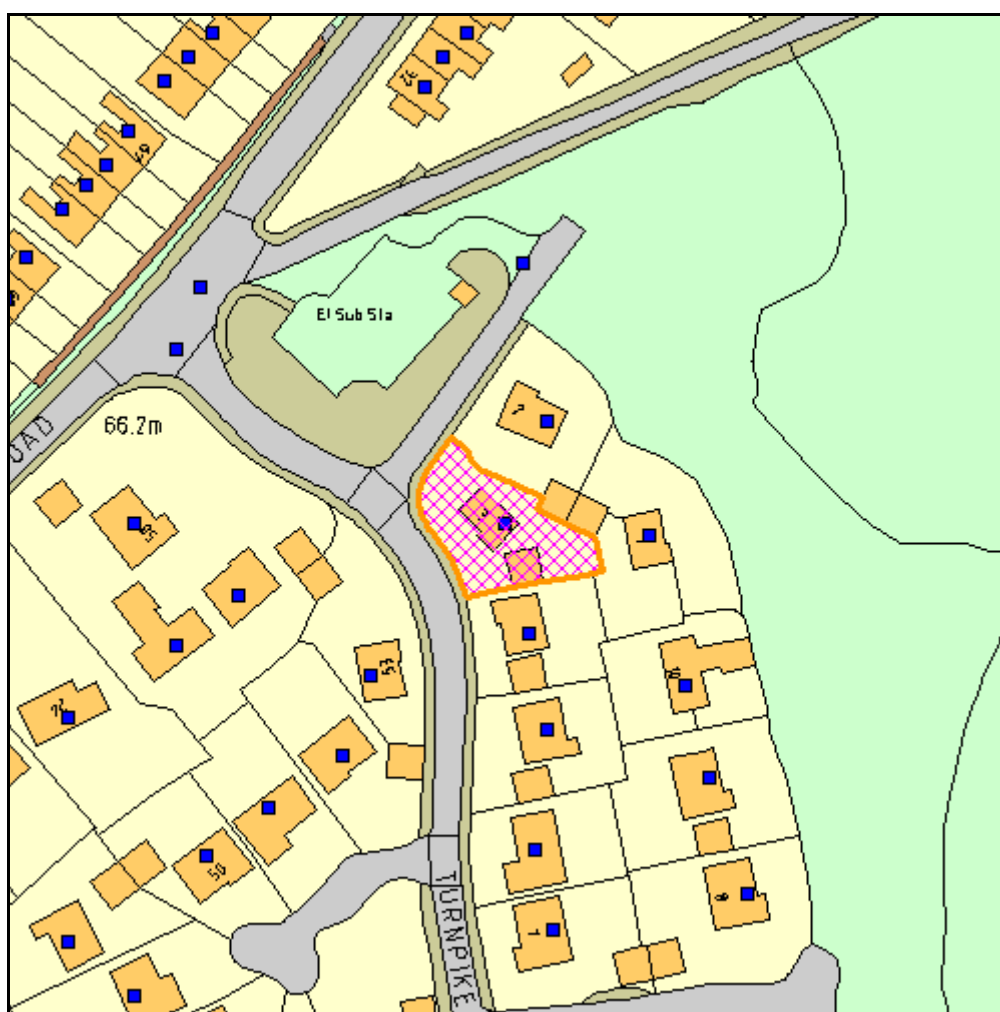
Reason: In the interest of highway safety and to accord with policies PSP11 and 16.

Case Officer: Thomas Servini

Authorising Officer: David Stockdale

CIRCULATED SCHEDULE NO. 29/22 -21st July 2023

App No.:	P23/01868/HH	Applicant:	Mrs Kerry Widera
Site:	3 Turnpike Gate Wickwar South Gloucestershire GL12 8ND	Date Reg:	19th June 2023
Proposal:	Conversion of existing garage to form annexe ancillary to main dwelling	Parish:	Wickwar Parish Council
Map Ref:	372537 188829	Ward:	Chipping Sodbury And Cotswold Edge
Application Category:	Householder	Target Date:	10th August 2023



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P23/01868/HH

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

Reason for Referral to Circulated Schedule

This planning application appears on the Circulated Schedule due to the receipt of an objection from the Parish Council contrary to the officer's recommendation.

1. THE PROPOSAL

- 1.1 The application seeks planning permission for the conversion of existing garage to form additional living accommodation, as detailed on the application form and illustrated on the accompanying drawings.
- 1.2 The application site can be found at 3 Turnpike Gate and is located in an area of predominantly residential development within the established village of Wickwar and the settlement boundary.
- 1.3 The village can be found to the north of the Bristol North and East Fringes of the Chipping Sodbury and Yate Urban Area. The immediate area of No 3 Turnpike Gate area is strongly characterised by mainly two storey detached houses, which are similar in design.

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

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted 2007)
Residential Parking Standards SPS (Adopted) 2013
Household Design Guide SPD (Adopted) 2021
Annexes and Outbuildings: Guidance for New Developments SPD (Adopted) 2021

3. RELEVANT PLANNING HISTORY

- 3.1 P99/2362. Erection of single storey front extension. Approval. 06.10.1999.
- 3.2 P87/3110. Residential development. Approval. 05.12.1988.
- 3.3 Construction of access road to serve new residential development including diversion of chase lane construction of car park (in accordance with revised plans received by the council on the 15TH november 1988). Approval. 24.11.1988.
- 3.4 P88/2580. Erection of 52 detached houses and garages. Construction of driveways, access roads and car park (in accordance with the amended plans received by the council on 11th October 1988 and 15th and 22nd November 1988). Approval. 24.11.1988.

4. CONSULTATION RESPONSES

- 4.1 Wickwar Parish Council
1No letter of Objection –
- *The proposal is believed to be creating a separate dwelling on the site; and*
 - *Visually this would be out of keeping with other properties on the development.*
- 4.2 Other Consultees
Sustainable Transport – Transportation DC
No Objections.

Other Representations

- 4.3 Local Residents
No Comments received.

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
PSP38 of the South Gloucestershire Council Policies, Sites and Places Plan (November 2017) permits development within existing residential curtilages (including extensions) in principle where they do not unduly harm the design, visual amenity and residential amenity of the locality or prejudice highway safety or the provision of adequate private amenity space.
- 5.2 PSP38 is achieved through CS1 of the South Gloucestershire Council Core Strategy (adopted December 2013), which requires development to demonstrate the highest standards of design and site planning by demonstrating that siting, form, scale, height, massing, detailing colour and materials are informed by, respect and enhance the character, distinctiveness and amenity of both the site and its context. Therefore, the development is acceptable in principle, subject to the following detailed consideration.

5.3 Annexe Test

By definition an annexe must be ancillary to the main dwellinghouse 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/dining room, bedroom and a bathroom) that could enable it to be used as an independent unit of residential accommodation.

- 5.4 Wickwar Parish Council have raised objection comments that the proposal is creating a separate dwellinghouse and as such would visually be out of keeping with other surrounding properties. The annexe would share the existing garden, parking area and access with the main residence and does demonstrate some physical reliance upon the host dwellinghouse. Furthermore, it is noted that the 3No parking spaces would be shared with the main dwellinghouse, and would be located to the front the ancillary annexe, as per the Residential Parking Standards SPD and Policy PSP16 of the Policies, Sites and Places document.

- 5.5 Overall, it is noted that as the existing detached garage sits adjacent to the host dwellinghouse, the main access to the ancillary annexe would be via a private access gate between the main dwellinghouse and the annexe. As such, officers are satisfied that that the annexe would be used ancillary to the main dwellinghouse. A condition will be attached to the decision notice to ensure that the annex can never be a unit separate of the host property and will remain ancillary to it.

5.6 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.

- 5.7 The conversion of existing garage to form annexe ancillary will remain within the existing detached double garage footprint and will not result in any physical changes to the overall sizing of the existing detached double garage. However, the existing front of the garage will be altered through the introduction of a new windows in place of the garage doors to facilitate this garage conversion. The infill wall is proposed to feature brickwork to match that of the existing garage, as will the white uPVC windows. This conversion of existing garage to form annexe ancillary is considered acceptable.

- 5.8 In general, this proposal has been proposed carefully through its design, integrating it with the existing host dwellinghouse fabric through the proposed choice of materials to the walls and components, ensuring that the aesthetical appearance of the garage conversion to form annexe ancillary continues to compliment the host dwellinghouse and the surrounding neighbouring properties. The proposed scale and form respects the proportions and character of the existing dwellinghouse. Therefore, and by virtue of the above the garage conversion to form an ancillary annexe does meet the requirements of policy PSP38, CS1 and the Household Design Guide SPD (Adopted).

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; and odours, fumes or vibration.

- 5.10 Given the proposed size, scale and siting of the conversion of the existing garage to form an annexe ancillary, it has been concluded that the impact on the neighbouring residential amenity would be limited and therefore it should not result in an unacceptable impacts. Therefore, it is considered that the amenity of neighbouring residents would be adequately preserved and the proposed development would comply with policies PSP8, PSP38 and SGC (Adopted) Household Design Guide SPD.

5.11 Transport

Policy PSP16 of the Policies, Sites and Places Plan sets out the Councils parking standards. Whilst there are no objections in principle, more information was requested to demonstrate the proposed on-site parking provision.

- 5.12 Further clarification has now been submitted, it has been clarified that this dwelling conforms to the Council's minimum residential car park standards as set out in the Residential Parking Standards SPD and Policy PSP16 of the Policies, Sites and Places document. Therefore, there are no transportation concerns.

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 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.

- 5.15 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 ancillary annexe hereby permitted shall not be occupied at any other time other than for ancillary purposes as part of the main residential use of the main dwellinghouse known as No 3 Turnpike Gate, Wickwar, GL12 8ND

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:

Location Plan (Date received 15/06/23)

Block Plan of the Site (Date received 15/06/23)

TUR/PA/001 Rev O Existing Ground Floor Plans (Date received 15/06/23)

TUR/PA/002 Rev O Existing First Floor Plan (Date received 15/06/23)

TUR/PA/008 Rev O Existing Front and Side Elevations Plans (Date received 15/06/23)

TUR/PA/005 Rev O Existing Front Elevations (Date received 15/06/23)

TUR/PA/007 Rev O Existing Rear Elevations (Date received 15/06/23)

TUR/PA/003 Rev O Existing Roof Plans (Date received 15/06/23)

TUR/PA/006 Rev O Existing Side Elevations (Date received 15/06/23)

TUR/PA/004 Rev O Existing Side Elevations (Date received 15/06/23)

TUR/PA/009 Rev O Existing Side Elevations (Date received 15/06/23)

TUR/PA/011 Rev O Proposed First Floor Plans (Date received 15/06/23)

TUR/PA/014 Rev O Proposed Front Elevations (Date received 15/06/23)
TUR/PA/010 Rev O Proposed Ground Floor Plan (Date received 15/06/23)
TUR/PA/016 Rev O Proposed Rear Elevations (Date received 15/06/23)
TUR/PA/012 Rev O Proposed Roof Plan (Date received 15/06/23)
TUR/PA/017 Rev O Proposed Front and Side Elevations Plans (Date received 15/06/23)
TUR/PA/018 Rev O Proposed Rear and Side Elevations Plans (Date received 15/06/23)
TUR/PA/013 Rev O Proposed Side Elevations Plans (Date received 15/06/23)
TUR/PA/015 Rev O Proposed Side Elevations Plans (Date received 15/06/23)
SK/P/01 Additional Parking Plan (Date received 26/06/23)

Reason

To define the terms and extent of the permission.

Case Officer: Helen Turner

Authorising Officer: Marie Bath