

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: 25/23

Date to Members: 23/06/2023

Member's Deadline: 29/06/2023 (5.00pm)

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

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

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

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

NOTES FOR COUNCILLORS

– formal arrangements for referral to committee

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

c. All applications for non-material amendments

d. All applications to discharge planning conditions

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

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

Additional guidance for Members

Always make your referral request by email to MemberReferral@southglos.gov.uk (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

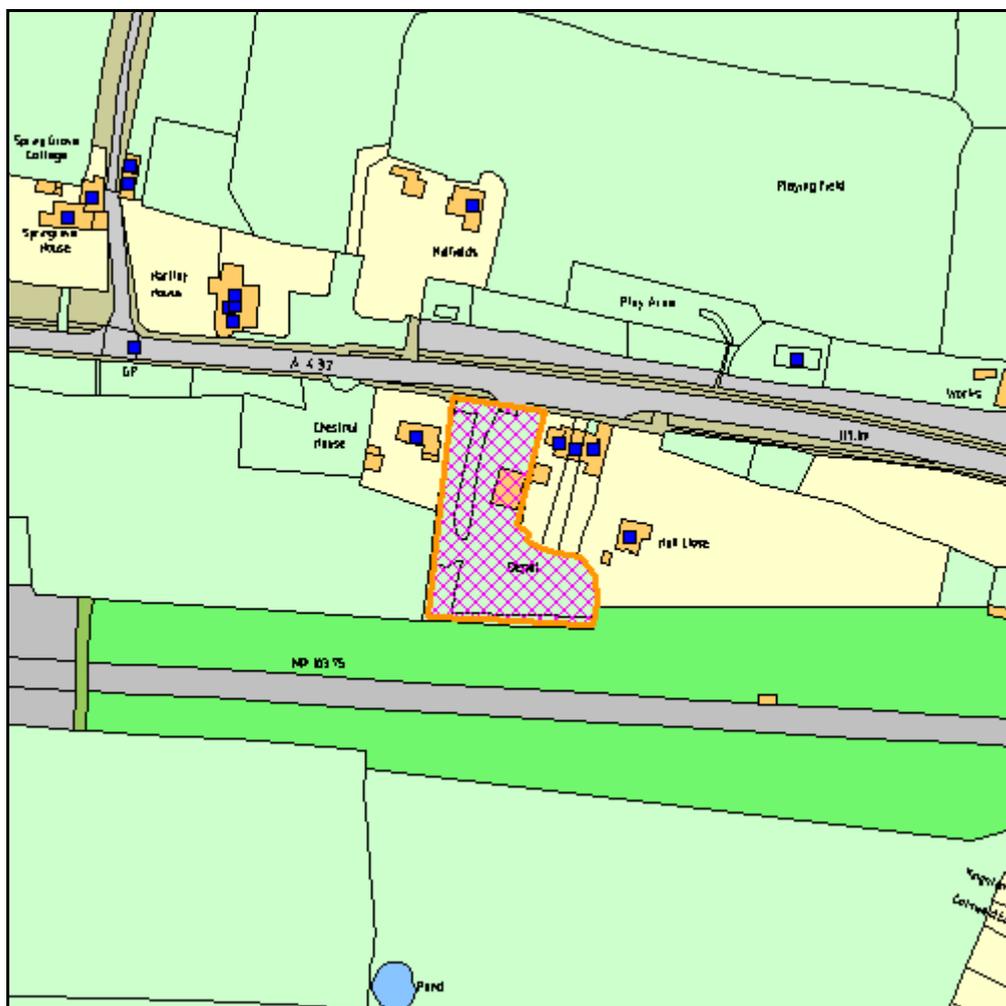
CIRCULATED SCHEDULE 23 June 2023

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ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	P21/00004/MOD A	No Objection	Transport Yard Badminton Road Old Sodbury South Gloucestershire BS37 6LX	Chipping Sodbury And Cotswold Edge	Sodbury Town Council
2	P21/04273/RVC	Approve with Conditions	Transport Yard Badminton Road Old Sodbury South Gloucestershire BS37 6LX	Chipping Sodbury And Cotswold Edge	Sodbury Town Council
3	P22/04257/F	Approve with Conditions	Spindles 5 The Quarries Almondsbury South Gloucestershire BS32 4HL	Severn Vale	Almondsbury Parish Council
4	P22/05223/RM	Approve with Conditions	Residential Phase 2 Parcel E1 East Of Fairlawn Avenue Former Filton Airfield Filton South Gloucestershire	Charlton And Cribbs	Patchway Town Council
5	P22/05462/F	Approve with Conditions	Land At Hill Court Farm Upper Hill Hill South Gloucestershire GL13 9EE	Severn Vale	Hill Parish Council
6	P22/07178/F	Approve with Conditions	The Lawns Beckspool Road Hambrook South Gloucestershire BS16 1QZ	Frenchay And Downend	Winterbourne Parish Council
7	P23/00117/F	Approve with Conditions	Land South Of The Northwick Road And Bank Road Junction Pilning South Gloucestershire BS35 4HA	Pilning And Severn Beach	Pilning And Severn Beach Parish Council
8	P23/00568/F	Approve with Conditions	Land At Harlequin Office Park Fieldfare Emersons Green South Gloucestershire BS16 7FN	Emersons Green	Emersons Green Town Council
9	P23/00596/F	Approve with Conditions	2 Cope Park Almondsbury South Gloucestershire BS32 4EZ	Severn Vale	Almondsbury Parish Council
10	P23/01326/F	Approve with Conditions	Land At Villa Farm Main Road Aust South Gloucestershire BS35 4AX	Severn Vale	Aust Parish Council

CIRCULATED SCHEDULE NO. 25/23 -23rd June 2023

App No.:	P21/00004/MODA	Applicant:	Hawkfield Homes (Bath) Ltd
Site:	Transport Yard Badminton Road Old Sodbury South Gloucestershire BS37 6LX	Date Reg:	10th August 2021
Proposal:	Deed of Variation to Section 106 Legal Agreement attached to planning permission PK01/3133/F in relation to point (ii) Social Housing.	Parish:	Sodbury Town Council
Map Ref:	375091 181569	Ward:	Chipping Sodbury And Cotswold Edge
Application Category:		Target Date:	5th September 2021



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P21/00004/MODA

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

REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

This application is reported to the Circulated Schedule, as the removal of the affordable housing would represent a detriment to the public benefits. This is in line with section 2.1(d) of the Council's Constitution.

1. THE PROPOSAL

- 1.1 This application is a request to amend an existing s106 agreement dated 2.6.04. Planning permission for the erection of 9 dwellings was granted following application PK01/3133/F under the condition that a s106 agreement would provide 2 affordable housing units and alterations to the highway opposite the site entrance.
- 1.2 The site relates to the former Transport Yard, Badminton Road, Chipping Sodbury.
- 1.3 Running concurrently with this request to modify the s106 agreement is a s73 application related to the original permission PK01/3133/F to vary plans associated with the 9no. dwellings on the site. This application has been recommended for approval and appeared on the Circulated Schedule, due to the objection from the Town Council and the level of local objection.
- 1.4 At the time of granted planning permission, the Government policy was that affordable housing should be provided in the rural areas for sites of more than 5 dwellings.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework 2021
National Planning 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
CS7	Strategic Transport Infrastructure
CS8	Improving Accessibility
CS9	Managing the Environment and Heritage
CS10	Minerals
CS15	Distribution of Housing
CS16	Housing Density
CS17	Housing Diversity
CS18	Affordable Housing

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

PSP1	Local Distinctiveness
PSP2	Landscape
PSP3	Trees and Woodland
PSP8	Residential Amenity
PSP9	Health Impact Assessments
PSP10	Active Travel Routes
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP17	Heritage Assets and the Historic Environment
PSP18	Statutory Wildlife Protection
PSP19	Wider Biodiversity
PSP20	Flood Risk, Surface Water, and Watercourse Management
PSP21	Environmental Pollution and Impacts
PSP40	Residential Development in the Countryside
PSP43	Private Amenity Space Standards

2.3 Supplementary Planning Guidance

Trees on Development Sites SPG (Adopted) Nov. 2005.
South Gloucestershire Household Design (Adopted) 2021)
South Gloucestershire SPD: Residential Parking Standards (Adopted) 2013
Affordable Housing SPD (Adopted) Sept.2008.
Community Infrastructure Levy (CIL) & Section 106 Planning Obligations Guide
SPD – (Adopted) March 2015
South Gloucestershire Council Waste Collection: guidance for new
developments SPD (Adopted) Jan 2015

3. RELEVANT PLANNING HISTORY

- 3.1 PK01/3133/F - Erection of 9 dwellings. Construction of new vehicular access. (Full application). – Permitted 24th June 2004
- 3.2 PK10/2637/NMA - Non material amendment to PK01/3133/F to resite Plot 6, entrance porch and 2no. dormers to Plot 7 and dimensional increase to Plot 8. – Refused 11th November 2010
- 3.3 PK11/0467/NMA - Non material amendment to PK01/3133/F to add a condition that development shall be carried out in accordance with the following approved plans listed in schedule CA/0969. – Approved 14th March 2011
- 3.4 PK11/1767/RVC - Variation of condition attached to planning permission PK11/0467/NMA to amend drawings in schedule to CA/0969/01 - 09 inclusive – Permitted 1st August 2011
- 3.5 P20/21142/F - Demolition of existing building and erection of 16 no. dwellings and associated works. – Withdrawn 17th December 2020

- 3.6 P21/04273/RVC - Variation to approved plans list (added by non material amendment application PK11/0467/NMA) to substitute the approved plans for the following new plans 21023_NP_XX_ZZ_DR_A_0001_C3_Proposed Site Layout, 21023_NP_XX_ZZ_DR_A_1010_C1_Proposed Ground Floor Plan, 21023_NP_XX_ZZ_DR_A_2001_C4_Proposed Plots 1-2 Plans and Elevations, 21023_NP_XX_ZZ_DR_A_2002_C4_Proposed Plot 3 Plans and Elevations, 21023_NP_XX_ZZ_DR_A_2003_C3_Proposed Plots 4-5 Plans and Elevations, 21023_NP_XX_ZZ_DR_A_2004_C4_Proposed Plots 6-7 Plans and Elevations, 21023_NP_XX_ZZ_DR_A_2005_C4_Proposed Plot 8 Plans and Elevations, 21023_NP_XX_ZZ_DR_A_2006_C4_Proposed Plot 9 Plans and Elevations, 21023_NP_XX_ZZ_DR_A_2007_C1_Proposed Site Elevations. Variation of conditions 3, 9 and 12 to require compliance with the submitted details. – Recommended for approval
- 3.7 P22/07160/F - Erection of 9 no. dwellings with associated works. – Pending consideration
- 3.8 Land South of Badminton Road, Old Sodbury (adjacent site)
P21/03344/F – Erection of 35 dwellings and provision of associated infrastructure – Refused 13th May 2021. Appeal allowed 6th January 2023

4. CONSULTATION RESPONSES

4.1 Housing Enabling

Objection:

Considering information submitted and taking account application

P21/04273/RVC - variation to approved plans, the development has been commenced and is therefore still live.

As the development has commenced the S106 requirements will need to be met in line with policy at the time of the legal agreement.

It is noted that the current proposed 3 bed units are larger in size than requested and Officers would be happy to discuss the size of the units, smaller 3 bed units could be considered as long as they still meet the S106 requirements under this approval. Officers could also consider variation to the plots (currently plots 1 and 2 are to be provided as affordable housing).

Other Representations

4.2 Local Residents

As this is not a planning application there is no requirement for public consultation. Despite this, 1 letter of objection has been received, raising the following points;

- Lack of affordable housing in Old Sodbury
- Young people are already priced out of Old Sodbury
- The affordable housing is why there was support for the application to begin with
- The application should be determined in accordance with the policies at the time and not the current policy

- A new full application should be submit
- Issues regarding the extension of the layby and parking

5. ANALYSIS OF PROPOSAL

- 5.1 The proposal seeks to modify an existing s106 agreement to remove all affordable housing provision for this site.
- 5.2 This proposal has been submitted subsequent to the submission of a s73 application to vary the plans for development of 9no. houses on the site. The information did not include any affordable housing provision and as such it would be necessary to modify the original s106 agreement through this request.
- 5.3 Details submitted however, indicate that the applicant is willing to continue with the second part of the S106 which involved works to the highway but wishes to remove all elements of affordable housing provision.
- 5.4 In reviewing the extant permission, the site is outside a settlement boundary and within the open countryside and the assessment concluded it was contrary to policy. Permission was, however, granted by Committee overturn for the site on condition that it would provide affordable housing units. In this way an exception was made to overcome the scheme being contrary to policy.
- 5.5 This proposal to modify the s106 agreement seeks to remove all elements of affordable housing. Given that a previous planning application determined that development has commenced on site and permission remains extant, all parts of the original s106 remain valid.
- 5.6 The site is located outside any identified settlement boundary. When the original planning permission was granted in 2004, the requirement for the provision of affordable housing was more than 5 dwellings in rural areas. As this site was outside the settlement boundary, the provision of two units of affordable housing weighed heavily in favour of granting planning permission. This requirement has been removed and affordable housing is now required for sites of 10 or more units as set out in Core Strategy Policy CS18.
- 5.7 The NPPG gives guidance regarding planning obligations. It states: "*Planning obligations are legal obligations entered into to mitigate the impacts of a development proposal. Planning obligations run with the land, are legally binding and enforceable.*"
- 5.8 However, planning obligations can only constitute a reason for granting permission if they meet the tests and must therefore be:
- necessary to make the development acceptable in planning terms;
 - directly related to the development; and
 - fairly and reasonably related in scale and kind to the development.

- 5.9 Core Strategy Policy CS5 directs development to the most sustainable locations, namely within identified settlement boundaries and strict controls exist to limit development in the open countryside, which is considered to be unsustainable. In early 2023, the Council received 2 appeal decisions, which set out that the settlement boundaries are out of date and the Council would be unlikely to be able to meet its housing need within the current settlement boundaries. As the boundaries have not yet been reviewed through the Local Plan process, they are considered to be out of date.

Paragraph 11 of the NPPF sets out the parameters for decision making. Part (d) of this paragraph states that *where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date⁸, granting permission unless:*

(i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed⁷; or

(ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”

This is what is known as the tilted balance. As the settlement boundaries are out of date, it is considered that Policy CS5, insofar as it refers to settlements, is out of date for the purposes of decision making thus the tilted balance is engaged. For the purposes of this application, if the site is considered to be in a sustainable location, then it would be in accordance with the provisions of the NPPF and, given it is under 10 units, the requirement for affordable housing does not apply under Policy CS18.

- 5.10 It is also important to note that the appeal decision for the application at Old Sodbury (P21/3344/F) relates to the site immediately adjacent to the application site. In that appeal, the Inspector concluded that the site was within the appropriate distances for six of the eleven key facilities and services set out in Policy PSP11. There is access to the site and footpaths along Badminton Road, which are mostly well lit. The site is therefore considered to offer safe walking and cycling options. He also considered that there was appropriate public transport, as the site is served by buses to both Yate, Chipping Sodbury and Malmesbury.
- 5.11 His conclusion was that the appeal site would have appropriate access to key services and facilities by means other than the private car and therefore complied with Policy PSP11. This essentially concludes that the location of the site is considered to be sustainable and in accordance with the aims of the NPPF.

5.12 Given this site is immediately adjacent to the appeal site, it would be unreasonable to judge that the site is not in accordance with the provisions of PSP11. It is therefore concluded that the site is located within a sustainable location and therefore the requirements of Policy CS18 do not apply in this case. Whilst it is regrettable, the balance of benefits when considering the application has changed since the initial grant of planning permission and therefore the proposed removal of affordable housing is acceptable.

6. CONCLUSION

6.1 It is concluded that this proposed amendment to remove all provision of affordable housing on the site would not be contrary to policy.

7. RECOMMENDATION

7.1 It is therefore recommended that

(1) The Director of Planning, Transportation and Strategic Environment instruct Legal Services to agree a Deed of Variation under section 106 of the Town and Country Planning Act 1990 (as amended) to secure the following:

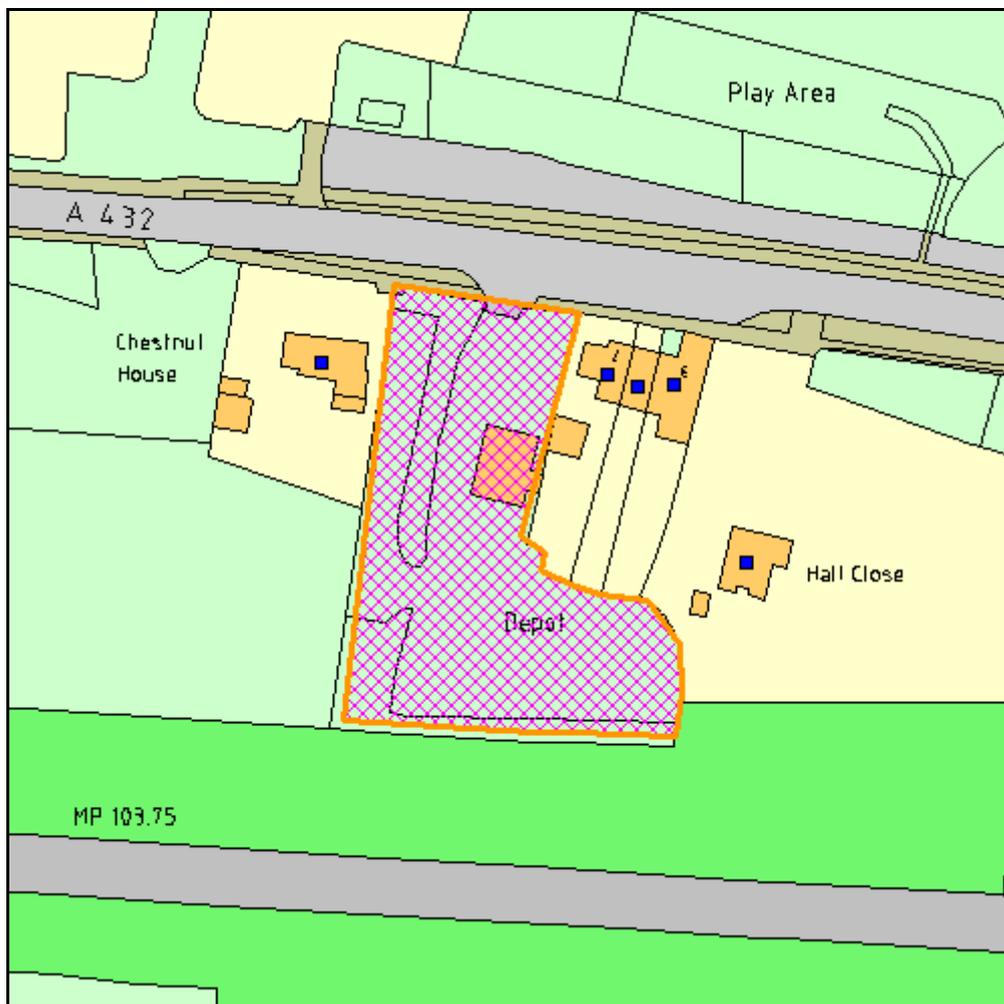
- Delete Schedule 2 and related definitions elsewhere in the Agreement in relation to affordable housing.

(2) The Head of Legal and Democratic Services be authorised to check and agree the wording of the agreement.

Case Officer: Suzanne D'Arcy
Authorising Officer: Marie Bath

CIRCULATED SCHEDULE NO. 25/23 -23rd June 2023

App No.:	P21/04273/RVC	Applicant:	Hawkfield Homes (Bath) Ltd
Site:	Transport Yard Badminton Road Old Sodbury South Gloucestershire BS37 6LX	Date Reg:	17th June 2021
Proposal:	Variation to approved plans list (added by non material amendment application PK11/0467/NMA) to substitute the approved plans for the following new plans 21023_NP_XX_ZZ_DR_A_0001_C3_Proposed Site Layout, 21023_NP_XX_ZZ_DR_A_1010_C1_Proposed Ground Floor Plan, 21023_NP_XX_ZZ_DR_A_2001_C4_Proposed Plots 1-2 Plans and Elevations, 21023_NP_XX_ZZ_DR_A_2002_C4_Proposed Plot 3 Plans and Elevations, 21023_NP_XX_ZZ_DR_A_2003_C3_Proposed Plots 4-5 Plans and Elevations, 21023_NP_XX_ZZ_DR_A_2004_C4_Proposed Plots 6-7 Plans and Elevations, 21023_NP_XX_ZZ_DR_A_2005_C4_Proposed Plot 8 Plans and Elevations, 21023_NP_XX_ZZ_DR_A_2006_C4_Proposed Plot 9 Plans and Elevations, 21023_NP_XX_ZZ_DR_A_2007_C1_Proposed Site Elevations. Variation of conditions 3, 9 and 12 to require compliance with the submitted details.	Parish:	Sodbury Town Council
Map Ref:	375091 181569	Ward:	Chipping Sodbury And Cotswold Edge
Application Category:	Minor	Target Date:	9th August 2021



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

REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

The application is reported to the Circulated Schedule, due to the objection from Sodbury Town Council and the number of local objections received, contrary to the officer recommendation.

1. THE PROPOSAL

- 1.1 The application site relates to the former transport yard at Old Sodbury. The site is located outside any identified settlement boundary. There are no planning constraints covering the site.
- 1.2 This is a variation of condition application to amend the plans condition to planning permission ref: PK01/3133/F. The original planning permission was for 9 houses and associated infrastructure. The previous application included provision for affordable housing. The Council has confirmed that development has commenced on site.
- 1.3 The application proposes the removal of the affordable housing. There is also an application to modify the s106 agreement and the following specific amendments;

Plots 1 and 2

- *Amendments to the siting of the dwellings*
- *Internal layout changes*
- *Addition of roof lights to the rear elevation*
- *Lean to added to ground floor*
- *Amendments to the fenestration*

Plot 3

- *Amendment to siting*
- *Internal layout changes*
- *Approved garage amended to now be habitable space*
- *Amendments to the fenestration*

Plots 4 and 5

- *New parking spaces created by revisions to site location*
- *Internal alterations to layout*
- *Replacement of double garage with single garage*
- *Addition of roof lights to the rear elevation*
- *Lean to added to ground floor*
- *Amendments to the fenestration*

Plots 6 and 7

- *Slight enlargement of the dwelling*
- *Addition of roof lights to the rear elevation*
- *Lean to added to ground floor*

- *Amendments to the fenestration*

Plot 8

- *Amendment to proposed garage location*
- *Internal alterations to the layout*
- *Amendments to eaves*

Plot 9

- *Slight enlargement of the dwelling*
- *Repositioned double garage*
- *Lean to added to ground floor*
- *Amendments to the fenestration*

1.4 The application has been amended through the process to the revised plot 6 to be closer to the originally consented position and other minor alterations to reflect the comments given by consultees. There has also been several revisions to the drainage scheme to find an acceptable solution.

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
CS5 Location of development
CS8 Improving accessibility
CS9 Managing the environment and heritage
CS16 Housing density
CS17 Housing diversity
CS18 Affordable housing
CS34 Rural areas

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

PSP1 Local distinctiveness
PSP2 Landscape
PSP8 Residential amenity
PSP11 Transport impact management
PSP16 Parking standards
PSP20 Flood risk, surface water and watercourse management
PSP40 Residential development in the countryside
PSP43 Private amenity space standards

2.3 Supplementary Planning Guidance

Sustainable Drainage Systems (SuDS) – adopted April 2021
Residential Parking Standards – Adopted December 2013

Design Checklist – Adopted August 2007
CIL and S106 – Adopted March 2021
Waste Collection: guidance for new developments – adopted March 2020
Affordable Housing and ExtraCare Housing – adopted April 2021

3. RELEVANT PLANNING HISTORY

- 3.1 PK01/3133/F - Erection of 9 dwellings. Construction of new vehicular access. (Full application). – Permitted 24th June 2004
- 3.2 PK10/2637/NMA - Non material amendment to PK01/3133/F to resite Plot 6, entrance porch and 2no. dormers to Plot 7 and dimensional increase to Plot 8. – Refused 11th November 2010
- 3.3 PK11/0467/NMA - Non material amendment to PK01/3133/F to add a condition that development shall be carried out in accordance with the following approved plans listed in schedule CA/0969. – Approved 14th March 2011
- 3.4 PK11/1767/RVC - Variation of condition attached to planning permission PK11/0467/NMA to amend drawings in schedule to CA/0969/01 - 09 inclusive – Permitted 1st August 2011
- 3.5 P20/21142/F - Demolition of existing building and erection of 16 no. dwellings and associated works. – Withdrawn 17th December 2020
- 3.6 P21/00004/MODA - Deed of Variation to Section 106 Legal Agreement attached to planning permission PK01/3133/F in relation to point (ii) Social Housing. – Pending consideration
- 3.7 P22/07160/F - Erection of 9 no. dwellings with associated works. – Pending consideration
- 3.8 Land South of Badminton Road, Old Sodbury (adjacent site)
P21/03344/F – Erection of 35 dwellings and provision of associated infrastructure – Refused 13th May 2021. Appeal allowed 6th January 2023

4. CONSULTATION RESPONSES

- 4.1 Sodbury Town Council
First consultation – No objection
Second consultation – Object to the proposed development, raising the following points;
 - Proposed revisions show plot 6 being higher and closer to the existing dwelling
 - Increase in windows to overlook adjacent property
 - Revisions will result in a loss of privacy and loss of light to an existing dwelling
- 4.2 Other External Consultees
Environment Agency – No comments received

4.3 Internal Consultees

Lead Local Flood Authority – No objection, subject to conditions

Sustainable Transport – Raise queries in relation to parking and turning head

Housing Enabling – Object to the proposed development, raising the following points

- Original application requires the provision of 2 affordable units
- These units aren't mentioned in this scheme
- Further views should be sought from a registered provider regarding the inclusion of en-suites, study and bi-fold doors.

Children and Young People – No comments received

Other Representations

4.4 Local Residents

8 letters of objection received, from 6 different parties, raising the following points;

- Vast increase in the number of dwellings without due consideration for traffic calming measures
- Inadequate parking provision
- Is there sufficient local infrastructure?
- No play area is provided
- More than minor alterations
- Amendments to units 6 and 7 will adversely affect the amenity of Hail Close House (*Officer note: This objection was received prior to the submission of revised plans*)
- Overlooking from future occupiers
- Plot 6 would be overbearing to the Old Post Office
- Adverse impact on the locally listed Old Post Office
- Materials are poor quality and not representative of the area
- Buildings would be dominate
- Views would be blocked
- Overbearing impact on Hail Close House
- Highway safety issues
- Devalue existing properties
- Over development of the site

1 letter of support received, stating the writer is willing to support the application, provided the plans submitted are not altered in anyway, either before or following planning approval.

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.
- 5.3 If the Authority decides that planning permission should be granted subject to the same conditions, then the application should be refused.
- 5.4 In assessing this application it is necessary to assess whether the relevant condition, or any variations satisfy the requirements of planning conditions as set out in the National Planning Policy Framework (NPPF). The NPPF requires all planning conditions to pass three tests – which conditions should be:
- i. Necessary to make the development acceptable
 - ii. Directly related to the development
 - iii. Fairly and reasonably related in scale and kind
- 5.5 The site is located outside any identified settlement boundary. When the original planning permission was granted in 2004, the requirement for the provision of affordable housing was more than 5 dwellings in rural areas. As this site was outside the settlement boundary, the provision of two units of affordable housing weighed heavily in favour of granting planning permission. This requirement has been removed and affordable housing is now required for sites of 10 or more units as set out in Core Strategy Policy CS18.
- 5.6 A s73 application effectively become the new planning permission, so whilst the principle of development has been established, a material change the scheme can be considered as part of this. In this case, the benefits that weighed in favour of the scheme through the provision of affordable housing has been removed.
- 5.7 Core Strategy Policy CS5 directs development to the most sustainable locations, namely within identified settlement boundaries and strict controls exist to limit development in the open countryside, which is considered to be unsustainable. In early 2023, the Council received 2 appeal decisions, which set out that the settlement boundaries are out of date and the Council would be unlikely to be able to meet its housing need within the current settlement boundaries. As the boundaries have not yet been reviewed through the Local Plan process, they are considered to be out of date.

where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date ⁸, granting permission unless:

(i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed⁷; or

(ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”

This is what is known as the tilted balance. As the settlement boundaries are out of date, it is considered that Policy CS5, insofar as it refers to settlements, is out of date for the purposes of decision making thus the tilted balance is engaged. For the purposes of this application, if the site is considered to be in a sustainable location, then it would be in accordance with the provisions of the NPPF and, given it is under 10 units, the requirement for affordable housing does not apply under Policy CS18.

- 5.8 It is also important to note that the appeal decision for the application at Old Sodbury (P21/3344/F) relates to the site immediately adjacent to the application site. In that appeal, the Inspector concluded that the site was within the appropriate distances for six of the eleven key facilities and services set out in Policy PSP11. There is access to the site and footpaths along Badminton Road, which are mostly well lit. The site is therefore considered to offer safe walking and cycling options. He also considered that there was appropriate public transport, as the site is served by buses to both yate, Chipping Sodbury and Malmesbury.
- 5.9 His conclusion was that the appeal site would have appropriate access to key services and facilities by means other than the private car and therefore complied with Policy PSP11. This essentially concludes that the location of the site is considered to be sustainable and in accordance with the aims of the NPPF.
- 5.10 Given this site is immediately adjacent to the appeal site, it would be unreasonable to judge that the site is not in accordance with the provisions of PSP11. It is therefore concluded that the site is located within a sustainable location and therefore the requirements of Policy CS18 do not apply in this case. Whilst it is regrettable, the balance of benefits when considering the application has changed since the initial grant of planning permission and therefore the proposed removal of affordable housing is acceptable.
- 5.11 It is important to note that there is an extant planning permission for nine dwellings of the same number of bedrooms on this site. The representations make reference to the increase in traffic, overdevelopment of the site and the lack of local facilities. Given the existing situation with the extant permission and that the Council has accepted nine dwellings on the site, the principle has been established and therefore nine dwellings on the site is acceptable.
- 5.12 Impact on residential amenity
Impact on existing occupiers
Concerns have been raised by the adjacent occupiers regarding the potential impact on their residential amenity. As set out previously, there is an extant planning permission on the site and the amendments to the scheme must be considered in this context.

- 5.13 Plot 6 has been amended since the submission of the application. The approved location is plot 6 is approx. 2.5m from the shared boundary with Hail Close House. The current proposal is approx. 0.9m from the shared boundary. The elevations have been amended to reflect those on the previous approval. The proposed eaves would be approx. 4m and rise to a height of 8.2m at the ridge. The full height of the ridge would be approx. 5m from the boundary line. In the approved scheme, the eaves are approx. 3.5m, with the ridge at a height of 7.7m. The full height would also be approx. 6m from the boundary.
- 5.14 It is acknowledged that the proposed dwelling would be taller and closer to the boundary with Hail Close House. The closest part of Hail Close House to the boundary with the site is a corner point. The property has two areas of amenity space, to the north of the property, which would be behind plots 6 and 7 and to the east, which would be adjacent to the side of the proposed dwellings. It is acknowledged that there would be more of an impact on the residential amenity of Hail Close House from this proposal than the approved scheme.
- 5.15 The impact on the residential amenity of Hail Close House needs to be considered in the context of the extent position and could be built on the site. This is an important material consideration. It is acknowledged that there would be an impact on the residential amenity of this neighbour, through the increase in height and proximity of the proposed dwellings. Due to the relationship between the sites, it is not considered that this would be significant enough to warrant a reason for refusal.
- 5.16 Concerns have been raised on that the proposed development would have an adverse impact on the residential amenity of the Old Post Office (3 Badminton Road). This property is approx. 30m from the rear to the site boundary. There may be some overlooking from the plots 4 and 5, though due to the angle and the distance, it is not considered that this would be unacceptable. Due to this distance, it is also not considered that there would be any significant overbearing or overshadowing to this property.
- 5.17 As set out in the previous paragraph, there may be some overlooking to the rears of 1 and 2 Badminton Road. This would be at an oblique angle and towards the rears of the garden, so it is not considered that this would result in an unacceptable loss of amenity. Due to the distance and relationship, it is not considered that there would be any significant overbearing or overshadowing as a result of this proposal.
- 5.18 No other existing occupiers would be affected. There would also be no adverse impacts on the future occupiers of the approved scheme at the adjacent site, due to the relationship between the plots.
- 5.19 *Impact on future occupiers*
The proposed design of the dwellings would result in a good standard of amenity for future occupiers. There would be limited intervisibility between the proposed dwellings and between the existing and proposed dwellings. PSP43 sets out the minimum standards for residential amenity space for residential development. The proposed development complies with these requirements.

- 5.20 The proposed amendments to the proposed development would not result in any significant adverse impacts to the residential amenity of existing or future occupiers of the site and therefore is in accordance with Policies PSP8 and PSP43.
- 5.21 Impact on the character of the area
As set out previously, this application seeks to amend the elements of the elevational treatment of the proposed dwellings. The principle of the dwellings in the locations shown on the plan has been approved. Whilst the previous materials condition has been discharged, due to the passage of time and availability of materials, a condition requiring the submission of details will be imposed to ensure the materials are appropriate.
- 5.22 The impacts of the amended elevations in terms of the wider character of the area are minimal and would largely be contained within the site itself. The comments in relation to the impact on the locally listed Old Post Office are noted, though as the principle has been established through the previous application, it is not considered that the proposed amendments would adversely affect the Old Post Office.
- 5.23 Impact on highway safety
The principle of the development and the access has been established through the original permission. The proposed access in itself isn't being amended. There has been amendments to the internal road and these are considered to be acceptable.
- 5.24 The proposed level of parking is an increase on the previous approval. Sustainable Transport have raised concerns regarding the level of parking proposed, as some of the proposed dwellings would have studies, which had not been proposed previously. The Sustainable Transport team have considered these as bedrooms and consider additional parking is required. Given that the building regulations require certain standards for a bedroom, which the studies might not meet. Furthermore, it has been established that the site is in a sustainable location. It is therefore considered that the level of parking proposed is considered to be acceptable.
- 5.25 It is noted that a condition is recommended to secure an electric vehicle charging point. However, as this is covered by building regulations and in line with the approach taken by Inspectors recently, such a condition would not be necessary
- 5.26 It is not considered that the proposed amendments to the development would result in a severe adverse impact on the highway network and it would be in accordance with the relevant planning policies.
- 5.27 Flood risk and drainage
Extensive negotiations have been undertaken between Officers and the applicant to ensure that there is a suitable drainage scheme for the proposed development. Conditions have been recommended to ensure that an acceptable and suitable drainage scheme will be implemented for the

development. The proposed development would therefore accord with Policy PSP20.

5.28 Other matters

Concerns have been raised in the representations that the proposed development would block views and devalue nearby properties. Whilst these concerns are noted, they are not material planning considerations.

5.29 Planning balance

As set out in the principle of development section, the settlement boundaries have been found to be out of date. Whilst the Council can demonstrate a five year housing land supply, the relevant policy (CS5) has been found to be out of date thus NPPF paragraph 11(d) engages and any harms caused by the scheme must significantly and demonstrably outweigh the benefits, when assessed against the NPPF as a whole.

5.30 The benefits of the proposed development are as follows;

- Sustainable location
- Extant permission for 9 dwellings
- Lack of identified harms to landscape and highways

5.31 It is acknowledged that there would be some harm to the residential amenity of the adjacent neighbour, due to the increase in height and proximity of plot 6 to the boundary. When considered in the context of the extant permission and the relationship between the existing dwelling and plot 6, this harm is considered to have limited weight.

5.32 The removal of the affordable housing is also a harm to the wider aims of the local plan and the NPPF. However, the current policy context does not require the provision of affordable housing for a scheme of 9 dwellings. This is therefore given limited weight.

5.33 On the basis of the above, it is not considered that the harms caused by the development would significantly and demonstrably outweigh the benefits of the scheme. It is therefore considered that the proposed amendments are acceptable.

5.34 Conditions

The other conditions on the decision notice must be considered. The table below sets out the conditions on the original permission and their revised form.

Condition	Description	Action
1	Time Limit	No longer needed as development has commenced
2	Removal of PD	Retain
3	Samples	Retain
4	No additional windows	Retain
5	Obscure glazing – Plot 3 western elevation	Retain

6	FFL	Amend - Compliance
7	Landscaping	Amend
8	Screen walls erected	retain
9	Drainage	amend
10	Implement drainage	No longer needed due to amended condition
11	Contamination	Amend – Compliance
12	Samples of stone work	Amend - Compliance
13	Plans	Amend

5.35 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 Planning permission be **GRANTED**, subject to the conditions set out below.

CONDITIONS

1. Notwithstanding the provisions of Schedule 2 of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no development as specified in Part 1 (Classes A, B, D, E, F, G and H) or any minor operations as specified in Part 2 (Class A), other than such development or operations indicated on the plans hereby approved, shall be carried out without the prior written consent of the Local Planning Authority.

Reason

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

2. Prior to the commencement of above ground development, samples of the roofing and external facing materials proposed to be used shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

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 other than those shown on the plans hereby approved shall be inserted at any time.

Reason

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

4. Prior to the use or occupation of the extension hereby permitted, and at all times thereafter, the proposed first floor window on the southern part of the western elevation of plot 3 shall be glazed with obscure glass to level 3 standard or above with any opening part of the window being above 1.7m above the floor of the room in which it is installed

Reason

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

5. Prior to the commencement of development above ground level, the finished floor levels of each dwelling relative to existing ground levels shall be submitted to and approved by the Local Planning Authority

Reason

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

6. Prior to the occupation of development a scheme of landscaping, which shall include details of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection during the course of the development; proposed planting (and times of planting); boundary treatments and areas of hardsurfacing shall be submitted to the Local Planning Authority for approval. Development shall be carried out in accordance with the agreed details.

Reason

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

7. The screen walls/fences shown on the approved plans shall be erected in the positions indicated before the dwellings to which they relate are occupied.

Reason

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

8. No development shall commence until surface water drainage details including SUDS (Sustainable Drainage Systems e.g. soakaways, if ground conditions are satisfactory), for flood prevention; pollution control and environmental protection have been submitted and approved by the Local Planning Authority. Development shall then proceed in accordance with the agreed details.

Reason:

To comply with South Gloucestershire Local Plan: Policies, Sites and Plans Plan (Adopted) November 2017 Policy PSP20; South Gloucestershire Local Plan: South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 Policy CS1 and Policy CS9; and National Planning Policy Framework 2012.

9. The development shall be undertaken in accordance with the contamination land details approved under ref DOC17/2783.

Reason

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

10. Prior to the commencement of the relevant works, sample panels, demonstrating the colour, texture and pointing of the stonework are to be erected on site and approved in writing by the Local Planning Authority. The approved sample panel shall be retained on the site until the stonework is complete.

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

11. The off-street parking facilities (for all vehicles, including cycles) shown on the plan hereby approved shall be provided before the building is first occupied, and thereafter retained for that purpose.

Reason

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

12. The development shall be carried out in accordance with the following details

21023-NP-XX-ZZ-DR-A-2004 REV C8
21023-NP-XX-ZZ-DR-A-2007 REV C5
Received 9th August 2022

21023-NP-XX-ZZ-DR-A-2003 REV C7
Received 5th August 2022

21023-NP-XX-ZZ-DR-A-2001 REV C7
21023-NP-XX-ZZ-DR-A-2002 REV C7
21023-NP-XX-ZZ-DR-A-2005 REV C8
21023-NP-XX-ZZ-DR-A-2006 REV C7
Received 25th May 2022

21023-NP-XX-ZZ-DR-A-0001 REV C10
21023-NP-XX-ZZ-DR-A-1010 REV C9
Received 16 March 2023

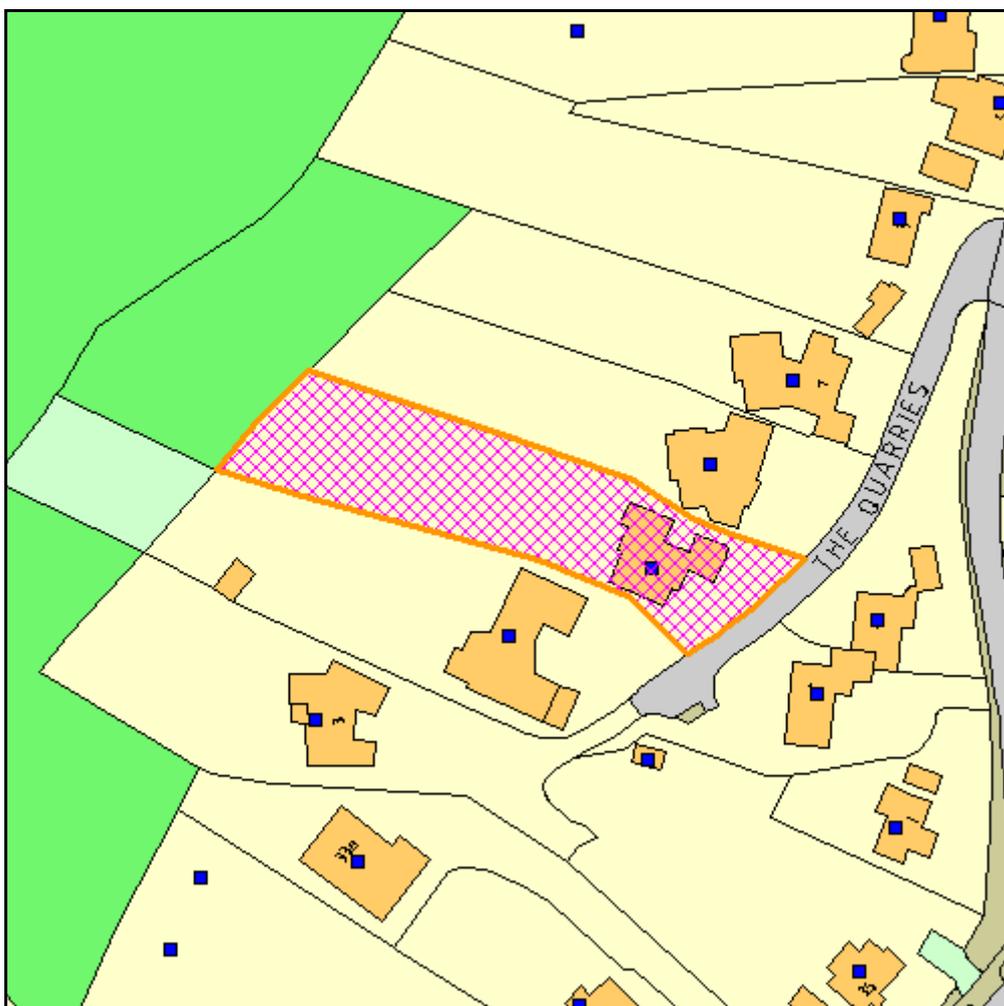
Reason

To define the terms and the extent of the permission

Case Officer: Suzanne D'Arcy
Authorising Officer: Marie Bath

CIRCULATED SCHEDULE NO. 25/23 -23rd June 2023

App No.:	P22/04257/F	Applicant:	Parsons
Site:	Spindles 5 The Quarries Almondsbury South Gloucestershire BS32 4HL	Date Reg:	2nd August 2022
Proposal:	Demolition of existing dwelling. Erection of 1 no. detached dwelling and associated works.	Parish:	Almondsbury Parish Council
Map Ref:	360988 184509	Ward:	Severn Vale
Application Category:	Minor	Target Date:	30th June 2023



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 100023410, 2008. N.T.S. P22/04257/F

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

REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

3 or more comments received from local residents contrary to Officer recommendation.

1. THE PROPOSAL

- 1.1 Planning permission is sought for the demolition of an existing dwelling and the erection of a replacement dwelling with associated works at Spindles, 5 The Quarries, Almondsbury, BS32 4HL.
- 1.2 The application site comprises a two storey detached dwelling. The application site is located within the defined Almondsbury settlement boundary which is 'washed-over' by the Bristol and Bath Green Belt. There is a mature tree to the front of the property that offers significant amenity value and is subject to a Tree Preservation Order.
- 1.3 During the course of the application additional ecology information has been submitted. The relevant consultees were re-consulted.

2. POLICY CONTEXT

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

- 2.2 Development Plan

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

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

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

PSP1	Local Distinctiveness
PSP2	Landscape
PSP3	Trees and Woodland
PSP7	Development in the Green Belt
PSP8	Residential Amenity
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP19	Wider Biodiversity

PSP20	Flood Risk, Surface Water and Watercourse Management
PSP38	Development within Existing Residential Curtilages
PSP43	Private Amenity Space Standards

- 2.3 Supplementary Planning Guidance
 Development in the Green Belt SPD (Adopted) June 2007
 Design Checklist SPD (Adopted) August 2007
 Residential Parking Standard SPD (Adopted) December 2013
 Assessing Residential Amenity TAN (Endorsed) 2016

3. **RELEVANT PLANNING HISTORY**

- 3.1 N992
 Alterations and extensions to provide additional bedroom, bathroom and living accommodation. (In accordance with the revised plans received by the Council on 21st January 1975).
 Approve with Conditions (13/02/1975)

4. **CONSULTATION RESPONSES**

- 4.1 Almondsbury Parish Council
"In the interest of fairness to all parties a site visit is required."
- 4.2 Ecology Officer
 Sufficient ecological information has been provided to support the application. Conditions and informatives are recommended.
- 4.3 Flood and Water Management Team
 Conditions are recommended.
- 4.4 Landscape Officer
 No landscape objection, subject to ensuring that the large frontage tree is retained and protected from damage during construction. Conditions are recommended.
- 4.5 Sustainable Transport Team
 No objection subject to the inclusion of a condition.
- 4.6 Tree Officer
 The submission of an Arboricultural Report for the protection of the existing trees and hedges is required.
- 4.7 Local Residents
 8no. objection comments from local residents have been received making the following points:
- Design and Visual Amenity
 - The Quarries includes 7 dwellings designed by the same architect and built with similar materials. The proposed replacement dwelling would be inappropriate in its context and would fail to improve the character of the area.

- The proposed replacement dwelling would be materially larger than the building it replaces.

Residential Amenity

- The proposed new dwelling would be higher than the existing dwelling leading to increased overshadowing and loss of light for neighbouring properties.
- During demolition and construction, neighbouring properties would experience increased overlooking and a loss of privacy; and increased disruption.
- The proposed development would breach the Human Rights Act.

Highway Safety and Transport

- The Quarries is a private road maintained by shared contributions from the owners. There is no formal management agreement or company. There is no provision for parking other than on each individual plot. As its narrowest point the road is only 3.4 metres wide.
- Construction vehicles would struggle to navigate the road and would cause disruption for residents. Residents cannot be denied safe and unfettered access to their properties.
- Construction traffic could cause damage to the private road.
- The proposed development would reduce on-site parking provision.
- Highway safety for all road users including cyclists and pedestrians would be reduced.

Drainage

- There is an existing surface water drain that runs under the site. It should be retained.
- The front of the site experiences localised flooding in storm conditions.
- There are concerns regarding the proposed sewage treatment plant due to insufficient information and as there is an existing shared septic tank located in the garden of no.5.

Ecology

- The damaging effects on flora and fauna should be thoroughly investigated. Bats, various small mammals such as dormice, reptiles and aquatic wildlife have been spotted.

Trees and Hedges

- The existing tree and hedge to the front of the property should be retained and protected.

Other Issues

- 2 Old Aust Road was given permission for redevelopment but has become an undeveloped eyesore. Concerns that the site is being used unlawfully.
- The energy required to demolish and carry away to landfill the existing building, and the re-build with new materials would far outweigh the improved energy efficiency of future emissions.
- The local area is located on varying geology with the existence of clay causing subsidence problems.

- A site visit should be undertaken and the decision should be deferred to planning committee.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Planning permission is sought for the demolition of an existing dwelling and the erection of a replacement dwelling with associated works at a site in Almondsbury. Policy CS5 of the Core Strategy outlines the locations at which development is considered appropriate. CS5 dictates that most new development in South Gloucestershire will take place within the communities of the north and east fringes of the Bristol urban area, and within defined settlement boundaries. The application site is situated within the defined Almondsbury settlement boundary.

5.2 Green Belt

The application site is located within the Bristol and Bath Green Belt, where development is restricted. Paragraph 149 of the NPPF sets out that Local Planning Authorities should regard the construction of new buildings as inappropriate development in the Green Belt. There are a number of exceptions to this, which are set out within paragraphs 149 and 150 of the NPPF. The most relevant exception for this application is considered to be; *“the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces”*. It is also important to note that; *“the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building”* is also not inappropriate in the Green Belt.

5.3 Before the proposed development is assessed in Green Belt terms it is important to note that the application site is within a defined settlement boundary and is surrounded by residential development on 3 sides. This includes residential development to the south that extends further back from the road than the proposed development.

5.4 Whilst it has not been possible to accurately calculate the volume of the existing building or its proposed replacement, it is clear from the submitted plans that the proposed new building would have a greater volume than the building as existing. It is however possible to calculate the footprints with the existing building covering an area of 277 square metres and its proposed replacement covering an area of 360 square metres. This would be an increase of approximately 30%. Whilst this may appear materially larger on paper it is important to take into account the site characteristics and how the proposed development would be perceived.

5.5 The proposed replacement building would not extend any further forward within the site than the existing building and whilst it would extend approximately 1.5 metres further back in the site this would be seen against the context of the neighbouring property to the south which extends further back still from the road. The proposal would be slightly narrower than the existing building and would importantly have an eaves height to broadly match the existing building. Whilst the use of 2no. mono-pitched roofs at first floor level

- would increase the maximum height of the building slightly compared to the existing flat roofs, this would be minimal and not significantly noticeable when viewed within the street scene.
- 5.6 It is also to take into account the surrounding characteristics of the site. The application site is not within the open countryside surrounded by undeveloped green fields, it is within a defined settlement boundary and is surrounded by similarly sized residential development on 3 sides. The proposed development cannot be seen to have any unacceptable detrimental impacts on the openness or permanence of the Green Belt and would not contradict with the reasons for including land within it. The proposed development has been carefully assessed and found to be acceptable in Green Belt terms.
- 5.7 In order to further protect the openness and permanence of the Green Belt going forward, it is advised the household permitted development rights for extensions and new buildings should be removed as part of this application.
- 5.8 Design and Visual Amenity
Policy CS1 of the Core Strategy and Policy PSP1 and PSP38 of the Policies, Sites and Places Plan seek to ensure that development proposals are of the highest possible standards of design. This means that developments should have appropriate: siting, form, scale, height, massing, detailing, colour and materials which are informed by, respect, and enhance the character, distinctiveness and amenity of both the site and its context.
- 5.9 The application site contains an existing two storey detached dwelling that was built in the late 1960s. The existing dwelling has a blocky design with split level flat roofs. The dwelling is of a generous size and sits within a generous plot. The plot does however drop off dramatically to the rear limiting the developable area of the site. Parking is provided at the front of the site with the rear used as a private garden. There is a mature tree to the front of the property that offers significant amenity value and is subject to a Tree Preservation Order.
- 5.10 The surrounding area is characterised by similarly large two storey detached dwellings in similarly generous plots. However, there is no clear design character within the street scene. Whilst it has been mentioned that the properties were designed by the same architect, the application dwelling and its two neighbours appear distinctly different.
- 5.11 The proposed replacement dwelling would be of a modern design with simple understated forms. A ground floor block would define the extent of the new dwelling whilst two mono-pitched first floor elements would add intrigue to the design. The ground floor would be finished predominantly in light coloured brick with the first floor elements and roof predominantly finished in zinc cladding. Narrow timber cladding would be used sparingly to add further intrigue to the design.
- 5.12 The modern design of the proposed replacement dwelling and its use of modern materials would be unlike anything that currently exists within immediate setting of the site. This should not however immediately be assumed

as a negative. The surrounding area has no clear design character that requires special protection and what is proposed would be of a high quality design that reflects current architectural trends. Therefore, no harm would be caused to the visual amenity of the site, its context or the wider street scene.

5.13 Residential Amenity

Policy PSP8 of the Policies, Sites and Places Plan outlines that development proposals will be acceptable provided that they do not create unacceptable living conditions or have an unacceptable impact on the residential amenity of the occupiers of the development or of nearby properties. Unacceptable impacts could result from (but are not restricted to): loss of privacy and overlooking; overbearing and dominant impact; loss of light; noise or disturbance; and odours, fumes or vibration.

- 5.14 When considering the impacts of the development on the residential amenity of neighbouring residents, the neighbouring properties which are most likely to be affected are the adjacent property to the north at 6 The Quarries, and the adjacent property to the south at 4 The Quarries.

6 The Quarries

- 5.15 Regarding the adjacent property to the north, it is important to note that the existing relationship between the two dwellings is cramped with overlooking and overshadowing prevalent. The proposed replacement dwelling would broadly replicate the scale, bulk and massing of the existing dwelling but there would be some areas where this is increased and some where this is reduced. The impact on the neighbouring property will be assessed below.
- 5.16 The neighbouring property has 2no. side facing windows that could be impacted by the proposed development. These windows are already significant overshadowed by the existing dwelling so it is considered that whilst the proposal may increase this slightly, the existing situation means that this would not warrant refusal of the application. These windows are currently significantly overlooked by the existing dwelling to the detriment of occupiers of both properties. The proposed dwelling would remove this overlooking, significantly increasing the level of privacy for the occupiers of the neighbouring property.
- 5.17 The neighbouring property also has a number of rear windows that could be impacted by the proposed development. The rear windows nearest to the application site are once again already significantly overshadowed by the existing dwelling. The proposed development would not extend any further back than the existing dwelling and whilst the ridge height would be slightly increased compared to the existing flat roof, this would not detrimentally increase overshadowing.
- 5.18 The proposed replacement dwelling would include a rear terrace that extends up to the side of the proposed dwelling. Whilst not labelled on the existing plans, it would replace an existing rear terrace that sits above 'bed 1'. The existing terrace does not currently have railings but has been used as a terrace in the past so could be used in the future without the need for separate planning permission. It is therefore considered that whilst the proposed rear

terrace would lead to overlooking of the neighbouring property it would not be any worse than existing.

4 The Quarries

- 5.19 Regarding the adjacent property to the south, the rear terrace of the proposed dwelling would be located closer to the neighbouring property than the existing rear terrace. Whilst this has the potential to increase noise and disturbance for the neighbouring property, it is considered that due to the nature of the site, the existing boundary treatment, and the setback of the neighbouring property, any increase would be minimal.

Demolition and Construction

- 5.20 Concerns have been raised that during the demolition of the existing dwelling and construction of the proposed dwelling, neighbouring properties would experience increased overlooking and a loss of privacy, and increased disruption. These concerns are noted and a condition would be attached to any consent restricting working hours.

Private Amenity Space

- 5.21 Policy PSP43 of the Policies, Sites and Places Plan outlines the Councils minimum standards for private amenity space for new residential units. PSP43 states that private amenity space should be: functional and safe; easily accessible from living areas; orientated to maximise sunlight; of a sufficient size and functional shape to meet the needs of the likely number of occupiers; and designed to take account of the context of the development, including the character of the surrounding area.

- 5.22 The proposed dwelling would have 5no. bedrooms so would be expected to provide 70 square metres of functional private amenity space. The proposed development would meet this requirement.

Human Rights Act

- 5.23 Officers do not consider the development to be in conflict with human rights legislation, and have considered fully the impacts on neighbouring residents amenity, and have found the development to accord with planning policy in that respect.

5.24 Highway Safety and Transport

The application site is located within a defined settlement boundary and built up area and therefore accords with the locational requirements of Policy PSP11 of the Policies, Sites and Places Plan. Both the existing and proposed dwelling have 5no. bedrooms so can be considered a like-for-like replacement in highway safety and transportation terms. The proposed development would not lead to a significant amount of additional traffic or create any issues which could be considered severe or unacceptable.

- 5.25 In terms of parking, the proposed replacement dwelling would have 5no. bedrooms so in accordance with Policy PSP16 of the Policies, Sites and Places Plan would be expected to provide 3no. on-site parking spaces. The submitted plans indicate that this provision would be met. The proposed development would not lead to any additional vehicles parking on the public highway.

5.26 The Sustainable Transport Team have requested the inclusion of a condition requiring the installation of an EV charging point. This is covered by Building Control legislation and therefore does not need to be conditions as part of the planning process.

5.27 Drainage

In accordance with Policy CS1 and CS9 of the Core Strategy and Policy PSP20 of the Policies, Sites and Places Plan; surface water and foul sewage drainage details including SUDS (Sustainable Drainage Systems e.g. soakaways if ground conditions are satisfactory), for flood prevention; pollution control and environmental protection are required prior to the commencement of development. These would be secured by condition.

5.28 Ecology

A Preliminary Ecological Appraisal (PEA) and Preliminary Roost Assessment (PRA) report (Arbtech Consulting Limited, February 2023) and a Bat Emergence and Re-entry Surveys report (Arbtech Consulting Limited, May 2023) have been submitted in support of this application. The site is not covered by any ecological designations.

5.29 The habitats on site comprised of an urban garden with mixed woodland and introduced shrub, scattered trees, mown grassland, buildings and sealed surfaces. The species present were described as common and widespread. Variegated yellow archangel was identified on site and is an invasive species, listed on Schedule 9 of the Wildlife and Countryside Act 1981, and monitoring of this plant was recommended. The PEA report recommended habitat creation and enhancement opportunities, which is welcomed.

Bats

5.30 The main building was assessed as having low potential to support roosting bats, due to a few external potential roost features. As such, one dusk emergence survey was recommended. A bat dusk emergence survey was undertaken on 15th May 2023 and no bats were recorded emerging from (or entering) the surveyed main building. As bats were considered to be absent at the time of the survey, no further surveys were recommended, and no licence is required for the proposed development.

5.31 The site was assessed as being in a high value habitat for commuting/foraging bats. The habitats within the proposed development site boundary which could be used by commuting/foraging bats are to be retained. However, the proposed development would include use of lighting, and as such, low impact lighting recommendations were provided within the PEA report. A sensitive lighting scheme should be provided to the Local Planning Authority for review, prior to installation, to ensure dark corridors are retained. The bat dusk emergence survey report recorded commuting and foraging activity by common pipistrelle, noctule and serotine bats. The sensitive lighting scheme should ensure light levels do not exceed the existing light levels at the site, and the boundaries of the site should be retained as dark corridors.

- 5.32 It is noted that ash trees within the development site boundary had potential roost features for bats, but no further surveys were recommended as these trees are due to be retained. Should the outstanding Arboricultural report identify the need for tree works/tree removal with regard to these trees, further bat surveys may be required.

Dormice

- 5.33 The PEA report stated that the woodland to the northwest of the site was considered unsuitable to support dormice, but it is unclear how this conclusion was reached. However, as the proposed works will not impact the woodland or any suitable habitat for dormice, no further surveys are required.

Great Crested Newts

- 5.34 Two ponds have been identified within 500m of the site. Based on the information provided within the PEA report including photographs and descriptions of the habitats, and owing to the footprint of the proposed works being limited to the areas of unsuitable terrestrial habitat for great crested newts (GCN), it is considered that the risk to GCN to be very low. As such, the mitigation measures outlined for reptiles in Table 10 of the PEA report are considered to also be appropriate for GCN in this instance.

Birds

- 5.35 The dense ivy on the building offered nesting opportunities for birds, and appropriate mitigation measures were outlined in Table 10 of the PEA report to avoid harm to nesting birds. Enhancement recommendations included installation of bird boxes, which is welcomed.

Reptiles

- 5.36 The PEA report noted presence of some suitable habitat for slow-worms within the vegetated area of the garden. However, as proposed works would not impact suitable habitats for reptiles, no further surveys were recommended. A precautionary working method statement was provided in Table 10 and these mitigation measures are considered appropriate in relation to the proposed works. Enhancement recommendations have also been provided, which is welcomed.

Badgers

- 5.37 No direct evidence of badgers was recorded during the PEA survey, though it was noted that badgers may venture across the site. Appropriate mitigation and enhancement measures for badgers were provided in Table 10 of the PEA report.

Hedgehogs

- 5.38 The PEA report confirmed suitable habitats within the proposed development site for hedgehogs. Appropriate mitigation and enhancement measures for badgers were provided in Table 10 of the PEA report.

Invertebrates

- 5.39 The PEA report confirmed the site offered moderate value for invertebrates and included enhancement recommendations, including installation of bee bricks, which is welcomed.

Conclusion

- 5.40 Sufficient ecological information has been provided to support the application. Conditions should be included with any consent requiring: strict accordance with the Mitigation Measures provided in the Preliminary Ecological Appraisal and Preliminary Roost Assessment report (Arbtech Consulting Limited, February 2023) and the Bat Emergence and Re-entry Surveys report (Arbtech Consulting Limited, May 2023); the submission of details of all proposed external lighting; and the submission of an Ecological Enhancement Plan.
- 5.41 Trees
Policy PSP3 of the Policies, Sites and Places Plan seeks to minimise the loss of existing vegetation on a site that is of importance in terms of ecological, recreational, historical or landscape value. There is 1no. mature tree to the front of the property that offers significant amenity value and is subject to a Tree Preservation Order. Hardstanding already exists within its root protection area (RPA) but submitted plan 5TQ.P04/--, 5TQ.P10/-- and 5TQ.P11/-- show additional porous block paving within the RPA. A detailed Arboricultural Method Statement in accordance with BS:5837:2012 for the proposed working within the root protection areas is required prior to the commencement of development. This would be secured by condition.
- 5.42 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.
- 5.43 With regards to the above this planning application is considered to have a neutral impact on equality.
- 5.44 Other Matters
A number of matters raised from the consultation responses have not been addressed in the main body of this report. These will be considered below.
- 5.45 Concerns regarding disruption caused by construction traffic are noted, as is the disruption that the development at 2 Old Aust Road has caused. Construction traffic is generally speaking temporary whilst the development is being built and is not a permanent impact of the proposed development. Any obstruction of the privately owned access road during the development would be a civil matter for the joint owners of the road to resolve.
- 5.46 Concerns have been raised that the energy required to demolish and carry away to landfill the existing building, and the re-build with new materials would

far outweigh the improved energy efficiency of future emissions. This is noted so the improved efficiency of the dwelling has been given limited weight.

- 5.47 Concerns regarding the varying geology within the local area are noted. The proposed replacement dwelling would be built on the same location as the existing dwelling and any new foundations required would need to be signed off by Building Control.
- 5.48 A site visit was undertaken in late 2022. The application site was visited as were the directly adjacent neighbouring properties to the north and south.

6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The recommendation to **grant** permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

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

CONDITIONS

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

Reason

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

2. Notwithstanding the additional porous block paving shown on plans 5TQ.P04/--, 5TQ.P10/-- and 5TQ.P11/--; the development/works hereby permitted shall only be implemented in accordance with the plans as set out in the plans list below:
- 5TQ.P01/-- The Location Plan (Received 28/07/2022)
 - 5TQ.P02/-- Existing Floor Plans (Received 28/07/2022)
 - 5TQ.P03/-- Existing Elevations and Section (Received 28/07/2022)
 - 5TQ.P04/-- Existing and Proposed Site Plans (Received 28/07/2022)
 - 5TQ.P010/-- Proposed Floor Plans (Received 28/07/2022)
 - 5TQ.P011/-- Existing and Proposed Roof Plans (Received 28/07/2022)
 - 5TQ.P014/-- Proposed Elevations and Sections (Received 28/07/2022)

Reason

To define the terms and extent of the permission.

3. Prior to the commencement of development, a detailed Landscape Plan, showing hard and soft landscaping and boundary treatments, shall be submitted to and approved in writing by the Local Planning Authority. The development shall then proceed in strict accordance with the approved details.

Reason

To protect and enhance the character and appearance of the area and to accord with Policy CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy PSP1, PSP2 and PSP3 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; and the provisions of the National Planning Policy Framework.

4. Prior to the commencement of development, an Arboricultural Method Statement in accordance with BS:5837:2012 shall be submitted to and approved in writing by the Local Planning Authority. The development shall then proceed in strict accordance with the approved details.

Reason

To protect the long term health of the trees and the character and appearance of the area and to accord with Policy CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy PSP1, PSP2 and PSP3 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; and the provisions of the National Planning Policy Framework.

5. Prior to the commencement of development, surface water and foul sewage drainage details including SUDS (Sustainable Drainage Systems e.g. soakaways if ground conditions are satisfactory) shall be submitted to and approved in writing by the Local Planning Authority. The development shall then proceed in strict accordance with the approved details.

Reason

To ensure flood prevention, pollution control and environmental protection and to accord with Policy CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy PSP20 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; and the provisions of the National Planning Policy Framework.

6. The development hereby approved shall proceed in strict accordance with the Mitigation Measures provided in the Preliminary Ecological Appraisal and Preliminary Bat Roost Assessment (Arbtech, March 2023).

Reason

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

7. Prior to occupation of the dwelling hereby approved, an Ecological Enhancement Plan showing the location and specifications of enhancements detailed within the

Preliminary Ecological Appraisal and Preliminary Bat Roost Assessment (Arbtech, March 2023) shall be submitted to and approved in writing by the Local Planning Authority. This includes, but is not limited to, bird and bat boxes and hedgehog provision. All ecological enhancements shall be installed in accordance with the approved details prior to occupation, and shall be maintained thereafter.

Reason

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

8. Prior to installation, the location and specification of all proposed external lighting shall be submitted to and approved in writing by the Local Planning Authority. All external lighting shall be installed in accordance with the approved details, and shall be maintained thereafter. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

Reason

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

9. Notwithstanding the provisions of Schedule 2 of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no development as specified in Part 1 (Classes A, AA, B, D, E, F, G and H), other than such development or operations indicated on the plans hereby approved, shall be carried out without the prior written consent of the Local Planning Authority.

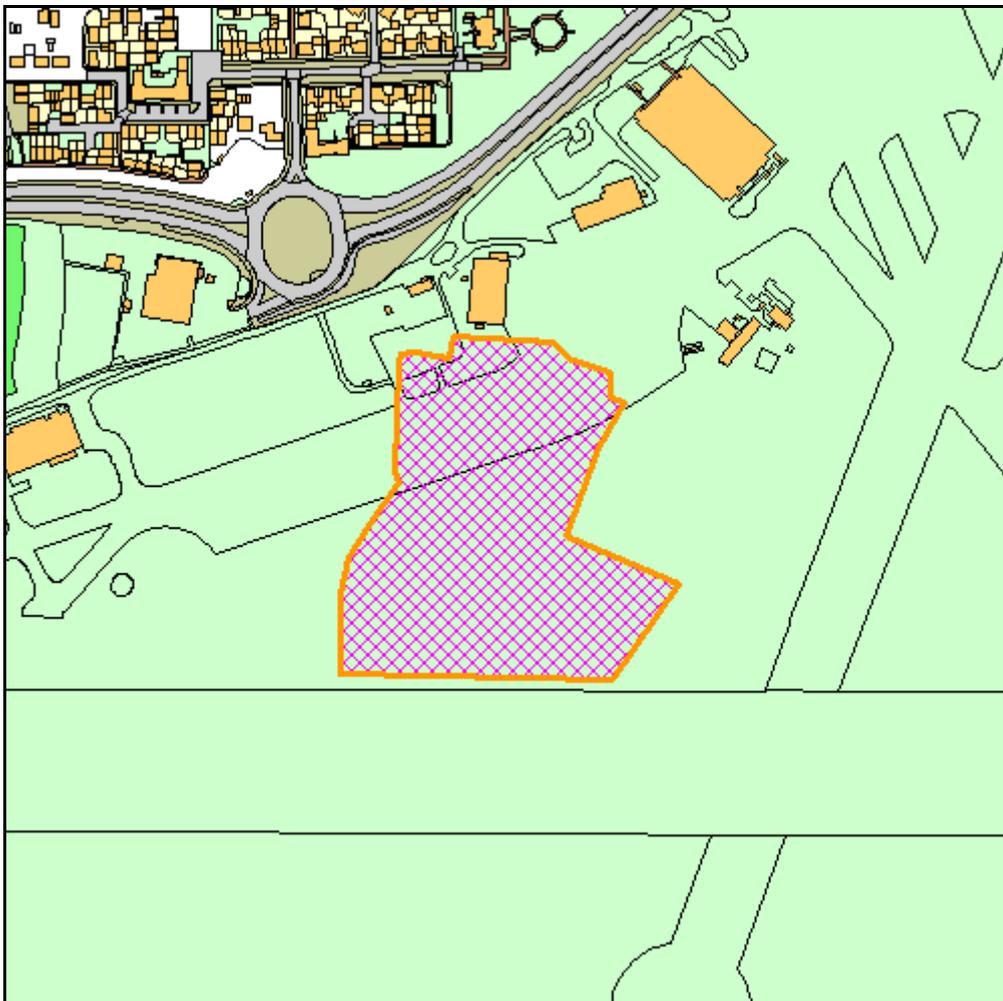
Reason

To protect the openness and permanence of the Green Belt, and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy PSP1, PSP7 and PSP38 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; and the provisions of the National Planning Policy Framework.

Case Officer: Oliver Phippen
Authorising Officer: Suzanne D'Arcy

CIRCULATED SCHEDULE NO. 25/23 -23rd June 2023

App No.:	P22/05223/RM	Applicant:	YTL Developments
Site:	Residential Phase 2 Parcel E1 East Of Fairlawn Avenue Former Filton Airfield Filton South Gloucestershire	Date Reg:	2nd September 2022
Proposal:	Erection of 339 no. dwelling with access, appearance, landscaping, layout, and scale to be determined. (Approval of Reserved Matters to be read in conjunction with outline permission P21/02390/RVC formerly PT14/3867/O).	Parish:	Patchway Town Council
Map Ref:	359171 181369	Ward:	Charlton And Cribbs
Application Category:	Major	Target Date:	2nd December 2022



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 100023410, 2008. **N.T.S.** **P22/05223/RM**

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

Introduction

This application appears on the circulated schedule because an objection has been received from Almondsbury Parish Council contrary to the officer recommendation.

1. THE PROPOSAL

- 1.1 Reserved Matters (RM) approval is sought for the development of 339 dwellings (61 affordable units, i.e. 18%), the breakdown of which by type and tenure is presented below:

Unit Size	No. Open Market Units	No. of Affordable Units (inc. shared ownership and social rent)	Total
Studio Apartment	5	0	5
1 Bed Apartment	80	28	108
2 Bed Apartment	104	15	119
2 Bed House	31	7	38
3 Bed House	46	9	55
4 Bed House	12	2	14
Total	278	61	339

- 1.2 The residential units comprise a mixture of studios, one and two bedroom apartments, and two-, three- and four-bedroom houses. Apartments are proposed to be situated in three buildings of up to 6 storeys. Houses are proposed to be two and three storeys in height.
- 1.3 Full details of parking, cycle storage plus hard and soft landscaping (including future maintenance of soft landscaping) are provided by the Applicant. The total residential parking 227 spaces and visitor parking 5 spaces, and car club parking 2 spaces.
- 1.4 This Reserved Matters (RM) application is made pursuant to Outline planning permission P21/02390/RVC, approved 7th January 2022 (formally PT14/3867/O, approved 1st March 2018).

Site Description

- 1.5 The application site forms part of Parcel E1 of the former Filton Airfield site, which itself forms part of Geographic Phase E of planning permission P21/02390/RVC. Parcel E1 as a whole comprises the Phase 2 Residential site, to which this application relates, and the adjacent Phase 2 Retirement Living site for which a separate planning application is currently before the Council (reference P23/01462/F).
- 1.6 Parcel E1 is located on the northern boundary of the Outline planning application area. The site is bounded by Fairlawn Avenue to the west, by the former runway to the south, the Aerospace Bristol Museum to the north and the site of the proposed retirement living facility to the east which is currently vacant. The south east of the site is adjacent to the proposed Aerospace Promenade linear park. The southern boundary of the site will face onto the proposed Runway Avenue once it is constructed. The construction of Runway Avenue, along with other primary

infrastructure, received detailed approval as part of reserved matters consent granted in April 2022 (reference P21/05318/RM).

- 1.7 Vehicular access will be achieved from two junctions with Fairlawn Avenue to the west, which itself accesses the Airfield site via Blenheim Avenue on Hayes Way and has been constructed as part of Residential Phase 1 (The Hangar District). Vehicular access is also proposed via a further junction with Runway Avenue to the South.
- 1.8 The wider Airfield site is located between the A38 to the east, the Cribbs Causeway retail and business area and Charlton Hayes development site to the north and west and the Henbury Loop railway line and Fishpool Hill development site to the south. The administrative boundary of South Gloucestershire Council and Bristol City Council are defined by the railway line along the Airfield's southern boundary.
- 1.9 The Site is allocated for mixed-use regeneration as part of the Cribbs Patchway New Neighbourhood (CPNN) under Policy CS26 of the South Gloucestershire Local Plan Core Strategy (adopted 2013). The Site falls within the Filton Enterprise Area.

Context of this application

- 1.10 The original Outline planning permission (PT14/3867/O) granted on the 1st March 2018 was for a strategic scale mixed-use development including 2,675 new dwellings. All matters were reserved for future consideration, except for the main points of access which were determined in detail.
- 1.11 Subsequently, planning permission was granted in 2021 by Bristol City Council (BCC) for the new YTL Bristol Arena (BCC ref.19/05500/P). A series of four planning applications were approved by SGC and BCC in 2020 that collectively permit a 17,000-seater venue at the Brabazon Hangar building, including a new pedestrian footbridge over the railway line.
- 1.12 A Section 73 (S73) application to amend the original Airfield Outline planning permission (OPP) by varying conditions attached to the original decision notice was approved in 2021 (reference P21/02390/RVC) to better accommodate the Arena and make some transport-related improvements.
- 1.13 In parallel, an updated Design Code (reference DOC21/00067) and updated site-wide Phasing Plan (reference DOC21/00125) were approved for the 'Eastern Framework' area of the Brabazon Masterplan (i.e. the entirety of the area to the east of the North-South link).
- 1.14 A number of the conditions attached to the extant OPP have been discharged and several Reserved Matters applications have been approved. Notably these include the first residential parcel, Geographic Phase 1, which is now largely built out with homes occupied on site (PT18/5892/RM). A Reserved Matters application for the primary access infrastructure across the eastern framework was approved in April 2022 (P21/05318/RM). A Reserved Matters application for the laying out of open space associated with the northern section of Brabazon Park was approved in October 2022 (P21/08021/RM).
- 1.15 The full details of the access and transport strategy for the operation of the Arena are in the process of being finalised by YTL. These details are required to be submitted to both BCC and SGC under pre-commencement conditions attached to the Arena application.

- 1.16 A new Outline application for the whole of the Airfield site has been submitted to SGC which is ultimately intended to replace the extant OPP (ref. P22/02133/O). The new Outline proposes an uplift in the quantum of development (proposed to increase from 2,675 dwellings to 6,500) and some changes to the amounts and types of the other land uses. This new application is in the process of being assessed.
- 1.17 The interrelationship between this application and the other live and forthcoming Applications, associated with the OPP and Arena, on both this site and the Arena site adjacent has been a key consideration for the determination of this application. That said, the new Outline Application will be considered and determined on its own merits.
- 1.18 Pre-application presentations to officers took place in March 2022 as part of the preparation of this application with feedback provided to the applicant. A Design Review Panel session also took place hosted by Design West with written feedback provided in April 2022.

Applicant's supporting information

- 1.19 The following plans/documents have been submitted with the application:

Document/Plan	Drawing No./Revision/Date
Accommodation Schedule	FAD-FCB-111-XX-SA-A-0001 05
Site Location Plan	FAD-FCB-111-XX-DR-A-0001
Existing Layout Plan	FAD-FCB-111-XX-DR-A-0002
Existing Topographical Plan	FAD-FCB-111-XX-DR-A-0010
Proposed Levels Plan	FAD-FCB-111-XX-DR-A-0011 02
Proposed Block Plan	FAD-FCB-111-XX-DR-A-0100 05
Proposed Illustrative Block Plan	FAD-FCB-111-XX-DR-A-0101 05
Proposed Boundary Treatment	FAD-FCB-111-XX-DR-A-0102 06
Proposed Illustrative Block Plan Brick Type Plan	FAD-FCB-111-XX-DR-A-0103 05
Proposed Site Plan – Ground Floor	FAD-FCB-111-XX-DR-A-0110 07
Proposed Site Plan - Typical Floor	FAD-FCB-111-XX-DR-A-0111 06
Proposed Site Plan - Roof	FAD-FCB-111-XX-DR-A-0112 06
Proposed Plot Numbers Plan	FAD-FCB-111-XX-DR-A-0120 05
Block 1 – Apartment Types and Numbers	FAD-FCB-111-XX-DR-A-0121
Block 2 – Apartment Types and Numbers	FAD-FCB-111-XX-DR-A-0122
Block 3 – Apartment Types and Numbers	FAD-FCB-111-XX-DR-A-0123
Tenure Plan	FAD-FCB-111-XX-DR-A-0130 04
House 4A	FAD-FCB-111-XX-DR-A-0200 05
House 3A	FAD-FCB-111-XX-DR-A-0201 06
House 3B	FAD-FCB-111-XX-DR-A-0202
House 3C	FAD-FCB-111-XX-DR-A-0203 06
House 3D	FAD-FCB-111-XX-DR-A-0204 05
House 2A	FAD-FCB-111-XX-DR-A-0205 06
House 2B	FAD-FCB-111-XX-DR-A-0206 05
House 2C	FAD-FCB-111-XX-DR-A-0207 05
House HA2	FAD-FCB-111-XX-DR-A-0212 06
House HA3	FAD-FCB-111-XX-DR-A-0211 06
House HA4	FAD-FCB-111-XX-DR-A-0210 07
House WCU	FAD-FCB-111-XX-DR-A-0213 06
Bay Study 4A	FAD-FCB-111-XX-DR-A-0220 05
Bay Study 3A	FAD-FCB-111-XX-DR-A-0221 05
Bay Study 2C	FAD-FCB-111-XX-DR-A-0222 05
Block 1 – Level 00	FAD-FCB-111-XX-DR-A-0300 05
Block 1 – Level 01	FAD-FCB-111-XX-DR-A-0301
Block 1 – Level 02	FAD-FCB-111-XX-DR-A-0302
Block 1 – Levels 03 – 05	FAD-FCB-111-XX-DR-A-0303

Block 1 – Roof Level	FAD-FCB-111-XX-DR-A-0306
Block 2 – Level 00	FAD-FCB-111-XX-DR-A-0310 05
Block 2 – Level 01 – 02	FAD-FCB-111-XX-DR-A-0311
Block 2 – Levels 03 – 05	FAD-FCB-111-XX-DR-A-0313
Block 2 – Roof Level	FAD-FCB-111-XX-DR-A-0316
Block 3 – Level 00	FAD-FCB-111-XX-DR-A-0320
Block 3 – Level 01	FAD-FCB-111-XX-DR-A-0321
Block 3 – Levels 02 – 05	FAD-FCB-111-XX-DR-A-0322
Block 3 – Roof Level	FAD-FCB-111-XX-DR-A-0326
Block 01 – Elevations 01	FAD-FCB-111-XX-DR-A-0350 05
Block 01 – Elevations 02	FAD-FCB-111-XX-DR-A-0351
Block 01 – Elevations 03	FAD-FCB-111-XX-DR-A-0352
Block 02 – Elevations 01	FAD-FCB-111-XX-DR-A-0360 04
Bay Study 3A	FAD-FCB-111-XX-DR-A-0221
Bay Study 2C	FAD-FCB-111-XX-DR-A-0222
Block 02 – Elevations 02	FAD-FCB-111-XX-DR-A-0361
Block 03 – Elevations 01	FAD-FCB-111-XX-DR-A-0370
Block 03 – Elevations 02	FAD-FCB-111-XX-DR-A-0371
Block 03 – Elevations 03	FAD-FCB-111-XX-DR-A-0372
Visualisation – Apartment Bay Study	FAD-FCB-111-XX-DR-A-0401
Visualisation – East Podium	FAD-FCB-111-XX-DR-A-0501
Visualisation – Communal Garden	FAD-FCB-111-XX-DR-A-0502 02
Visualisation – Mews Street	FAD-FCB-111-XX-DR-A-0503 03
Site Sections and Elevations 1	FAD-FCB-111-XX-DR-A-0701 03
Site Sections and Elevations 2	FAD-FCB-111-XX-DR-A-0702 04
Site Sections and Elevations 3	FAD-FCB-111-XX-DR-A-0703 04
Site Sections and Elevations 4	FAD-FCB-111-XX-DR-A-0704 04
Site Sections and Elevations 5	FAD-FCB-111-XX-DR-A-0705 04
Site Sections and Elevations 6	FAD-FCB-111-XX-DR-A-0706 04
Compliance Statement	FAD-FCB-111-XX-RP-A-0001
Compliance Statement Extra Pages	-
Internal Shutters	FAD-FCB-111-XX-SK-A-SK005
Wheelchair House Options	FAD-FCB-111-XX-SK-A-SK010
Plot 15-16 Façade	FAD-FCB-111-XX-SK-A-SK011
Landscape General Arrangement Plan	FAD-GRA-111-XX-DR-L-1001 05
Illustrative Masterplan	FAD-GRA-111-X-DR-L-1002 04
Key Plan	FAD-GRA-111-X-DR-L-1003 03
Construction Exclusion Zone Detail Plan	FAD-GRA-111-X-DR-L-1004 02
Landscape Maintenance Statement	FAD-GRA-111-XX-RP-L-0301 01
Materials Schedule	FAD-GRA-111-XX-RP-L-0302 06
Planting Schedule	FAD-GRA-111-XX-RP-L-9005 04
General Arrangement Plan Hardworks Sheet Layout Plan	FAD-GRA-111-XX-DR-L-3100 04
General Arrangement Plan Hardworks 1	FAD-GRA-111-XX-DR-L-3101 03
General Arrangement Plan Hardworks 2	FAD-GRA-111-XX-DR-L-3102 04
General Arrangement Plan Hardworks 3	FAD-GRA-111-XX-DR-L-3103 04
Podium General Arrangement Plan Hardworks 1	FAD-GRA-111-XX-DR-L-3110 03
Podium General Arrangement Plan Hardworks 2	FAD-GRA-111-XX-DR-L-3111 03
Hardworks Typical Details	FAD-GRA-111-XX-DR-L-3201 03
General Arrangement Plan Groundworks Sheet Layout Plan	FAD-GRA-111-XX-DR-L-4100 04
General Arrangement Plan Groundworks 1	FAD-GRA-111-XX-DR-L-4101 03
General Arrangement Plan Groundworks 2	FAD-GRA-111-XX-DR-L-4102 04
General Arrangement Plan Groundworks 3	FAD-GRA-111-XX-DR-L-4103 04
Podium General Arrangement Plan Groundworks 1	FAD-GRA-111-XX-DR-L-4110 03
Podium General Arrangement Plan Groundworks 2	FAD-GRA-111-XX-DR-L-4111 03
General Arrangement Plan Softworks Sheet Layout Plan	FAD-GRA-111-XX-DR-L-5100 05

General Arrangement Plan Softworks 1	FAD-GRA-111-XX-DR-L-5101 05
General Arrangement Plan Softworks 2	FAD-GRA-111-XX-DR-L-5102 05
General Arrangement Plan Softworks 3	FAD-GRA-111-XX-DR-L-5103 05
Podium General Arrangement Plan Softworks 1	FAD-GRA-111-XX-DR-L-5110 05
Podium General Arrangement Plan Softworks 2	FAD-GRA-111-XX-DR-L-5111 05
Section 01 Heritage Trail 01	FAD-GRA-111-XX-DR-L-1301 03
Section 02 Heritage Trail 02	FAD-GRA-111-XX-DR-L-1302 03
Section 03 Eastern Street	FAD-GRA-111-XX-DR-L-1303 03
Section 04 Podium Garden to Aerospace Park	FAD-GRA-111-XX-DR-L-1304 02
Section 05 Aerospace Promenade Boundary	FAD-GRA-111-XX-DR-L-1305 02
Section 06 Runway Avenue 01	FAD-GRA-111-XX-DR-L-1306 02
Section 07 Runway Avenue 02	FAD-GRA-111-XX-DR-L-1307 02
Section 08 Fairlawn Avenue 01	FAD-GRA-111-XX-DR-L-1308 02
Section 09 Fairlawn Avenue 02	FAD-GRA-111-XX-DR-L-1309 03
Section 10 Fairlawn Avenue 03	FAD-GRA-111-XX-DR-L-1310 03
Section 11 Communal Garden 01	FAD-GRA-111-XX-DR-L-1311 02
Section 12 Communal Garden 02	FAD-GRA-111-XX-DR-L-1312 02
Section 13 Garden Street	FAD-GRA-111-XX-DR-L-1313 03
Section 14 West Mews Street	FAD-GRA-111-XX-DR-L-1314 03
Section 15 Communal Garden 03	FAD-GRA-111-XX-DR-L-1315 03
Section 16 Communal Garden 04	FAD-GRA-111-XX-DR-L-1316 04
Communal Parking Boundary	FAD-GRA-111-XX-DR-L-1317 03
Communal Parking Boundary 02	FAD-GRA-111-XX-DR-L-1318 01
Private Rear Gardens 01	FAD-GRA-111-XX-DR-L-1319 01
Private Rear Gardens 02	FAD-GRA-111-XX-DR-L-1320 01
Softworks Tree Pit Details	FAD-GRA-111-XX-DR-L-5501 03
Softworks Hedgerow and Climbing Plant Details	FAD-GRA-111-XX-DR-L-5502 03
Play Area Detail Plan	FAF645-GRA-XXX-SK-L-043 03
Public Open Space Plan	FAF645-GRA-XXX-SK-L-044 02
Typical Detailed Planting Plans	FAD-GRA-111-XX-DR-L-5301
Typical Detailed Planting Plans	FAD-GRA-111-XX-DR-L-5302
Typical Detailed Planting Plans	FAD-GRA-111-XX-DR-L-5303
Land Controlled by YTL Management Company Plan	FAF645-GRA-XXX-SK-L-067
CU Soil FAQ	-
CU Soil Flyer	-
Levels Sheet 1	21045-OPS-ZZ-ZZ-DR-C 0002 F
Levels Sheet 2	21045-OPS-ZZ-ZZ-DR-C 0003 F
Levels Sheet 3	21045-OPS-ZZ-ZZ-DR-C 0004 F
Levels Sheet 4	21045-OPS-ZZ-ZZ-DR-C 0005 F
Drainage General Arrangement Sheet 1	21045-OPS-ZZ-ZZ-DR-C 0011 C
Drainage General Arrangement Sheet 2	21045-OPS-ZZ-ZZ-DR-C 0012 C
Drainage General Arrangement Sheet 3	21045-OPS-ZZ-ZZ-DR-C 0013 C
Drainage General Arrangement Sheet 4	21045-OPS-ZZ-ZZ-DR-C 0014 C
SuDS Features General Arrangement	21045-OPS-ZZ-ZZ-DR-C 0015 C
Drainage Details Sheet 1	21045-OPS-ZZ-ZZ-DR-C 0016 B
Drainage Details Sheet 3	21045-OPS-ZZ-ZZ-DR-C 0018 B
Drainage Overland Flow Plan	21045-OPS-ZZ-ZZ-DR-C 0019 B
Highway General Arrangement, Chainage and Road Names	21045-OPS-ZZ-ZZ-DR-C 0020 C
Highway Longsection Sheet 1	21045-OPS-ZZ-ZZ-DR-C 0021 C
Highway Longsection Sheet 2	21045-OPS-ZZ-ZZ-DR-C 0022 C
Highway Longsection Sheet 3	21045-OPS-ZZ-ZZ-DR-C 0023 C
Highways Kerb General Arrangement	21045-OPS-ZZ-ZZ-DR-C 0026 B
Micro Drainage Foul Calculations	-
Micro Drainage Storm Calculations	-
Drainage Design Note - 1614 - Brabazon Phase 2. Parcel E1	-
Surface Water and Sediment Management Plan	-

prepared by YTL, shared with SGC on 24/10/22	
Surface Water Calculations Compliance Statement dated	3rd April 2023
Brabazon Phase 2 Residential RMA Access Movement and Parking Note	Rev A
Vehicle Swept Path Analysis 1	FAD-PJS-111-XX-DR-D01-0001 P5
Vehicle Swept Path Analysis 2	FAD-PJS-111-XX-DR-D01-0002 P5
Vehicle Swept Path Analysis 3	FAD-PJS-111-XX-DR-D01-0003 P4
Vehicle Swept Path Analysis 4	FAD-PJS-111-XX-DR-D01-0004 P4
Highway Adoption Extents	FAD-PJS-111-XX-DR-D01-0005 P4
Parking Provision	FAD-PJS-111-XX-DR-D01-0006 P4
Visibility and Dimensions	FAD-PJS-111-XX-DR-D01-0007 P3
Waste Storage and Collection	FAD-PJS-111-XX-DR-D01-0008 P4
Cycle Parking and Storage	FAD-PJS-111-XX-DR-D01-0009 P3
Southern Access Junction Amendment	FAD-PJS-111-XX-DR-D01-0010 P3
Stage 1 Road Safety Audit and Draft Designers Response	RW-DL-22-3790-RSA1
Phase 2 Travel Plan – 07098	April 2023
Residential Phase 2 Overheating Report	RMA-111-WBS-ZZ-XX-RP-MEP-10005 P05
Residential Phase 2 Energy Strategy	RMA-111-WBS-ZZ-ZZ-RP-Z-10003 P06
Brabazon ES Biodiversity Chapter and Appendices	-
Botanical Survey Report	27th October 2022
Barn owl survey, Filton Airfield development	October 2022
Peregrines on the Brabazon Hangar dated	October 2022
Ecological Enhancement Plan	FAD-GRA-111-XX-DR-L-1005 01
BNG Calculation (Metric 3.1)	-
UKHabs Residential Phase 2 Baseline Plan	-
Electrical Services Adoptable External Lighting Layout	RMA-111-WBS-ZZ-XX-DR-E-63201 P05
Electrical Services Private Communal Gardens External Lighting Site Layout	RMA-111-WBS-ZZ-XX-DR-E-63202 P05

Environmental Impact Assessment (EIA)

- 1.20 An Environmental Statement (ES) was provided as part of the original Outline application (PT14/3867/O) dated 2015 with a further updated ES Addendum submitted, dated 2017.
- 1.21 An updated ES was then submitted with the Section 73 application (P21/02390/RVC) to assess the extent of any new cumulative impacts arising from the Arena permission and also to take account of the 2017 changes to the EIA Regulations.
- 1.22 A single Environmental Statement (ES) was submitted in support of all four Arena applications. A package of mitigation measures was attached to the Arena permissions in the form of planning conditions and Section 106 agreement.
- 1.23 An ES has also been submitted as part of the new densified Outline application for the Airfield site.
- 1.24 Given the above it is considered that this Reserved Matters application will not give rise to new significant effects that have not already been identified within the existing ES information already before the Council.

2. **POLICY CONTEXT**

2.1 **National Guidance**

National Planning Policy Framework (Last updated July 2021)

National Planning Practice Guidance

2.2 **Development Plan Documents**

South Gloucestershire Local Plan Core Strategy (Adopted December 2013)

CS1 High Quality Design

CS2 Green Infrastructure

CS4A Presumption in Favour of Sustainable Development

CS8 Improving Accessibility

CS9 Managing the Environment and Heritage

CS23 Community Infrastructure and cultural activity

CS24 Green Infrastructure, sport and recreation standards

CS25 Communities of the North Fringe of Bristol Urban Area

CS26 Cribbs / Patchway New Neighbourhood

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

PSP1 Local Distinctiveness

PSP2 Landscape

PSP3 Trees and Woodland

PSP8 Residential Amenity

PSP10 Active Travel Routes

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

PSP44 Open Space, Sport and Recreation

2.3 **Supplementary Planning Documents**

Cribbs/Patchway New Neighbourhood Development Framework SPD (adopted March 2014)

Green Infrastructure SPD (adopted April 2021)

Trees and Development Sites SPD (adopted April 2021)

Sustainable Drainage Systems (SuDs) SPD (adopted April 2021)

South Gloucestershire Statement of Community Involvement (2020)

3. **RELEVANT PLANNING HISTORY**

- P23/01462/F - Erection of 239 no. apartments (Class C2) with associated infrastructure and works. Validated 15th May 2023. Under consideration.
- P22/07086/NMA – Non Material Amendment to permission P21/05318/RM to alter the road layout including the location of the junction. Validated 16th December 2022. Under consideration.
- P22/06442/F - Part demolition of existing building and erection of extensions to facilitate change of use of Hangar 16U to a multi-use community hub to include cafe (Use Class E(b)), gym, hall, public library, activity rooms, youth space (Use Classes F1 and F2) and ancillary uses. Construction of access, car park and hardstanding areas with associated landscaping. Validated 21st November 2022. Approved 6th April 2023.
- P22/02113/O - Mixed use development on 141.94 hectares of land comprising: residential development for up to 6,500 dwellings; Student Accommodation (Sui Generis); Business Office and Research development (Use Class E); General Industry (Use Class B2); Hotels (Use Class C1); Extra Care Accommodation (Use Class C2); Education provision to include a Secondary School, Primary Schools, Childrens Nurseries and further education buildings (Use Class E and F1); Community centres and uses inclusive of library, health (including GP and Dental facilities), and built sport facilities, (Use Class E, F1 and F2); Other E use class town centre uses up to inclusive of, public house and other drinking establishments, and hot food takeaway (Sui Generis) together with; supporting infrastructure and facilities including demolition, ground works and remediation, highways and parking inclusive of pedestrian and cycle routes, public transport inclusive of Metrobus route and rail station, utilities, landscaping, sustainable urban drainage, water basins and public open space. Outline application including access, with all other matters reserved. Validated 21st April 2022. Under consideration.
- P21/08021/RM – Laying out of public open space to include provision of two Local Equipped Areas of Play (LEAP), a Neighbourhood Equipped Area of Play, area for Youth Play and a Sports Zone, informal open space, landscaping, water feature/sustainable drainage system (SuD) and all associated works to be read in conjunction with Outline permission PT14/3867/O. Approved 22nd October 2022.
- P21/05318/RM - Construction of primary access infrastructure (Brabazon Eastern Framework) that facilitates road links and associated pedestrian and cycle paths through the Brabazon Eastern Framework. Approved 11th April 2022.
- P21/06296/F – Former Filton Airfield - Erection of railway station with 1 no. footbridge, temporary car park, access. Approved 24th January 2023.
- P21/00001/MODA - Deed of Variation to Section 106 Legal Agreement attached to planning permission PT14/3867/O. Approved 7th January 2022.
- DOC21/00125 - Discharge of condition 4 (phasing plans) attached to planning permission PT14/3867/O. Approved 11th January 2022.

- DOC21/00067 - Discharge of condition 5 (Design Code), 6 (Tall Buildings), 27 (Remediation) attached to planning permission PT14/3867/O. Approved 11th January 2022.
- P21/02390/RVC - Removal of conditions 20 (newts), 42 (bird boxes) and 43 (Leasehold) and variations of conditions 9 (to apply only to construction phases), 22 (To require the development to be in accordance with the LEMP), 24 (to reference the new flood risk assessment), 32 (to amend the Way finding condition), 38 (To amend the wording to compliance with survey) and 41 (to amend the list of approved plans) as attached to permission PT14/3867/O (to be read in conjunction with P20/20118/NMA). Approved 11th January 2022.
- P20/20118/NMA – Non Material Amendment to planning permission PT14/3867/O to amend condition 4, 5, 7 and 10 wording as set out in the covering letter. Approved 8th December 2020.
- Bristol City Council application reference 19/05500/P – Bristol Arena - Hybrid planning application comprising the demolition of existing ancillary buildings and structures; full details associated with the change of use of, and associated external alterations to, the Brabazon Hangar buildings from Class B8 use to a mixture of Class D1, D2, A1, A3, A4 and B1a uses, along with outline details associated with infrastructure works including: revised vehicular access arrangements; redevelopment and reorganisation of the former aircraft apron to provide parking, servicing and associated infrastructure provision; plus associated landscaping, service infrastructure and other associated works and improvements. Address: Brabazon Hangars, Filton. Planning permission granted 29th April 2021 (S106 Signed)
- P19/16740/F (Arena) - Amendments to the existing highway and highway junction at Charlton Road and West Way. Address: Land at Charlton Road and West Way. Planning permission granted 29th April 2021 (S106 Signed)
- P19/16741/F (Arena) - Formation of a temporary car park for up to 2,000 vehicles and bus, taxi, park and ride, pick up and drop off areas on the eastern end of the former Filton Airfield. Planning permission granted 29th April 2021 (S106 Signed)
- P19/16742/F (Arena) - Construction of a new pedestrian bridge linking the former Filton Airfield and the Brabazon Hangar site over the Henbury Loop railway line, including associated demolition, earthworks and landscaping. Planning permission granted 29th April 2021 (S106 Signed)
- PT18/5892/RM: Parcels RO3 and RO4 - Former Filton Airfield Filton South Gloucestershire. Erection of 278 no dwellings with landscaping, car parking and associated works. (Reserved Matters application to be read in conjunction with Outline Planning Permission PT14/3867/O). Approved 15th March 2019.
- PT18/2274/RM: Former Filton Airfield Filton South Gloucestershire BS34 8QN. Construction of primary access infrastructure (the 'U-Road') that facilitates a road link and associated pedestrian and cycle paths between the Brabazon and Blenheim roundabouts (Approval of Reserved Matters including access, appearance, landscaping, layout and scale to be read in conjunction with Outline Planning Permission PT14/3867/O). Approve with conditions 15th October 2018.

- DOC18/0184: Former Filton Airfield: Discharge of Condition 17 (Archaeology) and Condition 36 (Historic building recording) attached to planning permission PT14/3867/O. Condition partially discharged Aug 2018.
- DOC18/0131: Former Filton Airfield: Discharge of conditions 15 (Tree Protection), 17 (Archaeology), 18 (Construction Waste Management Plan), 21 (Badgers), 27 (Remediation), 28 (Construction Environmental Management Plan) and 42 (Bird Box Scheme) attached to planning permission PT14/3867/O. Approved 5th June 2018.
- DOC18/0400: Former Filton Airfield - Discharge of condition 22 (LEMP) attached to planning permission PT14/3867/O. Approved 9th July 2020.
- PT14/3867/O - Mixed use development on 143.73 hectares of land comprising: residential development for up to 2,675 dwellings and apartments (comprising 2,635 x Use Class C3 and 40 x Live Work Units - Sui Generis); 24ha of stand-alone employment land (comprising up to 12ha Use Class B1a and a minimum of 12ha Use Class B1b/c, B2) ; 120 Bed Hotel up to 3,800 sqm (Use Class C1); Rail Station (0.45ha Use Class Sui Generis); Education provision to include a Secondary School (8.31ha), 2 no. Primary Schools (total 5ha) and 2 no. Childrens' Nurseries (total 0.8ha) (all Use Class D1); Community Centre incorporating Library, Built Sports facilities and Doctors surgery up to 3,400 sqm (Use Classes D1 & D2); Dental Surgery up to 800sqm; (Use Class D1); 70 Bed Extra Care Facility up to 12,500sqm (Use Class C2); Shops/Financial Services/Food and Drink facilities up to 4,787sqm (Use Classes A1, A2, A3, A4 and A5) - comprising Retail Supermarket up to 2,787sqm gross maximum (Use Class A1); Business Offices up to 500sqm (Use Class B1) together with; supporting infrastructure and facilities including demolition, ground works and remediation, highways, utilities, landscaping, sustainable urban drainage system, wildlife water basins and public open space. Outline application including access, with all other matters reserved. Approved s106 signed off. 1st March 2018.

4. CONSULTATION RESPONSES

Response from External Consultees

Almondsbury Parish Council

- 4.1 Almondsbury Parish Council object to this revised application on the grounds of over development of the site.

It should be noted the area contains a preservation order for area curtilage of the airfield. If approval is granted, there should be the following conditions: 1. Sustainable management plan of trees, hedges, and landscape for 20 years; 2. Sustainable maintenance plan for any play areas or play equipment installed or provided by the developers and managed for 20 years. There is NO Commitment from Almondsbury Parish Council to be responsible after this time. There should be a Homeowners Association or equivalent that would need to be responsible.

Patchway Town Council

- 4.2 No objection.

Avon and Somerset Constabulary – Crime Prevention Design Advisor

- 4.3 No objection, comments as follows:

Paragraphs 92, 97 and 130 of the NPPF 2021 require crime and disorder and fear of crime to be considered in the design stage of a development. Other paragraphs such as 8, 106, 110, 108, 112, and 119 also require the creation of safe environments within the context of the appropriate section. In addition, Policy CS1 – High Quality Design of the South Gloucestershire Local Plan: Core Strategy (December 2013) in Point 9 states that development proposals will be required to demonstrate that they take account of personal safety, security, and crime prevention.

In view of this I therefore offer the below Comments:

- The comments on page 30 of the Compliance Statement are noted and welcomed (page number correct for original draft of CS).
- The information contained is an accurate summary of the advice given.
- In addition, however the applicant is advised to consider in detail going forward the access control requirements of the apartment blocks. In some instances, locations have external doors as well as internal doors leading into the core of the building. Building Regulations Part Q and Secured by Design will require both doors to be to an appropriate security standard and covered by access control.
- Examples being: a) Block 3 cycle store; b) Block 3 Gym; c) Block 2 Cycle store (Double Door); d) Block 1 Amenity room; e) Block 1 Communal room; f) Block 2 Cycle store (Double Door); g) Block 2 Refuse store.

To fully comply with the safety and security requirements of the National Planning Policy Framework and the South Gloucestershire Core Strategy the applicant is advised to consider the above comments.

- 4.4 No further comments were provided in subsequent rounds of consultation. **Response from SGC Consultees**

Affordable Housing

Housing enabling

- 4.5 The following Enabling comments are further to those dated the 27th September and 15th November 2022 and relate to the following additional information received on the 21st November 2022:

- Supporting letter from a Registered Provider, Bromford: 221118 Letter of Support.pdf
- Detailed affordable accommodation schedule with schedule Plots references: FAD-FCB-111-XX-SA-A-0001_Affordable Schedule_221118.dpf

The following issues were previously raised by Housing Enabling as being outstanding:

- a) 'Supporting information to be provided by RP to justify the proposal flat Block B'
- The applicant has advised that a higher density development as proposed will be unable to deliver apartment buildings into 6 flats per building as per the clustering requirement. The proposed open market apartment buildings adjacent west (Block1) and east (Block 2) will have 92 and 97 apartments respectively. Prior to submitting the RMA as part of the design development process; different tenures for houses and apartments were proposed before agreeing to revert to the original proposal to allow for more social rent affordable houses to be delivered on this parcel.

Housing Enabling acknowledges that although this RM proposal is not in line with several requirements of the S106 agreement it is considered that the scheme as submitted reflects the character of the application, which features much higher density flat blocks. At pre-application stage it was considered that due to the internal layout and design of the proposed flat block that a mono tenure block for all shared ownership tenure would work best in this instance. Feedback has been submitted by an RP confirming their support for the proposed tenure and unit mix for this proposal. They have also confirmed the proposed single tenure block for shared ownership will assist with onwards management for internal colleagues.

YTL should note that the RP has raised some concern around service charges levels and has put forward some suggestions in terms of keeping service charges down. YTL is reminded there is a service charge cap in place in relation to the flats on this Outline site to ensure they remain affordable. Housing Enabling is not wanting to revisit the service charge cap and strongly recommends that YTL has early discussions with whichever RP enters into contract for the s106 units to ensure service charges are in line with the agreed cap.

Please note a subsequent deed of variation may be required to address the proposed deviation from the clustering restrictions.

b) 'Affordable Housing Schedule listing all 61 plots on plot-by-plot basis'

The agent has submitted a revised accommodation schedule titled FAD-FCB-111-XX-SA-A-001 Planning Accommodation Schedule dated 221118 with plot references which is deemed acceptable. This issue has been addressed.

c) 'Revised Wheelchair dwgs. have been submitted to the Council's Occupational Therapist. Once comments have been received, they will be emailed to the Planning Officer'

4.6 Comments were subsequently emailed to the planning officer on the 18th November 2022 flagging up a several issues in relation to the design and layout of proposed wheelchair homes. Revised plans were subsequently submitted by the applicant and reviewed by the Council's Occupational Therapist and agreed on a call on 9th January 2023.

Occupational Therapist

4.7 No objection, comments as follows:

Thank you for meeting with us Monday 9th January 2023. Having spoken to you all and having looked at your revisions, my Council colleague, Andrew Barnet, and I are satisfied with the proposal and design.

Community Infrastructure

4.8 No objection, comments as follows:

I welcome the more detailed Community Information that YTL have provided that includes community centres, library and other amenities; although note that the community centre annotated for PT14/0565/O is inaccurately shown. Overall this a helpful addition to the information submitted under Brabazon Resi phase II P22/05223/RM. If the applicant is not required to provide anything other than details of landscape, layout, appearance I have no further comments regarding community centre provision.

Ecology

General comments

4.9 This is a reserved matter application under the existing outline consent, as the revised outline consent has not yet been granted. In any case, the majority of the Phase 2 survey reports submitted in the revised outline application still do not cover the site of this RM application. Without up-to-date baseline data it is not possible to determine the potential effects of the proposed development and if the proposed mitigation is sufficient. A coherent and logical document is required that provides this baseline, an assessment of impacts and what mitigation and enhancements are proposed.

Most surveys and documents provided do not cover the RM application site specifically.

While the submitted ecological enhancement plan (FAD-GRA-111-XX-DR-L-1005) provides the location for bat and bird boxes and wildlife gaps through boundaries, it does not provide specifics on the type and number of boxes. If the coloured rectangles on the plan indicate the number of boxes to be installed, this is well below current best practice guidelines for the numbers of bat and bird boxes per residential unit. A site specific LEMP is still required at reserved matters as per Condition 22 of the current outline application (P21/02390/RVC) to

provide confidence that the predictions in the Biodiversity Metric for on-site mitigation and habitat creation will be delivered and maintained.

Natural England's response on the planning portal for P22/02113/O dated 5 October 2022 appears to be satisfied with the applicant's justification for no likely significant effects on the designated sites. This is noted and agreed with for this reserved matters application.

Habitats

The submission of the updated botanical survey report (October 2022) and UKHabs Residential Phase 2 Habitat Map is welcomed. However, the report is focused on the whole Filton Airfield site rather than the reserved matters application site, with little detail on what habitats are actually present within the application site boundary. Also, large sections of the reserved matters application site boundary fall outside of the survey areas described in the botanical report. How were the habitats in these sections assessed? Additionally, the Habitat Map of the botanical report (Appendix A.2) differs significantly from the submitted UKHabs Residential Phase 2 Habitat Map. Clarification is required on the habitat baseline of the reserved matters application site.

Invasive and non-native species (INNS)

INNS will need to be scoped out within the reserved matters application or a pre-construction survey carried out and an Invasive Species Management Plan created (if required), as described above.

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

Bats – There is no evidence that the reserved matters application site has been assessed for bats.

Great Crested Newts – likely absent from the application site.

Dormouse – likely absent from the application site.

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

Barn Owl – The submitted barn owl survey report (October 2022) shows that the reserved matters application site contains suitable foraging habitat for barn owls but no suitable roosting/nesting features. However, the report highlights that an active roosting site is present further to the west. It is therefore possible that barn owls use the site for foraging. However, the report does not provide any information on the mitigation or compensation for barn owls beyond the start of construction. Additional information is required on how the reserved matters application will mitigate for the loss of barn owl foraging habitat in the context of the full outline application site.

Nesting birds – standard best practice mitigation recommended with regards to common nesting birds.

Reptiles – The Reptile Mitigation Strategy based the suitable habitats on the original site-wide habitat data that categorises the reserved matters application site as predominantly urban built-up/developed land. The newly submitted UKHabs Residential Phase 2 Habitat Map show the application site as predominately modified grassland and other neutral grassland, that would have potential for reptiles. An assessment of the suitability of the development site is required, given the high population of slow worms recorded on the wider site.

Badger Act 1992:

Badger setts unlikely on/close to this RM site.

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

Hedgehog - Hedgehogs were not identified on the Site (Chapter 12, Environmental Statement) and this is accepted. The hedgehog friendly gaps in boundaries within the reserved matters application are welcomed. The other mitigation outlined in the Environmental Statement for hedgehogs (sensitive lighting) must also be adhered to.

Invertebrates – the habitats present are unlikely to support important assemblages of invertebrates.

Amphibians – likely absent from the application site.

Birds listed on the Red, Amber or Green Lists of Species of Conservation Concern (PSP19):

Skylark – Evidence (e.g. photographs) will need to be provided that the reserved matters application site is unsuitable for skylark. If the site is indeed modified/neutral grassland as shown on the UKHabs Residential Phase 2 Habitat Map, this seems to contradict the applicants statement regarding the site being within an active construction site.

Biodiversity enhancements and biodiversity gain (NPPF para 174 (b) and 175 (d) and PSP19):

Condition assessments should be submitted for the baseline habitats and proposed habitats. As mentioned above, a site-specific LEMP should also be submitted to ensure confidence that the proposed habitats will reach their intended condition and be maintained at that condition. Additionally, the Softworks Schedule used to inform the urban trees entries of the metric states there will be 239 trees, whereas the metric has 241 trees. Also, we are concerned that the sizes of the trees have been accurately calculated, with the first tree species on the schedule having 12 individuals of a size that would put them in the small category and there are no small category trees in the metric. This part of the metric will need to be reassessed by the applicant and submitted again as we doubt the validity of the projected 113.72% net gain, the majority of which results from the urban trees.

Environmental Protection Team - Noise

4.10 No objection, comments as follows:

Probably all good now. Ideally balconies and elevated habitable rooms not exposed/ roadside. Maybe to consider/ be aware as it progresses.

Heritage

4.11 No objection, comments as follows:

Heritage comments on the pre-app related to the boundary treatment of the museum which lies outside this RM. The RM itself is in compliance with the relevant heritage matters and I've nothing to add.

Highways

4.12 Following further discussions, our revised position is as below.

We have reviewed the information and remain unable to confirm the operation of the proposed design of the Copenhagen style junction leading to and from Runway Avenue. We have not been provided with sufficient information to have confidence that the junction will operate appropriately and safely given the level of development that it accesses.

We understand that the design (in concept rather than in operation) has approval through acceptance of the Design Guide and the junction's general location through the infrastructure reserve matters application (P21/05318/RM): this junction was not operationally tested as part of the infrastructure application. We therefore do not object to the proposals but do require

conditions to demonstrate that the operation of the junction will be acceptable including its anticipated safety performance.

For future applications we would not wish to be placed in a similar position of not having appropriate assessments to confirm junction operations. These Copenhagen style crossings for which there is no nationally agreed design guidance, are not considered appropriate by the Local Highway Authority for high levels of traffic use. Their main function / purpose is to prioritise pedestrian and in this case cycle movements whilst also allowing vehicles to cross. This location includes bus lanes and likely higher traffic flows on Runway Avenue, together with the proposed cycle trunk route and pedestrian flows included within the Copenhagen style crossing.

We therefore require the proposed conditions in order to sign off the operation of this design and quantum of development access:

Landscape

4.13 No objection, subject to the following being required by condition and approved in writing:

- Hardworks manufacturers details;
- Landscape Management and Maintenance Plan;
- Compliance with the LEMP being prepared in support of the proposed new Outline Planning Application (P21/02113/O).

4.14 Final comments as follows:

I have spoken to Grants Associates [the Applicant's architects] and they have confirmed that the majority of the gardens are policy compliant, so on the whole I'm happy with this, which was my final outstanding point.

Lighting

4.15 No objection, comments as follows:

FAD-WBS-111-ZZ-XX-DR-E-63201 - it is noted that the previous comment about optics were taken into consideration, there appears to be significantly less light spill towards the properties adjacent to the parking courtyards, which is great.

It looks like the private column adjacent to an adopted column illuminating the path link is still on the drawing (although the lux contours are suggesting it was removed). Is this just an error on the drawing?

FAD-WBS-111-ZZ-XX-DR-E-63202 - Following up previous comments, I can confirm that the previously provided detailed specification for the proposed private bollards and private post top mounted lanterns are satisfactory, they result in minimal ULR.

It is also noted that following previous comments, lanterns are now rotated away from the properties, which is great. Although some of them still appear to be at the front of the path, now facing away from the path. While in other areas, they were moved to the rear of the path. Was it intentional to keep them at the front, or just an error on the drawing and they all should be at the rear?

Furthermore, a few symbols appear to be missing (see red ringed below) and the symbols with PL mark on are a little confusing. Just to confirm: the feeder pillars shown on this drawing are for the private lighting, is that correct? (Adopted columns are to have DNO/eDNO direct LV un-metered supply).

Lead Local Flood Authority

4.16 No objection, comments as follows:

Having reviewed the revised details, we/LLFA can confirm that we are now in position to recommend the approval of reserved matters relating to surface water drainage under P21/02390/RVC formerly PT14/3867/O, subject to the condition proposed.

Public Open Space

4.17 No objection, comments as follows:

My remaining issue is that we still do not have a plan that just shows POS and Ancillary Open Space Infrastructure.

FAF645-GRA-XXX-SK-L-067 (Land Controlled by YTL Management Company Plan) shows areas that do not fall under the S106 definitions of Public Open Space or Ancillary Open Space Infrastructure e.g. private highway and private communal spaces.

FAF645-GRA-XXX-SK-L-044 rev 02 (POS area calculations) still includes areas described as Ancillary Open Space that are not.

Public Art Officer

4.18 No objections, comments as follows:

I am thinking both generally about how public art is considered but am also interested potential to work with artists to create unique and inspiring interpretation along the Heritage Trail. There are many excellent examples of artists contributing to landscape schemes to interpret the history of a site and I think that the airfield site could really benefit from such an approach.

I am unclear about how you would know this is a Heritage Trail; there are no references to any unique features or interpretation – just details on materials and landscape. There is potential to commission an artist to develop something – it could be quite simple but effective such as inlaying some incidental details into the paving or putting them through the landscape to reference the history of the area.

However as this is still under the original planning permission we are still limited in what we can ask. If we could get something more solid attached to the revised Outline to ensure greater consideration of public art, that would be great.

Self-build Officer

4.19 No objection, comments as follows:

The original planning application PT14/3867/O pre-dates policy PSP42. On this basis, policy PSP42 Self and Custom Housebuilding is not relevant to this application.

Sustainability

4.20 No objection, comments as follows:

The Energy Statement still refers to the use of SAP 2009 software, pending approval by the BRE of figures for heat pumps under the latest iteration of the Building Regulations (2021). Given that the Energy Statement was first issued in June 2022, and to be consistent with the approach taken on other applications, I am still of the view that the calculations in the report should be updated to reflect the approval of heat pumps by the BRE. This could be secured by condition if necessary.

The amended overheating assessment provides further clarification on avoiding overheating in the future (i.e. 2050). The modifications to the bedrooms and living spaces needed to achieve compliance under at 2050 weather scenario include the installation of MVHR with hybrid cooling and the partial opening of patio doors during the day. I remain concerned about the disruption, expense and practical difficulties of retrofitting MVHR, and as discussed in previous comments would much prefer MVHR to be included within the specification from the outset. Also, leaving patio doors partially open during the day will be impractical in many cases, not least for security reasons. So, though the dwellings meet Part O, and the CIBSE TM59 assessment criteria, I am concerned that as specified, in-practice they may be liable to overheating.

Tree Officer

4.21 No objection subject to condition, comments as follows:

There are very few existing trees that could be affected in this phase 2 reserved matters proposal. The applicant has submitted an arb method statement (18195-AA3-CA, dated AA3-CA) and a Tree Protection Plan (18195-3) for the protection of the trees. Provided that compliance is conditioned to these documents there are no objections to the proposal.

Urban Design

4.22 No objection subject to condition, comments as follows:

The ground floor of Block 2 has now been re-configured (adjusting the plant and cycle spaces) to allow for an extra amenity space on the SE corner, with extra windows into it. The link building of Block 2 has recessed brick panels corresponding with the order of the façade above it, and most of these have now been changed to be perforate brick, which is labelled and made graphically clearer on both plan and elevation. On Block 1, they have also made the extent of perforate brickwork clearer both graphically and with labels. They have added a window to each of the cycle stores as requested and the brickwork around the window remains perforate. The design is now acceptable.

Back-to-backs have been increased to 16m. This is combined with communal garden streets to front providing good levels of landscaping and privacy. Where possible windows have been removed to side gables. Tinted and shuttered windows are provided, as well as more trees in rear gardens and trellised fencing. This combination of measures is considered sufficient to allow for this exception. A couple of pages have been added to the compliance statement, which captures the agreements, the reasons for this exception, and about this not setting a precedent. Plans and house details need updating accordingly.

Plans have been amended such that the scheme is now considered acceptable, subject to proposed conditions.

Waste

4.23 No objection in principle, subject to the agreements being put in place to ensure that where applicable the moving of bins by a management company occurs as scheduled and that the management company also takes responsibility for ensuring the bin area is maintained and waste not allowed to pile up or left on the floor as this may mean the collection operatives cannot collect waste.

5. ANALYSIS OF PROPOSAL

Principle of development

- 5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission are determined in accordance with the development plan unless material considerations indicate otherwise.
- 5.2 The adopted South Gloucestershire development plan comprises the South Gloucestershire Local Plan Core Strategy (2013), and the South Gloucestershire Policies, Sites and Places Plan (2017).
- 5.3 The principle of development has been established with the approval of Outline planning permission P14/3867/O which covers a substantial part of the Cribbs Patchway New Neighbourhood development allocated by Policy CS26 of the adopted Core Strategy.
- 5.4 Subsequently, an application was submitted under Section 73 (S73) of the Town and Country Planning Act 1990, reference number P21/02390/RVC. This application amended or deleted a

number of conditions attached to P14/3867/O in order to amend some of the parameter plans consented under the original OPP, with a view to supporting the integration of the YTL Bristol Area into the wider masterplan area. Consent was granted in January 2022. In light of the above, the principle of development is considered acceptable.

Compliance with previously approved plans and documents

- 5.5 Condition 7 of the OPP (i.e. P21/02390/RVC, previously P14/3867/O) requires that applications for the approval of RMs shall be in accordance with certain previously approved documents. A Compliance Statement has been submitted with the application in accordance with Condition 7.
- 5.6 This RM submission must be in compliance with the parameter plans approved under the relevant Outline consent. For the reasons given above, the relevant parameter plans are those approved under P21/02390/RVC pertaining to land use, density, heights, access, landscape and heritage. Compliance with these is considered in turn below:

Land use – the parameter plan establishes that the entire parcel will be predominantly (i.e. greater than 90%) residential use. The application is for residential use, along with access, landscaping and other enabling works.

Density – the parameter plan denotes the parcel as appropriate for up to 110dph, except for a linear area along the southern boundary of the parcel (i.e. the area which fronts onto Runway Avenue) which is denoted as appropriate for high density mixed use of up to 200dph. The proposed development equates to 90dph (i.e. 339 dwellings on 3.78ha).

Heights – the parameter plan sets a maximum height of 12 storeys for the high-density linear area fronting onto Runway Avenue, and a maximum height of 7 storeys for the rest of the parcel. The proposed development comprises three apartment buildings adjacent to Runway Avenue of up to 6 storeys and houses of between 2 and 3 storeys in height on the rest of the parcel.

Access – the parameter plan shows that the parcel is bounded to the west by the I-road (now known as Fairlawn Avenue), to the south by the proposed Runway Avenue and to the north by the proposed heritage trail. To the east is the proposed location of a retirement living development which is subject to a separate planning application (reference P23/01462/F) but served by the same access from Fairlawn Avenue. As per planning permission P21/05318/RM (Construction of primary access infrastructure, road links and associated pedestrian and cycle paths through the Eastern Framework area) primary access to the parcel will be via two junctions with Fairlawn Avenue at the north west and west of the parcel, with an additional point of access from the south via a junction with Runway Avenue. The application is broadly in compliance with the OPP, though a different location for the access from Runway Avenue is proposed from that approved through the primary infrastructure RM consent. This change of access location is subject to a separate application for a non-material amendment (reference P22/07086/NMA).

Heritage – accordance with the parameter plan is analysed under the 'Heritage' heading below.

Affordable Housing

- 5.7 A total of 61 affordable homes are proposed, i.e. 18% of the total 339 units. This is consistent with the S106 agreement for the OPP. Affordable housing delivery comprises 43 shared ownership apartments (28no 1-bed, 15no 2-bed) and 18 social rented houses (7no 2-bed, 9no 3-bed, 2no 4-bed).
- 5.8 Initial concerns were raised by the affordable housing officer in relation to the proposed affordable flat to house ratio, tenure split and clustering arrangements proposed. This was particularly in relation to Block 2 of the three apartment blocks, which is proposed to come

forward entirely as shared ownership (i.e. all 43 apartments in Block 2 would be tenured as shared ownership).

- 5.9 However, the Registered Provider (RP) – Bromford – has subsequently provided a letter of support for the proposed tenure and unit mix on the basis of the established level of interest in such units in the area, and on the basis that provision of a single tenure block will assist onwards management of the units under Bromford’s ownership. This was accepted by the affordable housing officer as sufficient justification for deviation away from the requirements of the S106 agreement, alongside considerations including that the scheme reflects the high-density character of the application.
- 5.10 Separately, concerns were raised by the affordable housing officer and occupational therapist regarding the kitchen layout of the 3no. wheelchair accessible units. The original kitchen layout was proposed in a galley-style arrangement which facilitated access to the window by a wheelchair user but did not accommodate a wheelchair turning circle. The applicant has subsequently amended the kitchen layout to address this accordingly, along with other minor changes suggested by the occupational therapist.
- 5.11 Following dialogue between officers and the applicant, these initial concerns have been resolved to officers’ satisfaction and no objections remain.

Community Infrastructure

- 5.12 Aside from an equipped area of play there is no community infrastructure proposed within the Phase 2 site on the basis that the development will fall within the catchment of existing and proposed community facilities elsewhere on the airfield site and in the wider area.
- 5.13 These facilities are mapped by the Applicant in a plan entitled ‘Brabazon Residential Phase 2 Community Facilities Information’ dated November 2022, detailing the characteristics of each facility and their locations relative to the Phase 2 site. This depicts a range of community infrastructure within approximately 1 mile of the site, including a primary school, nursery, supermarket, convenience retail, pharmacy and library. At the time of submission, the proposed community centre at Hangar 16U was not yet determined, but subsequently received consent in April 2023 (P22/06442/F). This will provide flexible community space for a range of uses within a short walk of the Phase 2 site.
- 5.14 Initial concerns were raised by the Community Infrastructure Officer in relation to the accuracy of how these facilities were depicted on the Applicant’s original plan, though the November re-submission substantively addresses these concerns. No residual concerns were raised in relation to the actual provision and availability of community infrastructure and the proposal is considered acceptable in these terms.

Ecology

- 5.15 Ecology inputs on behalf of the Council were provided by specialists from the consultancy firm Arup, with comments provided at pre-application stage and in relation to the submitted plans as they evolved iteratively in response to feedback from officers.

Conditions attached to the approved Outline Planning Permission

- 5.16 The approved OPP has four conditions attached in relation to ecology, namely Conditions 19 (hedgehogs), 20 (newts), 21 (badgers) and 22 (Landscape and Ecological Management Plan). In summary, these require subsequent RM applications to respectively: create suitable foraging and nesting habitats for hedgehogs; accord with the approved Great Crested Newt mitigation strategy; avoid commencing development until a airfield-wide badger survey and mitigation strategy has been approved by the Council, and; accord with the approved airfield-wide Landscape and Ecological Management Plan (LEMP) dated March 2019, or provide a LEMP addendum if any new habitat typologies are proposed.
- 5.17 Taking these conditions in turn, Arup have confirmed that on the basis that hedgehogs have not been identified on the application site and that hedgehog-friendly fencing is proposed (i.e.

fencing with occasional ground-level gaps in the gravel boarding), the RM application is in accordance with Condition 19. There is no conflict with Condition 20 on the basis that Great Crested Newts are likely absent from the site, as per Arup's advice. Similarly, no conflict with Condition 21 is identified on the basis that Arup confirm badger setts are not present within or close to the site. An updated airfield-wide badger survey was undertaken in February 2023 which confirms this remains the baseline position.

- 5.18 Compliance with OPP Condition 22 (LEMP) has been the subject of discussion between the Council and the Applicant. The condition is in worded in two parts, with the first part requiring RM applications to accord with the approved 2019 site-wide LEMP. There is no suggestion that the current RM application fails to meet this part of the condition in full. The second part of the condition reads as follows:

"Where required, Reserved Matters applications shall include the submission of an addendum to the approved LEMP confirming the management regime for an additional proposed open space typologies that are not currently covered by the approved LEMP to be approved in writing by the Local Planning Authority. Thereafter, the LEMP and any approved addendum shall be adhered to in full".

- 5.19 The Applicant contends on the basis that the RM submission does not include any additional open space typologies beyond those in the approved airfield-wide LEMP, the requirement for a site-specific LEMP addendum is not triggered. Arup's ecologists, acting for the Council, take the view that notwithstanding the condition wording there remains a need to prepare a site-specific management plan for green infrastructure and open spaces within the site.
- 5.20 In my view the comments from Arup do not suggest that the need for a LEMP addendum under Condition 22 has been triggered, rather that in abstract it would be best practice to provide one. As such, in my view the Applicant is correct that there is no conflict with Condition 22. Notwithstanding this, I have had regard for the ecologists' response.

Biodiversity Net Gain

- 5.21 Policy PSP19 (Wider Biodiversity) seeks a biodiversity net gain (BNG) from development proposals where possible, and states that the gain will be expected to be proportionate to the size of the scheme. The RM submission is accompanied by a BNG calculation using Biodiversity Metric 3.1, which was the 'live' version of the metric at the time of submission. The calculation produces a BNG projection of 113.72% reflecting the delivery of significant new planting of new trees and other soft landscaping features. This new planting will deliver a significant uplift in habitat features versus the existing baseline of the site. Additionally, the Ecological Enhancements Plan (FAD-GRA-111-XX-DR-L-1005) shows that a total of 11 bird boxes, seven bat boxes and site-wide hedgehog friendly fencing will be provided.
- 5.22 Initial comments from Arup's ecologist raised concerns about the Applicant's Biodiversity Net Gain (BNG) calculations. These concerns centred on the suggestion that the BNG score is derived from a total of 241 urban trees, when the softworks schedule only proposes 239. Also, the ecologist has suggested that 12 trees counted in the metric as 'medium' should in fact be counted as 'small'. Overall on BNG, it is my view that the BNG score is sufficiently high and the contended errors sufficiently minor as a proportion of the overall calculation, that a net gain far in excess of 10% is highly likely.

Species

- 5.23 There are no concerns raised by Arup's ecologist in relation to dormice, Great Crested Newts, nesting birds, amphibians or invertebrates. Similarly, no specific concerns were raised in respect of reptiles given previous translocation exercises, though Arup's ecologists recommend a precautionary condition to mitigate for any residual reptile presence in the form of phased vegetation clearance. This has been included on the list of conditions.
- 5.24 Arup's ecologists proposed further survey work in relation to barn owls and bats. As noted above, they also requested a site specific Landscape Ecological Management Plan (LEMP).

The Applicant considers these requests to be unnecessary in light of the baseline conditions at the site and on the basis that the application is in accordance with the relevant conditions of the OPP, namely conditions 19-22. I share the Applicant's view in this instance.

- 5.25 Overall, it is considered that the information submitted with the RM application is sufficient to accord with the conditions attached to the OPP. It is considered that the absence of certain site-specific survey work – the provision of which was encouraged by Arup's ecologist on behalf of the Council - does not meet a threshold of an objection on ecology grounds and is not necessary to find overall accordance with the requirements of the OPP conditions and the Development Plan. It is important to note that this may not be the case for future RM applications at other parcels of the airfield site given the potential for there to be different baseline ecological sensitivity elsewhere.

Environmental Protection - Noise

- 5.26 The potential for noise impacts on future residents has been assessed in relation to British Standard 8233 2014 which is the relevant guidance on acceptable levels of noise received by residential development.
- 5.27 The Environmental Health officer has confirmed that notwithstanding the potential for balconies facing Runway Avenue to receive traffic noise he is satisfied that the scheme will meet BS 8233 2014 and has no objections.

Heritage

- 5.28 The northern boundary of the parcel abuts the site of Aerospace Bristol, which includes two Grade II-listed hangars (Hangar 16S and Hangar 16M) alongside the contemporary hangar built to house Concorde. The approved heritage parameter plan (approved via OPP P21/02390/RVC) identifies that the view corridor between Hangar 16S and Hangar 16M is an "important view". As such there is historic interest to the north of the application site, and the site is considered to fall under a degree of influence from this historic interest given that it speaks to the site's rich aerospace heritage. The heritage trail is proposed to pass through the site following the northern boundary, and this alignment represents an opportunity to better reveal the site's aviation heritage and significance to users of the trail. However, the application is accompanied by very little information on the heritage trail, other than section drawings. Whilst these drawings help demonstrate the trail will likely perform well as a segregated pedestrian and cyclist route, there is little to suggest how the trail will function as a heritage experience for the user. For instance, it is unclear whether interpretive signage or information points are to be provided, nor where the location of these might be if so.
- 5.29 It is noted that Condition 10 of the approved Brabazon Park Reserved Matters decision (P21/05223/RM) is relevant to Phase 2 on this point as it includes a requirement that when details of the heritage trail are submitted to the Council, "the details of heritage trail features that fall outside of Brabazon Park shall also be included for completeness". The condition specifies that such details will include "Heritage Trail signage and interpretive features as well an Implementation Programme", and that these submitted details shall "accord with the submitted Signage and Heritage Trail Implementation Strategy (dated June 2022)". Therefore in theory it is not necessarily a concern that no detailed information on the Heritage Trail accompanies this Phase 2 Residential Reserved Matters application as it should theoretically be provided via the discharge of Condition 10 of the Park RMA.
- 5.30 However, it is apparent that the Signage and Heritage Trail Implementation Strategy does not identify the full route of the heritage trail, and no interpretive signage locations are proposed within Parcel E1. A concern therefore arises that it may be possible to fully discharge Condition 10 of the Park RMA and not deliver any heritage interpretation features within the Phase 2 Residential site, despite its positive wording. As such a condition is proposed to this RMA to ensure that interpretative features are delivered within Phase 2, included below.
- 5.31 The boundary fence marking the southern boundary of Aerospace Bristol falls outside the red line of the application site and as such the treatment of this boundary is outside the control of

the Applicant. This is noted on the proposed Boundary Treatment Plan (FAD-FCB-111-XX-DR-A-0102) which identifies “Northern Boundary to be provided by Aerospace Bristol”. Currently there is a temporary boundary fence in situ but it is understood that the adjacent landowner will be seeking permission for a permanent structure via the discharge of Condition 18 attached to the 2015 permission for the site’s refurbishment into a museum (permission reference PT14/3138/F). The partial discharge of this condition was approved in September 2022 for two small sections of the boundary fence from Hays Way to the north western extent of Parcel E1. The approved fence for these sections is described as a ‘V Mesh Security Fence’. In pre-app correspondence for the Phase 2 Residential Reserved Matters the Conservation Officer identified a need for treatment of this boundary fence to avoid an overly defensive and unsightly treatment immediately adjacent to the public realm and the heritage trail. It is therefore hoped that the adjacent landowner will consult with YTL and the Council to deliver a more sensitive treatment for the remainder of the boundary through the residual discharge of Condition 18 of PT14/3138/F given the significance of cross boundary views identified above. However, it is recognised that this process is outside the scope of this current Reserved Matters application.

- 5.32 Separately, the approved heritage parameter plan identifies that the north west corner of the parcel falls partly within the backdrop of the identified ‘important view’ across the adjacent Aerospace Bristol courtyard from Hangar 16S to Hangar 16M. The same area of the parcel is sensitive to a second ‘important view’ from Hangar 16U to Hangar 16M. As such the heritage parameter plan requires an appropriate design response from new structures in this part of the parcel via “sensitive facades”. Based on the proposed Plot Numbers Plan (FAD-FCB-111-XX-DR-A-0120), it is considered this requirement is relevant to six units, namely SR001 to SR006 in the parcel’s north west. The proposed Brick Type Plan (FAD-FCB-111-XX-DR-A-0103) shows that these units are proposed to be faced with Stock Red/Red-Purple Multi bricks i.e. the same treatment as all other units facing the northern boundary of the parcel. No concerns have been raised by the Conservation Officer or Urban Design Officer in respect of design or materials in this location and it is considered that the design and materials proposed are consistent with the “sensitive facades” required by the approved heritage parameter plan.
- 5.33 The proposal is considered acceptable in terms of the policy requirements of Policy PSP17 of the adopted PSP.

Highways/Transportation

- 5.34 A number of points of principle in relation to highways matters are already established through approved documents in previously consented applications under the approved OPP. These include the Revised Eastern Framework Design Code approved via discharge of condition 5 under the approved OPP (ref DOC/21/00067) and the Primary Infrastructure Reserved Matters (P21/05318/RM). These are considered in the analysis below.

Junction arrangement/Highway configuration

- 5.35 Three vehicle access points to the application site are proposed comprising two junctions with Fairlawn Avenue at the west and north west of the parcel, and one junction with Runway Avenue at the south of the parcel. This is consistent with the principle of three vehicle junctions established through the approved Eastern Framework Design Code and P21/05318/RM.
- 5.36 As submitted, the southern access is proposed to serve the three apartment blocks, a total of 232 dwellings. The two junctions with Fairlawn Avenue are proposed to serve all 107 houses, plus up to 229 units at the adjacent proposed retirement living development currently before the Council via a separate planning application (P23/01462/F). A ‘modal filter’ is proposed within the parcel to prevent vehicle rat-running between Fairlawn Avenue and Runway Avenue whilst still enabling pedestrians and cyclists to permeate freely through the site. This will be formed of bollards to obstruct vehicles but which can be lowered to allow emergency vehicles to pass.
- 5.37 Concerns were raised by the Highway Development Management team and the Council’s highways engineer with regard to the safe operation of the junction with Runway Avenue. These were specifically in relation to the volume of traffic the junction would be expected to support, the potential for vehicles waiting to turn into the development resulting in queuing

traffic on Runway Avenue, the potential for turning vehicles to obstruct the smooth operation of the Runway Avenue Metrobus lane, and the potential for turning vehicles to come into conflict with pedestrians and/or users of the Runway Avenue cycle lane.

- 5.38 These matters have been the subject of several rounds of focussed engagement between the Council, the Applicant and the Applicant's transport consultants from both a planning and a technical highways perspective.
- 5.39 As a result of these discussions, it has been established as informal common ground that the proposed access arrangements as submitted have potential to generate a level of vehicle movements too high to be found acceptable in principle based on the evidence provided with the submission. No specific quantum of units considered acceptable to be served from the southern access has not been agreed with the Council. However, Highways officers have agreed that their concerns will be overcome should additional evidence be secured by condition which can demonstrate beyond doubt the safe and effective operation of the southern access arrangements, i.e. the junction between Parcel E1 and Runway Avenue. These conditions are included below.

Highway safety

- 5.40 A road safety audit (RSA) was submitted with the application, prepared by consultants The Safety Forum. A total of nine potential problems were identified across the application site. These range from minor/cosmetic (e.g. the inadvertent omission of tactile paving at crossings from initial plans) to wider design considerations. Of these, several matters raised did not require further intervention on the basis that there is satisfactory justification, such as the absence of turning heads in the mews streets which is mitigated for in other ways (e.g. shared refuse collection points which remove the need for refuse vehicles to enter the streets).
- 5.41 However, the Highways DM team have advised that the RSA was not undertaken by an approved consultant and that they were not consulted about the scope or methodology of the RSA. As such they have advised that they do not have confidence in its findings.
- 5.42 Additionally, the Highways DM team have advised that the Applicant's modelling outputs in relation to the southern access with Runway Avenue are not satisfactory on the basis that the provided PICARDY modelling is not the preferred software package by which to model Copenhagen-style crossings. The Council's preference would have been for microsimulation modelling to have been undertaken which can more precisely measure the complex interactions and movements generated by this style of junction. In the absence of microsimulation modelling, Highways officers are unable to recommend approval of the application.
- 5.43 To overcome this, officers have proposed two conditions. One would secure the required microsimulation modelling for the southern junction, and the other would secure a new RSA prepared to the Council's satisfaction. These conditions are included below, and once discharged will overcome the Council's concerns.

Parking provision

- 5.44 The scheme proposes car parking provision at a ratio slightly below the standard set by Policy PSP16. The Access, Movement and Parking note sets out justification for this which includes the expectation that the new Metrobus service and proposed new railway station at North Filton will be operational by the time construction of Phase 2 is complete. It is noted that since submission of this Reserved Matters application the opening date of the station has been pushed back to at least 2026 which may post-date construction of Phase 2. However, it is considered that this does not fundamentally change the long-term rationale, i.e. that levels of car ownership are likely to be suppressed by the new Metrobus service and the new railway station once operational.
- 5.45 The entire parcel is proposed to be subject to a residents' parking scheme. This is intended in part to mitigate against future users of the Arena from parking on-street and is considered an appropriate mitigation.

- 5.46 It is understood that problem parking has been identified at the Phase 1 residential scheme. This is understood to include parking in an antisocial manner by obstructing pavements and other public spaces. Measures are proposed at Phase 2 to discourage similar problem behaviours arising. These include careful siting of cycle stands, planting and bollards so that mounting the pavement to park a vehicle would be very challenging.
- 5.47 Cycle parking is proposed via secure on-plot storage for each of the houses and via secure communal parking at each of the apartment blocks. This is considered appropriate provision.

Tree pits

- 5.48 The Council's highways engineer identified initial information gaps in relation to technical specifications of the proposed tree pits where they are proposed to extend beneath adopted pavements, and queried some specific design details. In response to these comments the Applicant provided updated tree pit plans, a method statement and the supplier details for the proposed structural soil system. These details were circulated on 13th March and no further objections were raised by officers.

Safe route to school

- 5.49 The approved Regulating Plan and approved Design Code show the safe route to school passing through the parcel. The submitted Compliance Statement shows the alignment of this route entering the parcel at the junction north of the housing crescent before following the central street through the site and connecting to the proposed linear park which will be laid out adjacent to the east (subject to a separate future application). The proposed safe route to school is consistent with the Regulating Plan and Design Code.

Highway conclusions

- 5.50 The scope of Highways and Transportation matters for consideration is relatively narrow in the sense that it is limited to the matters within the parcel itself, not the arrangement of external roads or other transport infrastructure. Nevertheless, it is clearly important that the proposed development is able to satisfactorily interact with the wider transport infrastructure of the airfield site and beyond. On this front, the concerns of Highways officers/engineers are noted, particularly in relation to the absence of satisfactory evidence that the southern junction with Runway Avenue will operate safely and efficiently. The proposed conditions seeking microsimulation modelling and preparation of a new road safety audit to be prepared in consultation with the Council are considered to be proportionate and effective measures to address these concerns. Subject to the relevant proposed conditions, officers are satisfied that the scheme can be made acceptable in transport terms.

Landscape

- 5.51 By its nature, the proposed development is a tightly grained urban development which will represent a new area of built form on the former airfield site. The key landscape considerations in this context are the proposed areas of hard and soft landscaping within the site, and how these align with the relevant requirements of the approved OPP, and the Design Code. The Applicant has amended the original proposals to reflect comments received from the Council's landscape officer on points of detail.
- 5.52 A schedule of hard landscaping materials and furniture schedules has been provided, specifying manufacturers details that will be finalised at technical design stage with final details to be approved by planning condition. The landscape officer has confirmed that the majority of gardens policy compliant and that she is satisfied the proposal is acceptable in respect of garden sizes.
- 5.53 Separately, the landscape officer noted that whilst the Applicant provided a Landscape Management and Maintenance Plan Summary Statement, there was no full Landscape and Environment Management Plan (LEMP). As noted in relation to ecology, on this specific point the Applicant is of the view that there is no requirement to provide a site-specific LEMP for each reserved matters parcel so long as the proposal is in accordance with the approved site-wide

LEMP. This is consistent with Condition 22 of the approved OPP, which establishes that a site-specific LEMP addendum will only be required in instances where a reserved matters application proposes “any additional open space typologies that are not currently covered by the approved LEMP”. However, in dialogue with the landscape officer the Applicant has agreed in writing to the provision of a site specific Management and Maintenance Plan as a condition, and a condition to this effect is included below.

Lighting

- 5.54 The Council’s lighting engineer provided iterative comments to the Applicant as the plans evolved, all of which have been responded to. The officer’s comments provided at paragraph 4.15 of this report have therefore now been addressed by the Applicant.
- 5.55 Lighting columns will be positioned in locations proposed for adoption by the Local Highways Authority and supplementary lighting will be positioned in private areas to be managed by the management company. The Council’s Lighting Engineer has provided commentary on both types of lighting.
- 5.56 Relatively minor amendments to the location, orientation and specification of lighting features proposed in adoptable and private areas have come forward in response to comments from the Lighting Engineer. These amends have helped minimise lightspill towards properties, increase uniformity of lighting, and increase ‘useful’ light in car parking areas.
- 5.57 The amended lighting plans are considered acceptable and policy compliant.

Flood Risk

- 5.58 The entire airfield site falls within Flood Zone 1, i.e. the lowest risk of fluvial flooding at less than 0.1% chance of flooding in a given year. No concerns have been raised in respect of fluvial flood risk. Normally, developments of over 1ha require a Flood Risk Assessment (FRA). However, on the basis that a site-wide FRA was undertaken in support of the approved OPP, and that the Council’s Flood and Water Management Engineer has confirmed that demonstrating compliance with this site-wide FRA will be satisfactory, there is no need for a separate FRA to be provided for this RM application. This echoes the approach taken with the Phase 1 application.
- 5.59 As required, a compliance statement has duly been submitted to the Council and following some relatively minor amendments and clarifications has been found to be acceptable by the Flood and Water Management Engineer.
- 5.60 Condition 24 of the OPP (P21/02390/RVC) requires all subsequent Reserved Matters applications to include detailed surface water drainage plans in accordance with the approved 2014 Flood Risk Assessment (FRA), 2017 FRA addendum and subsequent 2021 FRA addendum. These plans should incorporate sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development.
- 5.61 The Flood and Water Management Engineer has confirmed that the submitted calculations for this RM application (comprising a total drained area of 2.95ha) are fully compliant with the approved FRA and its addendums.
- 5.62 Submission of a SUDS management and maintenance plan for the podium terrace gardens is subject to the condition set out below.

Public Open Space (POS)

- 5.63 The Regulating Plan for Geographic Phase E requires a minimum of 2% of the parcel area to be POS. The application site has a total area of approximately 3.78ha, or 37,800m², so the minimum POS to be provided would be 2% of this figure, i.e. 756m².
- 5.64 The proposal will deliver around 2,215m² of POS on site, exceeding the 2% minimum. This will comprise 1,023.5m² of Informal Recreational Open Space, 990.6m² of Natural and Semi-

Natural Green Space, and 201.2m² of Provision for Children and Young People via a locally equipped area of play (LEAP). All POS is to be maintained and managed by the Applicant's management company. The POS calculation does not include private communal spaces, such as the podium terrace gardens.

- 5.65 The POS proposals have evolved over the course of several rounds of consultation with the POS officer. Initial concerns were raised by the POS officer in relation to matters including the arrangement of furniture and equipment at the LEAP, the suitability of planting initially proposed near the LEAP on account of some potential for airborne irritants to arise, and other cross cutting concerns picked up by other officers under their own specialist areas. The Applicant has amended the plans iteratively to address these concerns.
- 5.66 A schedule of hard landscaping materials and furniture schedules has been provided, specifying manufacturers details that will be finalised at technical design stage with final details to be approved by way of planning condition.

Public Art

- 5.67 This Reserved Matters application is coming forward in the context of the OPP which does not include a 'hook' for requiring the provision of public art through subsequent Reserved Matters applications. The approved Eastern Framework Design Code (June 2021) does note that "opportunities for public art and animation are to be encouraged", though adds the caveat that this will be "at the discretion of the developer".
- 5.68 Notwithstanding the above, the Public Art officer has expressed disappointment that opportunities to provide public art in relation to the heritage trail have not been explored by the applicant through this Reserved Matters application. Comments on the heritage trail are addressed under the *Heritage* heading above and are not repeated here.

Sustainability

- 5.69 The Council's Low Carbon Projects Officer has reviewed the submitted Energy Statement and Overheating Analysis, which includes modelling of the proposed development's performance in relation to climate adaptation and resilience.
- 5.70 Among the measures proposed are the provision of air source heat pumps at every dwelling, and the safeguarding of potential routes to connect with the main heat pipes of a future site-wide heat network.
- 5.71 The Applicant's analysis of overheating risk under future weather files shows all units passing under a 2020 and 2050 scenario which is positive. However, the Council's Low Carbon Projects Officer has noted that the Applicant's analysis is partly based on an assumption that MVHR (Mechanical Ventilation with Heat Recovery) will be retrofitted at a point in the future.
- 5.72 Given the cost and feasibility challenges associated with retrofitting MVHR it is considered that future retrofitting cannot be robustly assumed. However, the adopted Development Plan includes no policy requirement to provide MVHR at the time of construction and the proposals are compliant with Part O of the Building Regulations. As such, the officer has made it clear that although he does not have the policy tools to object on the basis of MVHR provision, he nonetheless would like the record to show that he remains concerned that the proposal falls short of best practice in relation to MVHR, albeit not to the extent of an objection. I have taken account of this in arriving at the overall planning balance.

Trees

- 5.73 The character of the existing site is open, comprising mostly managed grassland with smaller areas of hard surfacing associated with what remains of the apron and taxiways of the former airfield. As such there are no existing trees on site (though a very limited number lie just beyond the northern site boundary). In this context the Council's tree officer has advised that no impacts on existing trees are likely.

- 5.74 The tree officer has confirmed that the arboricultural method statement and Tree Protection Plan are both satisfactory, and has proposed that compliance with each is conditioned for avoidance of doubt.

Urban design

- 5.75 The Regulating Plan set out in the approved Eastern Framework Design Code establishes design parameters for Parcel E1. The Design Code was approved in July 2021 and as such it supersedes the 2018 Design Code.

Layout

- 5.76 The proposed layout accords with the Design Code and is considered by the Urban Design officer to be of high quality.

Scale

- 5.77 The Regulating Plan sets the scale parameters. In terms of density, the majority of the parcel is identified as appropriate for up to 110dph, with the area facing onto Runway Avenue identified as appropriate for higher density of up to 200dph. The proposal is well within these parameters, equating to around 90dph on the basis of 339 units on 3.78ha. In terms of heights, the Regulating Plan sets a maximum of 12 storeys for the high-density linear area fronting onto Runway Avenue, and a maximum of 7 storeys for the rest of the parcel. The proposed development is again well within these parameters, comprising three apartment buildings adjacent to Runway Avenue of up to 6 storeys to provide a strong frontage to Runway Avenue, and houses of between 2 and 3 storeys on the rest of the parcel.

Appearance

- 5.78 As noted under '*Heritage*' above, the units nearest the northern boundary front onto the heritage trail as it passes through the site. It is noted that the house types proposed here match those used along the heritage trail in Phase 1.
- 5.79 The Applicant has amended their original proposals to incorporate comments from the Urban Design officer in relation to a number of design features such as incorporating perforate brick facades at ground level of the apartment blocks to avoid expanses of blank brick facades along Runway Avenue, a key corridor through the overall airfield site.

Residential Amenity/Overlooking

- 5.80 The Applicant has also amended their original proposals to reflect comments received from the Urban Design officer in relation to back-to-back distances and overlooking at a number of units.
- 5.81 It is noted that the 16m back-to-back distances remaining for a small number of units remains low in relation to the minimum distance accepted on Phase 1 (i.e. 18m). However, a package of mitigation measures has been proposed by the Applicant in response to engagement with the Urban Design officer, including amending window placement, tinting and shuttering windows, increasing tree provision to deliver a natural filtering effect and provision of trellised fencing.
- 5.82 In the context of this package of measures, delivered as a response to the specific circumstances of this phase, it is considered that the proposed back-to-back distances are acceptable in principle in this instance. The Applicant has acknowledged this does not represent a broader precedent being set for back-to-back distances on other phases or other sites more generally.
- 5.83 In light of the above, in my view the proposed development is acceptable in terms of the residential amenity of future residents of this parcel, as well as existing and future residents nearby.

Urban design conclusion

- 5.84 Several rounds of engagement between officers and the Applicant have resulted in amendments to the scheme such that the Urban Design officer now considers it to be acceptable in principle. Overall, officers consider the amended design to be an appropriate response to the characteristics of the site, subject to the mitigations proposed.

Waste

- 5.85 The proposed bin collection locations and the submitted refuse vehicle tracking are considered to be acceptable by officers. The Council's standard refuse collection vehicle has been tracked to all bin collection points, and these collections points are considered to all fall within acceptable drag distances for residents.

Consideration of likely impact on Equalities

- 5.86 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 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 approve consent has been taken having regard to the policies and proposals in the development plan set out above, and to all of the relevant material considerations set out in this report.

7. RECOMMENDATION

- 7.1 That the Reserved Matters submitted is approved in accordance with the relevant Conditions attached to Outline Planning Permission P21/02390/RVC, formerly PT14/3867/O, dated 7 January 2022, subject to the following conditions:

CONDITIONS

1. The bin storage facilities as shown on the drawings hereby approved shall be provided before the relevant buildings are first occupied, and thereafter retained and maintained for that purpose.

Reason: To ensure appropriate bin storage for the proposed dwellings and to accord with Policy CS1 of the adopted Core Strategy.

2. The off-street parking facilities (for all vehicles, including cycles) shown on the plan hereby approved shall be provided for the plot to which it relates before the corresponding building is first occupied, and thereafter retained for that purpose.

Reason:

In the interest of the amenities of the site and to accord with policy CS1 of the South Gloucestershire Core Strategy (adopted) December 2013.

3. Street lighting to the Council's adoptable standards shall be provided prior to the first occupation of relevant dwellings hereby approved and thereafter retained and maintained.

Reason:

In the interests of the provision of a satisfactory lighting scheme, and in accordance with Policy PSP1 of the adopted South Gloucestershire Policies, Sites and Places Plan, and Policy CS1 of the adopted Core Strategy.

4. Prior to the relevant phase of works, detailed design and the management and maintenance of the Podium Terrace shall be submitted for approval in writing to the Local Planning Authority. Development shall be carried out and maintained thereafter in accordance with the approved details.

Reason:

To prevent flooding and comply with Policy PSP20 of the South Gloucestershire Policies, Sites and Places Plan; Policies CS1 and CS9 of the Core Strategy and the National Planning Policy Framework 2021.

5. Prior to the installation of hard landscaping materials on a specific phase of works, full details of hard landscaping materials, including manufacturers details, and furniture schedules, on that phase of works, should be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason:

To ensure the good quality of external appearance and to accord with Policy CS1 of the Core Strategy.

6. Sample panels - which shall be in accordance with the illustrative details within the planning application, and the approved Design Code - of all proposed brickwork and stonework types demonstrating colours, profiles/dimensions and finishes for both dwellings and hard landscaping surfacing materials, shall be erected on site, and samples of render colours shall be submitted to the Local Planning Authority; and all approved in writing by the Local Planning Authority prior to construction above slab level of the relevant phase of the dwellings hereby approved. The approved sample panels shall be kept on site for reference until the relevant works are complete. Development shall be carried out in accordance with the agreed samples.

Reason:

To ensure a good quality of external appearance and to accord with the approved Design Code and Policy PSP1 of the South Gloucestershire Policies, Sites and Places Plan, and CS1 of the adopted Core Strategy.

7. An Ecological Clerk of Works (ECoW) shall be present during ground preparation works and that all vegetation clearance is conducted on the advice of the ecologist and consist of phased vegetation clearances and watching briefs when reptiles are considered active.

Reason:

To protect common reptiles from avoidable harm during site clearance works and to accord with policy PSP19 of the South Gloucestershire Policies, Sites and Places Plan. This is a pre-commencement condition to ensure that wildlife is adequately protected through the construction of the development.

8. Routes from apartments at Block 1, Block 2 and Block 3 to the likely routes of the main heat distribution pipes of the future district heat network shall be safeguarded in accordance with the approved Energy Strategy to ensure the apartment blocks can viably connect to a district heat network in future.

Reason:

To ensure that the development contributes to mitigating and adapting to climate change and complies with policy CS4 of the adopted Core Strategy.

9. Prior to the first occupation of dwellings, details of the Heritage Trail Interpretation Strategy as it relates to this RM parcel, together with a programme for implementation shall be submitted to and approved in writing by the Local Planning Authority. The Strategy shall include details of all heritage trail-related features to be delivered in this parcel including directional signage, content of signs and panels, details of public information and branding. The features shall thereafter be implemented in accordance with the approved details and Implementation Programme and thereafter retained and maintained.

Reason:

To ensure that appropriate information is provided in relation to the heritage of the airfield, and in accordance with the Design Code, Policy CS9 of the Core Strategy and the National Planning Policy Framework 2021.

10. All hard and soft landscaping works shall be carried out in accordance with the details hereby approved except where details will be approved via discharge of Condition 4. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the commencement of each respective phase of works of the development hereby approved. Any trees or plants (retained or planted) which within a period of 5 years from being planted, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. Landscaping within the areas defined as Public Open Space, Ancillary Open Space and Surface Water Infrastructure within the Site Specific S106 agreement shall be delivered, managed and maintained in accordance with S106 agreement obligations.

Reason:

In the interests of the character and appearance of the area, and to accord with Policy PSP2 of the South Gloucestershire Policies, Sites and Places Plan; and Policy CS1 of the Core Strategy.

11. Prior to first occupation a Management and Maintenance Plan for the parcel shall be submitted and approved in writing by the Local Planning Authority. Landscaping shall thereafter be managed and maintained in accordance with the approved Management and Maintenance Plan.

Reason:

To ensure clarity on the future management and maintenance arrangements for Parcel E1.

12. Prior to the relevant phase of works the detailed design of the perforate façade proposed at Level 00 of Block 1 and Block 2 (as specified on drawing FAD-FCB-111-XX-DR-A-0300 05) shall be submitted to the Council and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason:

In the interests of the character and appearance of the area, and in accordance with Policy PSP1 of the South Gloucestershire Policies, Sites and Places Plan, and CS1 of the adopted Core Strategy.

13. Prior to the construction of the southern Copenhagen style junction, Microsimulation modelling of the Copenhagen style junction for peak period operation, (to confirm operational assessments carried out by Transport for London for similar Copenhagen style vehicular crossings) shall be submitted to and agreed in writing by the Local Planning Authority before construction of the southern junction commences. For the avoidance of doubt, input parameters including traffic levels, pedestrian, cycling and bus flows, together with any sensitivities shall be agreed with the Local Highway Authority and/or their agents prior to construction of the southern junction. The modelling results must demonstrate that the Copenhagen crossing will operate safely in highway terms. If this cannot be demonstrated, then notwithstanding the road layout shown on the approved plans, the modelling exercise should be re-run in relation to a fallback scenario in which Apartment Block 1 and Block 2 are no longer accessed from the southern junction. This would be achieved by amending the location of the proposed modal filter as necessary.

Reason:

In the interest of highway safety, to promote sustainable transport choices and to accord with SGC policies PSP11 South Gloucestershire Policies, Sites and Places Plan, and CS8 of the South Gloucestershire Local Plan Core Strategy.

14. Prior to the construction of the southern Copenhagen style junction, a Road Safety Audit in line with Local Highway Authority procedures shall be carried out and the results submitted to and agreed in writing by the Local Planning Authority before construction of the southern junction commences. For the avoidance of doubt the brief and those carrying out the RSA shall be in agreement with the Local Highway Authority prior to construction of the southern junction; the RSA must demonstrate that the Copenhagen style junction will be safe in highways terms. If this cannot be demonstrated, then notwithstanding the road layout shown on the approved plans, the modelling exercise should be re-run in relation to a fallback scenario in which Apartment Block 1 and Block 2 are no longer accessed from the southern junction.

This would be achieved by amending the location of the proposed modal filter as necessary.

Reason:

In the interest of highway safety, to promote sustainable transport choices and to accord with SGC policies PSP11 South Gloucestershire Policies, Sites and Places Plan, and CS8 of the South Gloucestershire Local Plan Core Strategy.

15. Approved Plans List (compliance)

The development hereby permitted shall be carried out in all respects in strict accordance with the approved plans listed below:

Document/Plan	Drawing No./Revision/Date
Accommodation Schedule	FAD-FCB-111-XX-SA-A-0001 05
Site Location Plan	FAD-FCB-111-XX-DR-A-0001
Existing Layout Plan	FAD-FCB-111-XX-DR-A-0002
Existing Topographical Plan	FAD-FCB-111-XX-DR-A-0010
Proposed Levels Plan	FAD-FCB-111-XX-DR-A-0011 02
Proposed Block Plan	FAD-FCB-111-XX-DR-A-0100 05
Proposed Illustrative Block Plan	FAD-FCB-111-XX-DR-A-0101 05
Proposed Boundary Treatment	FAD-FCB-111-XX-DR-A-0102 06
Proposed Illustrative Block Plan Brick Type Plan	FAD-FCB-111-XX-DR-A-0103 05
Proposed Site Plan - Ground Floor	FAD-FCB-111-XX-DR-A-0110 07
Proposed Site Plan - Typical Floor	FAD-FCB-111-XX-DR-A-0111 06
Proposed Site Plan - Roof	FAD-FCB-111-XX-DR-A-0112 06
Proposed Plot Numbers Plan	FAD-FCB-111-XX-DR-A-0120 05
Block 1 - Apartment Types and Numbers	FAD-FCB-111-XX-DR-A-0121
Block 2 - Apartment Types and Numbers	FAD-FCB-111-XX-DR-A-0122
Block 3 - Apartment Types and Numbers	FAD-FCB-111-XX-DR-A-0123
Tenure Plan	FAD-FCB-111-XX-DR-A-0130 04
House 4A	FAD-FCB-111-XX-DR-A-0200 05
House 3A	FAD-FCB-111-XX-DR-A-0201 06
House 3B	FAD-FCB-111-XX-DR-A-0202
House 3C	FAD-FCB-111-XX-DR-A-0203 06
House 3D	FAD-FCB-111-XX-DR-A-0204 05
House 2A	FAD-FCB-111-XX-DR-A-0205 06
House 2B	FAD-FCB-111-XX-DR-A-0206 05
House 2C	FAD-FCB-111-XX-DR-A-0207 05
House HA2	FAD-FCB-111-XX-DR-A-0212 06
House HA3	FAD-FCB-111-XX-DR-A-0211 06
House HA4	FAD-FCB-111-XX-DR-A-0210 07
House WCU	FAD-FCB-111-XX-DR-A-0213 06
Bay Study 4A	FAD-FCB-111-XX-DR-A-0220 05
Bay Study 3A	FAD-FCB-111-XX-DR-A-0221 05
Bay Study 2C	FAD-FCB-111-XX-DR-A-0222 05
Block 1 - Level 00	FAD-FCB-111-XX-DR-A-0300 05
Block 1 - Level 01	FAD-FCB-111-XX-DR-A-0301
Block 1 - Level 02	FAD-FCB-111-XX-DR-A-0302
Block 1 - Levels 03 - 05	FAD-FCB-111-XX-DR-A-0303
Block 1 - Roof Level	FAD-FCB-111-XX-DR-A-0306

Block 2 - Level 00 FAD-FCB-111-XX-DR-A-0310 05
 Block 2 - Level 01 - 02 FAD-FCB-111-XX-DR-A-0311
 Block 2 - Levels 03 - 05 FAD-FCB-111-XX-DR-A-0313
 Block 2 - Roof Level FAD-FCB-111-XX-DR-A-0316
 Block 3 - Level 00 FAD-FCB-111-XX-DR-A-0320
 Block 3 - Level 01 FAD-FCB-111-XX-DR-A-0321
 Block 3 - Levels 02 - 05 FAD-FCB-111-XX-DR-A-0322
 Block 3 - Roof Level FAD-FCB-111-XX-DR-A-0326
 Block 01 - Elevations 01 FAD-FCB-111-XX-DR-A-0350 05
 Block 01 - Elevations 02 FAD-FCB-111-XX-DR-A-0351
 Block 01 - Elevations 03 FAD-FCB-111-XX-DR-A-0352
 Block 02 - Elevations 01 FAD-FCB-111-XX-DR-A-0360 04
 Bay Study 3A FAD-FCB-111-XX-DR-A-0221
 Bay Study 2C FAD-FCB-111-XX-DR-A-0222
 Block 02 - Elevations 02 FAD-FCB-111-XX-DR-A-0361
 Block 03 - Elevations 01 FAD-FCB-111-XX-DR-A-0370
 Block 03 - Elevations 02 FAD-FCB-111-XX-DR-A-0371
 Block 03 - Elevations 03 FAD-FCB-111-XX-DR-A-0372
 Visualisation - Apartment Bay Study FAD-FCB-111-XX-DR-A-0401
 Visualisation - East Podium FAD-FCB-111-XX-DR-A-0501
 Visualisation - Communal Garden FAD-FCB-111-XX-DR-A-0502 02
 Visualisation - Mews Street FAD-FCB-111-XX-DR-A-0503 03
 Site Sections and Elevations 1 FAD-FCB-111-XX-DR-A-0701 03
 Site Sections and Elevations 2 FAD-FCB-111-XX-DR-A-0702 04
 Site Sections and Elevations 3 FAD-FCB-111-XX-DR-A-0703 04
 Site Sections and Elevations 4 FAD-FCB-111-XX-DR-A-0704 04
 Site Sections and Elevations 5 FAD-FCB-111-XX-DR-A-0705 04
 Site Sections and Elevations 6 FAD-FCB-111-XX-DR-A-0706 04
 Compliance Statement FAD-FCB-111-XX-RP-A-0001
 Compliance Statement Extra Pages -
 Internal Shutters FAD-FCB-111-XX-SK-A-SK005
 Wheelchair House Options FAD-FCB-111-XX-SK-A-SK010
 Plot 15-16 Façade FAD-FCB-111-XX-SK-A-SK011
 Landscape General Arrangement Plan FAD-GRA-111-XX-DR-L-1001 05
 Illustrative Masterplan FAD-GRA-111-X-DR-L-1002 04
 Key Plan FAD-GRA-111-X-DR-L-1003 03
 Construction Exclusion Zone Detail Plan FAD-GRA-111-X-DR-L-1004 02
 Landscape Maintenance Statement FAD-GRA-111-XX-RP-L-0301 01
 Materials Schedule FAD-GRA-111-XX-RP-L-0302 06
 Planting Schedule FAD-GRA-111-XX-RP-L-9005 04
 General Arrangement Plan Hardworks Sheet Layout Plan FAD-GRA-111-XX-DR-L-3100 04
 General Arrangement Plan Hardworks 1 FAD-GRA-111-XX-DR-L-3101 03
 General Arrangement Plan Hardworks 2 FAD-GRA-111-XX-DR-L-3102 04
 General Arrangement Plan Hardworks 3 FAD-GRA-111-XX-DR-L-3103 04
 Podium General Arrangement Plan Hardworks 1 FAD-GRA-111-XX-DR-L-3110 03
 Podium General Arrangement Plan Hardworks 2 FAD-GRA-111-XX-DR-L-3111 03
 Hardworks Typical Details FAD-GRA-111-XX-DR-L-3201 03

General Arrangement Plan Groundworks Sheet Layout Plan FAD-GRA-111-XX-DR-L-4100 04
 General Arrangement Plan Groundworks 1 FAD-GRA-111-XX-DR-L-4101 03
 General Arrangement Plan Groundworks 2 FAD-GRA-111-XX-DR-L-4102 04
 General Arrangement Plan Groundworks 3 FAD-GRA-111-XX-DR-L-4103 04
 Podium General Arrangement Plan Groundworks 1 FAD-GRA-111-XX-DR-L-4110 03
 Podium General Arrangement Plan Groundworks 2 FAD-GRA-111-XX-DR-L-4111 03
 General Arrangement Plan Softworks Sheet Layout Plan FAD-GRA-111-XX-DR-L-5100 05
 General Arrangement Plan Softworks 1 FAD-GRA-111-XX-DR-L-5101 05
 General Arrangement Plan Softworks 2 FAD-GRA-111-XX-DR-L-5102 05
 General Arrangement Plan Softworks 3 FAD-GRA-111-XX-DR-L-5103 05
 Podium General Arrangement Plan Softworks 1 FAD-GRA-111-XX-DR-L-5110 05
 Podium General Arrangement Plan Softworks 2 FAD-GRA-111-XX-DR-L-5111 05
 Section 01 Heritage Trail 01 FAD-GRA-111-XX-DR-L-1301 03
 Section 02 Heritage Trail 02 FAD-GRA-111-XX-DR-L-1302 03
 Section 03 Eastern Street FAD-GRA-111-XX-DR-L-1303 03
 Section 04 Podium Garden to Aerospace Park FAD-GRA-111-XX-DR-L-1304 02
 Section 05 Aerospace Promenade Boundary FAD-GRA-111-XX-DR-L-1305 02
 Section 06 Runway Avenue 01 FAD-GRA-111-XX-DR-L-1306 02
 Section 07 Runway Avenue 02 FAD-GRA-111-XX-DR-L-1307 02
 Section 08 Fairlawn Avenue 01 FAD-GRA-111-XX-DR-L-1308 02
 Section 09 Fairlawn Avenue 02 FAD-GRA-111-XX-DR-L-1309 03
 Section 10 Fairlawn Avenue 03 FAD-GRA-111-XX-DR-L-1310 03
 Section 11 Communal Garden 01 FAD-GRA-111-XX-DR-L-1311 02
 Section 12 Communal Garden 02 FAD-GRA-111-XX-DR-L-1312 02
 Section 13 Garden Street FAD-GRA-111-XX-DR-L-1313 03
 Section 14 West Mews Street FAD-GRA-111-XX-DR-L-1314 03
 Section 15 Communal Garden 03 FAD-GRA-111-XX-DR-L-1315 03
 Section 16 Communal Garden 04 FAD-GRA-111-XX-DR-L-1316 04
 Communal Parking Boundary FAD-GRA-111-XX-DR-L-1317 03
 Communal Parking Boundary 02 FAD-GRA-111-XX-DR-L-1318 01
 Private Rear Gardens 01 FAD-GRA-111-XX-DR-L-1319 01
 Private Rear Gardens 02 FAD-GRA-111-XX-DR-L-1320 01
 Softworks Tree Pit Details FAD-GRA-111-XX-DR-L-5501 03
 Softworks Hedgerow and Climbing Plant Details FAD-GRA-111-XX-DR-L-5502 03
 Play Area Detail Plan FAF645-GRA-XXX-SK-L-043 03
 Public Open Space Plan FAF645-GRA-XXX-SK-L-044 02
 Typical Detailed Planting Plans FAD-GRA-111-XX-DR-L-5301
 Typical Detailed Planting Plans FAD-GRA-111-XX-DR-L-5302
 Typical Detailed Planting Plans FAD-GRA-111-XX-DR-L-5303
 Land Controlled by YTL Management Company Plan FAF645-GRA-XXX-SK-L-067
 CU Soil FAQ -
 CU Soil Flyer-
 Levels Sheet 1 21045-OPS-ZZ-ZZ-DR-C 0002 F
 Levels Sheet 2 21045-OPS-ZZ-ZZ-DR-C 0003 F

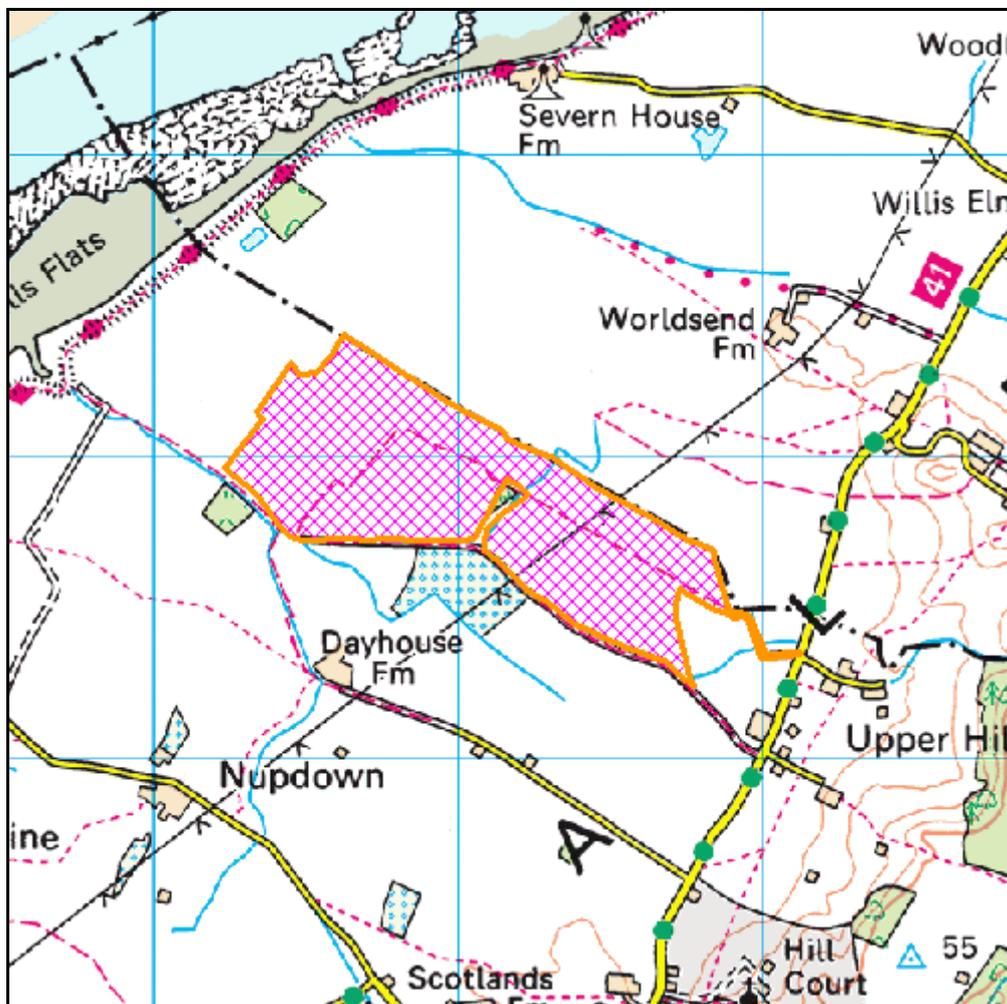
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 Levels Sheet 4 21045-OPS-ZZ-ZZ-DR-C 0005 F
 Drainage General Arrangement Sheet 1 21045-OPS-ZZ-ZZ-DR-C 0011 C
 Drainage General Arrangement Sheet 2 21045-OPS-ZZ-ZZ-DR-C 0012 C
 Drainage General Arrangement Sheet 3 21045-OPS-ZZ-ZZ-DR-C 0013 C
 Drainage General Arrangement Sheet 4 21045-OPS-ZZ-ZZ-DR-C 0014 C
 SuDS Features General Arrangement 21045-OPS-ZZ-ZZ-DR-C 0015 C
 Drainage Details Sheet 1 21045-OPS-ZZ-ZZ-DR-C 0016 B
 Drainage Details Sheet 3 21045-OPS-ZZ-ZZ-DR-C 0018 B
 Drainage Overland Flow Plan 21045-OPS-ZZ-ZZ-DR-C 0019 B
 Highway General Arrangement, Chainage and Road Names 21045-OPS-ZZ-ZZ-DR-C
 0020 C
 Highway Longsection Sheet 1 21045-OPS-ZZ-ZZ-DR-C 0021 C
 Highway Longsection Sheet 2 21045-OPS-ZZ-ZZ-DR-C 0022 C
 Highway Longsection Sheet 3 21045-OPS-ZZ-ZZ-DR-C 0023 C
 Highways Kerb General Arrangement 21045-OPS-ZZ-ZZ-DR-C 0026 B
 Micro Drainage Foul Calculations -
 Micro Drainage Storm Calculations -
 Drainage Design Note - 1614 - Brabazon Phase 2. Parcel E1-
 Surface Water and Sediment Management Plan prepared by YTL, shared with SGC
 on 24/10/22 -
 Surface Water Calculations Compliance Statement dated 3rd April 2023
 Brabazon Phase 2 Residential RMA Access Movement and Parking Note Rev A
 Vehicle Swept Path Analysis 1 FAD-PJS-111-XX-DR-D01-0001 P5
 Vehicle Swept Path Analysis 2 FAD-PJS-111-XX-DR-D01-0002 P5
 Vehicle Swept Path Analysis 3 FAD-PJS-111-XX-DR-D01-0003 P4
 Vehicle Swept Path Analysis 4 FAD-PJS-111-XX-DR-D01-0004 P4
 Highway Adoption Extents FAD-PJS-111-XX-DR-D01-0005 P4
 Parking Provision FAD-PJS-111-XX-DR-D01-0006 P4
 Visibility and Dimensions FAD-PJS-111-XX-DR-D01-0007 P3
 Waste Storage and Collection FAD-PJS-111-XX-DR-D01-0008 P4
 Cycle Parking and Storage FAD-PJS-111-XX-DR-D01-0009 P3
 Southern Access Junction Amendment FAD-PJS-111-XX-DR-D01-0010 P3
 Stage 1 Road Safety Audit and Draft Designers Response RW-DL-22-3790-RSA1
 Phase 2 Travel Plan - 07098 April 2023
 Residential Phase 2 Overheating Report RMA-111-WBS-ZZ-XX-RP-MEP-
 10005 P05
 Residential Phase 2 Energy Strategy RMA-111-WBS-ZZ-ZZ-RP-Z-10003 P06
 Brabazon ES Biodiversity Chapter and Appendices -
 Botanical Survey Report 27th October 2022
 Barn owl survey, Filton Airfield development October 2022
 Peregrines on the Brabazon Hangar dated October 2022
 Ecological Enhancement Plan FAD-GRA-111-XX-DR-L-1005 01
 BNG Calculation (Metric 3.1) -
 UKHabs Residential Phase 2 Baseline Plan -
 Electrical Services Adoptable External Lighting Layout RMA-111-WBS-ZZ-XX-DR-E-
 63201 P05
 Electrical Services Private Communal Gardens External Lighting Site Layout
 RMA-111-WBS-ZZ-XX-DR-E-63202 P05

Reason:
For the avoidance of doubt

Case Officer: Jonathan Ryan
Authorising Officer:

CIRCULATED SCHEDULE NO. 25/23 -23rd June 2023

App No.:	P22/05462/F	Applicant:	Low Carbon Solar Park 13 Ltd
Site:	Land At Hill Court Farm Upper Hill Hill South Gloucestershire GL13 9EE	Date Reg:	1st October 2022
Proposal:	Installation of a 49.9MW ground mounted solar farm including associated infrastructure, substation, transformer stations, internal access road, security fencing and CCTV cameras.	Parish:	Hill Parish Council
Map Ref:	364172 196829	Ward:	Severn Vale
Application Category:	Major	Target Date:	28th February 2023



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 100023410, 2008. N.T.S. P22/05462/F

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

INTRODUCTION

This application is referred to the Circulated Schedule in accordance with the Council Constitution as three letters of objection have been received that are contrary to the officer recommendation.

1. THE PROPOSAL

- 1.1 Full planning permission is sought for the construction of a 49.9MW (DC output) ground mounted solar farm for a period of 40 years. The proposal includes associated infrastructure, a substation, transformer stations, CCTV, internal access road and security fencing as well as new landscaping.
- 1.2 It is stated that the solar farm would bring about the following green energy benefits:
 - Approximately 16,500 Homes powered with electricity from the project
 - 10,200 Tonnes of CO2 saved per annum
- 1.3 The solar panels would be secured to a metal framework which in turn is supported by pile driven foundations. Each row or table would be separated by approximately 3.2m to ensure no sunlight is blocked out due to shading. The solar panels are single aspect facing south but on arrays that spread from east to west across the site and would be angled at 29.5 degrees. The maximum height of the solar panels would be approximately 4.2m above ground level at the back edge, with the front edge of the solar panel elevated by approximately 2.1m. This offers the potential for grazing to occur alongside the development, with livestock able to pass beneath the panels. The above height of 4.2 metres above ground level takes into account the varying maximum flood depths which are identified within the drainage strategy as being between 1.4 and 2.0m on the west of the site. Therefore the 4.2m height is the maximum height which will be less on the eastern part of the site where the maximum height would be 3.6m.
- 1.4 In the submitted scheme (design and access statement) the site has been divided into 17 Zones with various infrastructure being identified in each zone. Four transformer stations (these increase the voltage and allow connection to the single on-site substation) and a substation are shown. The transformers have a height of 2.9m and are set on a 0.3m base with width of 6.6m and depth of 2.2m. The transformers, which have a similar appearance to shipping containers will be set behind 1.7m high earth bunds (flood protection measure). The sub-station connects by min-pylons 6.7m in height would have a footprint of 8m by 6m and height of 4.1m and located within a similar earth bund. A

customer compound and switchgear is also on site measuring 10m (w) by 4m (d) by 3m (h).

- 1.5 Security fencing and gates: The site would be enclosed by 2 metre security fencing and pole mounted CCTV cameras.
- 1.6 The site will be accessed from an existing field access point off Hill Road at the eastern side. This access would be upgraded for the new use and its construction. From the access point on Hill Road, a new track would be constructed through the fields to the west of Hill Road which would largely follow the existing field boundaries before providing access into the eastern edge of the site. It would continue to the west from the access from Hill Road for around 150 metres before crossing and running parallel to the route of the bridleway OHL/1/10 for a further 200m into the eastern edge of the site. Internal access tracks within the field enclosures would also be created to provide routes across the separate site parcels.
- 1.7 Decommissioning would be completed in the opposite sequence to construction. As all material would be removed from site, the vehicle movements would be similar to construction traffic. Upon decommissioning, the site is to be returned to agricultural land.
- 1.8 *The application site*

The site comprises a number of agricultural fields that are bound by hedgerows and tree planting although at the centre of the site but not within the red line is a copse of trees. The site area is 72.5 hectares.

In the area around the site the landscape largely comprises grassland and arable land but with individual residential properties scattered at distances. The site is within the River Severn floodplain and thus flat, but land rises to the north-east/east (Berkeley Ridge – Deer Park), south-east and south. The site lies approximately 1000m to the north of the hamlet of Hill, 850m to the south-west of the hamlet of Bevington with Nupdown to the South-West. The northern boundary of the site is largely the boundary between South Gloucestershire District and Stroud District. The main landscape feature to west and north-west is the River Severn.

A bridleway crosses the site before heading south-west and another runs along what can loosely be described as the Southern boundary. Whilst there are no environmental designations within the site boundary it is located a short distance east (c. 600m) from the Severn Estuary which is designated as a Ramsar Site, Site of Special Scientific Interest (SSSI), Special Area of Conservation (SAC), and Special Protection Area (SPA).

In term of heritage assets, there are no Listed Buildings on site. There are a total of 16 Grade II Listed Buildings located within 1km of the application site, the nearest being Brickhouse Farmhouse, c. 250m south east of the site, and Dayhouse Farmhouse, c. 450m south of the site. There are no Scheduled

Monuments, Conservation Areas, Registered Parks or Gardens, Registered Battlefields or World Heritage sites within a 1km radius of the site. Whitcliff Park, located just over 1km from the site also forms a designated Grade II* Registered Park and Garden of Berkeley Castle, which contains a scheduled monument of a medieval moated site and two listed buildings (the lodge at the north west end and Park House in the centre).

An Agricultural Land Classification has been undertaken that has found that the site land is entirely graded as Grade 4. The site lies entirely within Flood Zone 3.

1.9 *Documents submitted in support of the proposal (excluding application forms and plans/drawings)*

Design and Access Statement

Planning Statement

Consultation Report

Landscape and Visual Impact Assessment

Landscape Plan

Arboricultural Impact Assessment

Construction Traffic Management Plan

Heritage Assessment

Flood Risk Assessment

Agricultural Land Classification Report

Additional information has been secured since the submission in relation to Archaeology, Ecology and Landscaping

2. **POLICY CONTEXT**

2.1 National Guidance

National Planning Policy Framework

National Planning Practice Guidance (General)

National Planning Practice Guidance – Conserving and Enhancing the Historic Environment;

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

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

PSP1 Local Distinctiveness
PSP2 Landscape
PSP3 Trees & Woodland
PSP6 Onsite Renewable and Low Carbon Energy
PSP7 Development in the Green Belt
PSP8 Residential Amenity
PSP10 Active Travel Routes
PSP11 Transport Impact Management
PSP17 Heritage Assets and the Historic Environment
PSP19 Wider Biodiversity
PSP20 Flood Risk, Surface Water and Watercourse Management
PSP28 Rural Economy

2.3 Supplementary Planning Guidance and other material considerations

- South Gloucestershire Landscape Character Assessment SPD LCA19 Oldbury Levels
- 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 P21/015/SCR Screening opinion for solar farm with battery storage occupying 92.13 ha. EIA not required (27th April 2021).

4. CONSULTATION RESPONSES

The following section comprises summaries of the relevant comments received from the general public, parish councils (within South Gloucestershire and Stroud District), Stroud District Council, internal and external consultees, full details can be viewed on the Council Website.

4.1 Hill Parish Meeting

This is a summary of the comments (full details can be found on the Council website)

Neither supports or objects to the proposed development but wishes to raise concerns regarding

The choice of route for construction traffic

The number of HGV movements likely to take place

Flooding

The cumulative impact of the project with that at Worlds End Solar Farm

Stroud District Council (the site lies along the boundary with the neighbouring Local Authority)

Summary

In principle, the Council broadly supports the proposed development as it will contribute to the UK Government's target to reach net zero emissions by 2050, a goal that requires the provision of energy infrastructure fit for the future, and where much of the energy is generated via decentralised power systems. In line with Section 14 of the National Planning Policy Framework (NPPF), National Policy Statements (NPS) EN-1 and EN-3 (and their subsequent amendments and drafts), the Stroud District Council are supportive of renewable energy proposals, subject to paragraph 158b) of the NPPF that advises that applications should be approved "if its impacts are (or can be made) acceptable".

Some concern is raised however about the information that has been submitted with the application. An assessment should be made regarding the cumulative impact and that cumulative impacts may need to be reassessed.

The impacts upon the Cotswold AONB should be carefully considered (the LVIA does not include this).

The site is functionally linked to the River Severn Special Protection Area (SPA), Special Area of Conservation (SAC) and RAMSAR. Such designations protect unique habitats and species, including wildfowl and ground-nesting birds that have large feeding areas. As such, the Stroud District Council fully supports Natural England's request for further information to determine the development's impact on designated sites.

There is several heritage assets in the proximity of the site that may be impacted by the proposed development, including the heritage assets located in the Stroud District. We trust that the South Gloucestershire Council will assess all comments by the statutory consultees, including those requiring further evidence that archaeological remains and ridge and furrow elements will not be harmed

In the light of the comments in the paragraph above, in order to aid the SGC Case Officer in his assessment he has requested from Stroud DC information regarding their Conservation Officers assessment of the impact of the development at Worlds End upon Stroud DC Heritage Assets and their view of the impact of this development upon those same assets.

These conclusions are discussed in the heritage section (see 5.6 and 5.7 below)

Berkeley Town Council

No objections provided the requirements and conditions specified by the statutory consultees (EA, LLFA & LSIDB) are met and the appropriate conditions included in the decision document.

Woolaston Parish Council

Supports the application

4.2 Sustainable Transport (summary)

Travel Demand

The main impact of the development will be during the construction phase and once operational it will not generate many trips. A transport assessment has been submitted and reviewed. Trips identified are 10 HGV movements per day, 15 light vehicle movements per day, 1 abnormal load (site transformer delivery) during construction and 4 to 5 movements once operational. It is not considered that this constitutes a material impact upon the surrounding highway network.

Site Access

This will be from an upgraded existing field entrance onto Hill Road. Full details will need to be approved. In terms of the construction route, the investigation of three possible routes is noted and the route chosen has been made on the basis of the quality of the surface and impact upon sensitive areas or facilities. Tracking of the route has been made and it is considered/agreed that this will cause the least harm.

Construction Traffic Management

A suitable condition will be required to secure a Construction Management Plan for traffic. A condition will be required to ensure a survey of the neighbouring highway condition is made before and after the development and any damage that occurs is made right by the developer.

No objection subject to the conditions set out above.

Historic England (summary)

Historic England has no objection to the application on heritage grounds. However, in the context of the neighbouring application Worlds End Farm Solar Park (Application No. S.21/1210/FUL) and potential cumulative impacts, your authority will need to satisfy itself that the applications meet the requirements of paragraphs 199 and 200 of the NPPF.

Public Rights of Way Team

The application will primarily affect public bridleways OHL/1 and OHL/2. I would expect to see improvements to both these bridleways as they form a useful circular route in the area. It is not clear from the plan where the construction roads are going in relation to the bridleways. Bridleway OHL/1 is often wet and would benefit from works to improve its drainage. Subject to other constraints it would also benefit from proper culverts where there are existing sleeper bridges in order to reduce future maintenance. I would also expect to see improvements to existing gates that are currently not easy to use to make them easy to use from horseback and I would also expect to see the removal of unnecessary gates where they are no longer required for stock control. Should either bridleway require a temporary closure during construction I will expect to see alternative routes provided through the site. It is noted that warning signage will be provided during construction.

If both this site and the one to the north are permitted it would be beneficial to the local community if the dead end bridleway at Stample Lane was connected to OHL/1

Archaeologist (Summaries)

Initial Comments

Whilst I am of the view that at least some of the site could be developed, I need clarity on the survival and significance of the archaeology.

As such, I recommend that the ridge and furrow is subject to a more detailed assessment to determine the survival and significance of these features and that trial trench evaluation take place across the development area (doing its best to avoid the more sensitive ridge and furrow) to determine the presence or otherwise of Roman (or less likely other period) archaeology. Once these are complete further comment can be offered.

Additional work has been undertaken with respect to the above concerns and the following comments (summary) has been received.

Additional LiDAR assessment along with small scale trial trenching has now taken place in order to assess the age of the features as the 12th/13th century features have higher significance when the levels were reclaimed.

Clear evidence has not been found to date the features. It is not considered given the variety of the form of the features that this constitutes a nationally designated asset. It is considered that they are non-designated heritage assets of local to regional significance and will be harmed by the development. Mitigation including raising the panels will help but harm cannot be entirely negated. This is a matter for the decision maker but I would take the view that public benefit outweighs harm. Given the potential for Roman activity towards the west of the site tow precautionary conditions are recommended.

Police Crime Prevention Officer (Summary)

Due to the comments above I feel that this application does not provide sufficient detail in some areas, as well as requiring clarification in others to make a suitable decision as to its ability to fully meet the safety and security requirements of the National Planning Policy Framework or the South Gloucestershire Core Strategy. I would judge this application currently to be “Not acceptable in its current format”.

Natural England

Initial Comments

As submitted, the application could have potential significant effects on the Severn Estuary SPA/Ramsar. Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation. Without this information, Natural England may need to object to the proposal.

Additional Information Required:

Despite the proximity of the application to European Sites, the consultation documents provided do not include information to demonstrate that the requirements of regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended) have been considered by your authority, i.e. Page 2 of 6 the consultation does not include a Habitats Regulations Assessment. Your authority should therefore determine whether the proposal is likely to have a significant effect on any European site, proceeding to the Appropriate Assessment stage where significant effects cannot be ruled out.

Natural England advises that there is currently not enough information provided in the application to determine whether the likelihood of significant effects can be ruled out.

Further information required is listed in the full response available on the Council website.

Final Comments:

No objection is raised following the submission of the Habitats Regulations Assessment (HRA). The Shadow HRA concludes that there will be no in-combination effects due to qualifying species being recorded in low numbers in all applications considered in the assessment. Natural England concur with this conclusion.

Environment Agency

Providing the LPA is satisfied that the sequential test is passed, no objection is raised. Conditions are recommended to ensure that the development is carried out in accordance with the details set out in the Flood Risk Assessment

Lower Severn Drainage Board

No objection subject to advices/informatives to attached to the decision notice to remind the applicant of their duties and responsibilities in relation to drainage features

Tree Officer

No objection – AIA Report (July 2022) identifies tree and hedgerow root protection zones and includes a tree protection plan. A total of 281 trees were surveyed, which included 49No. Category A/high quality and 127No. Category B/moderate quality trees, with 38No.of these being ancient/veteran trees and comprising Willow and Ash with some Oak

The plan clearly shows the tree protection fencing which adequately takes care of the retained trees. Provided that all works are in accordance with the submitted arboricultural details there are no objections to this proposal

Arts and Development Officer

No objection

Landscape Officer (summary)

Initial Comments

Further information is required in order to fully assess the application:

Further assessment of the site's sensitivity to solar PV development against the criteria adopted by RERAS

Explanation of why taller than average height solar PV panels are being proposed.

A set of wireframe images (e.g., with the solar PV panels/sub-station structures shown in strong contrasting colour on photographs) for each assessment viewpoint, with a view of the proposals so that the extent of visibility is clearly presented to support the reported findings.

Further annotation of some base line site photographs to identify the exact location of the site in a given view.

Potential additional photomontages, depending upon what the wireframe images demonstrate.

Clarification of whether the proposals will impact on any key views from the site bridleways.

Tree root protection zones annotated on the Landscape Strategy Plan.

Plant schedule of proposed tree, hedge, and other structure planting to support the proposed Landscape Strategy.

Framework LEMP

Depending upon the extent of the information agreed prior to determination and permission being granted, conditions are recommended, full details of which are set out in the full version available on the website.

Following the submission of additional information (summary):

No landscape objection is raised subject to conditions to secure a detailed LEMP, Planting Details and to ensure that the development is carried out in accordance with the submitted

Conservation Officer (summary)

The development proposals would impact on the setting of the Grade II listed Brickhouse Farmhouse and the Grade II listed Manor Farmhouse. There will also be a likely impact on the “Berkeley Castle” assets and we might need to revisit this issue following further discussion.

In respect of all the other relevant assets within Hill or Upper Hill, I would concur with the findings of the HA. There remains however some concern over the impact of the scheme on the ridge and furrow, but as noted above I would defer to the Archaeologist on this matter.

I will leave it therefore for now in light of the Berkeley Castle issues, but in respect of the considered magnitude of harm to the two designated heritage identified and in accordance with the NPPF and PPG, for Brickhouse Farm and Manor House Farmhouse the impact would be “less than substantial” and would be towards the lower end of the spectrum to the significance of the Grade II listed Brickhouse Farmhouse and slightly lower for the Grade II listed Manor Farmhouse.

Ecologist (summary)

Initial Comments

An assessment of the Ecological Impact Assessment (Clarkson & Woods, August 2022) submitted by the applicant has been made. The site itself is not covered by any ecological designations, however it is approximately 450m from the Severn Estuary SPA/SAC/Ramsar/SSSI. The report acknowledges that a shadow HRA will be required, this is to be submitted prior to determination for review.

Conditions are recommended to ensure that work takes place in accordance with the ecological mitigation measures set out in the submitted report; to ensure the submission of an external lighting scheme; a Landscape and Ecological Management Plan; a Construction Management Plan.

Also the following matters are required to be resolved prior to the determination of the application:

- A Great Crested Newt District Level Licence impact report / certificate counter signed by Natural England will be required prior to determination.
- Wintering bird surveys and breeding bird surveys were undertaken to ascertain the species assemblage present, this is of particular importance due to the close proximity to the Severn Estuary. A separate report will be submitted with the results of these surveys and comments will be made once reviewed.
- Three outlier badger setts were recorded during the survey and a proposed buffer of 10m is to be implemented between the entrances and works. Additional information is required in order to establish full impact. Have monitoring surveys been conducted for these entrances, if so how many? What are the nature of the works occurring at the buffer of 10m?
- A large proportion of the lowland meadows (priority habitat) will be impacted by the installation of the solar panels and likely to reduce the diversity of the species, degrading the value. Priority habitat and habitat of value for wildlife is to be retained where possible and only impacted where necessary. An additional botanical survey was undertaken which provides a higher level of data and a grassland mitigation strategy has been recommended, this is to be submitted prior to determination for review, it will be determined at this stage that the proposals are acceptable. The outline strategy is that less diverse areas of the site will be enhanced in order to compensate for the degradation of the higher valued habitats however full details will be reviewed.
- The site itself is not covered by any ecological designations, however it is approximately 450m from the Severn Estuary SPA/SAC/Ramsar/SSSI. The report acknowledges that a shadow HRA will be required, this is to be submitted prior to determination for review.

Following the submission of the above information and further negotiation, the following comments have been received (summary – full details can be found on the public website):

A Shadow Habitats Regulations Assessment has now been submitted.

A Wintering Birds Survey(s) have been submitted. The details submitted show that the assemblage of wintering birds on site was considered to be of Local Importance. Mitigation measures have been provided to include the protection of retained habitats, creation of new habitats to provide shelter and foraging resources and sensitive management of the habitats during operation. The survey identifies species present and whether breeding, the habitats and their value to the birds.

Mitigation includes the provision of 1.3km of native hedgerow, enhanced grassland and 25 bird boxes. This is welcomed.

The shadow HRA is acceptable. The impact assessment, approach and mitigation proposals included within the shadow HRA are suitable and it is concluded that there would be no significant adverse effects from the solar farm on the European Protected sites either alone or in combination with the two other solar farms identified. The document needs to be sent to Natural England prior to determination. A CEMP condition is required.

Subject to conditions to ensure the development takes place in accordance with the mitigation measures identified; the submission of details of all proposed lighting and a strategy for maintenance; a Landscape and Ecological Management Plan, a Construction Environmental Management Plan and walkover survey.

Environmental Policy and Climate Change Team

We strongly support this application to install a 49.99MWpeak ground-mounted PV system at Hill

The installation will contribute to local and national targets to increase renewable generation capacity and to reductions in CO2 emissions arising from grid electricity generated using fossil fuels. As described in the submissions the duration of the scheme creates significant opportunities to protect and enhance biodiversity.

Environmental Protection

No comment

Lead Local Flood Authority

The Flood and Water Management Team (Department for Place - Streetcar) has no objection in principle to this application subject to the following comments. A Flood Risk Assessment (FRA) has been submitted and accepted, however please consult the Environment Agency (EA) for final approval on this matter. Please also consult: The Lower Severn Internal Drainage Board (LSIDB) for final approval on matters related to surface water disposal, as they are the land drainage authority for this location.

4.3 *Other consultees*

Local Residents (summaries)

One letter has been received neither objecting or supporting the planning application but making the following points,

The assessment should be made to include applications at Woodlands Farm and Worldsend Farm given the potential for cumulative impact. In addition given the ecological designations nearby there is also a potential for cumulative

impact as well as in terms landscape and protected sites (heritage), conservation areas and parkland in the immediate vicinity.

Three letters of objection have been received and the comments can be summarised as follows:

- The construction route is not acceptable, resulting in a worsening of the road through traffic
- Trees will be affected on the site and wildlife
- Traffic movements have been underestimated and the transport plan and egress route is inadequate.
- There will be no benefit to the local community

Two Comments have been received in May 2023 outside of the formal consultation period. The comments received can be summarised as follows:

One comment neither supports or objects to the proposal but indicates that objections have been raised to two applications within the Stroud District area on the grounds that the roads are not suitable for heavy traffic during the construction period.

One comment objects to the proposal on the grounds that there are in total three applications for Solar Development which are cumulatively linked from an environmental, biological, species and habitats perspective. In addition there will be an impact in terms of landscape and protected sites, heritage assets, conservation areas and parkland. The application must be assessed in the light of these other developments. The roads are not suitable for construction traffic.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Full planning permission is sought for the construction of a 49.9 MW solar farm on approximately 72.5 hectares of land with an associated access and electrical infrastructure.

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 is titled '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 proposals. 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.

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. Policy CS3 sets out that in assessing proposals for renewable energy significant weight will be given to the following 4 criteria:

1. *The wider environmental benefits associated with increased production of energy from renewable sources;*

The direction of both international and national policy is to increase the amount of energy produced from renewable sources. The site itself is not covered by national nature designations. The site is not covered by nature designations but as set out above these lie to the west along the estuary. The large site is not immediately adjacent to residential properties.

In this instance, the proposed development would make a reasonable contribution to the South Gloucestershire Climate Change Strategy (CCS) which carries 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 to the South Gloucestershire CCS and would bring positive wider environmental benefits, and this should be given weight in determining this application. In assessing the application, officers have balanced the wider environmental benefits for South Gloucestershire and the UK as a whole against the impact on the more local environment.

This proposal would provide up to 49.99MW AC of renewable energy generation that will be transferred into the local grid network operated by Western Power Distribution. To place this in perspective, in September 2019 South Gloucestershire had 170MW installed renewable energy (source – South Gloucestershire Renewable Energy Progress Report 2018-19 Regen). Solar development makes up 91MW of this capacity as shown in the table below:

Technology	Total electrical capacity (MW)	Total thermal capacity (MW)	Number of projects	Percentage of installed capacity
Biomass	9.3	5.3	84	8%
Energy from waste	32		1	18%
Heat pumps		3.4	343	2%
Landfill gas ⁶	7.6		4	4%
Onshore wind	8.3		12	5%
Solar PV – ground mounted	91		10	51%
Solar PV – rooftop	23		4,054	13%
Solar thermal		0.3	102	0%
Hydropower	0.001		1	0%
Total	170	9	4,610	

In addition to the generation of renewable energy benefits to the local area, the proposed development would provide a number of other benefits:

A Biodiversity Net Gain would be achieved on site through the reinforcement of existing hedgerows and the planting of new hedgerows where required and also through the planting of native grass species within the solar farm itself and wildflower grass meadows around the perimeter edges of the solar farm.

The application is for a temporary period of time (40 years). Therefore, all the elements of the solar farm are reversible and can be removed from site and the land returned to its former state, with a legacy of biodiversity enhancements following decommissioning of the site.

The key benefits are the generation of clean power for approximately 16,500 homes (saving 10,200 Tonnes of CO₂ per annum) and the opportunity to deliver a Biodiversity Net Gain (BNG) on the site itself.

2. Proposals that enjoy significant community support and generate an income for community infrastructure purposes by selling heat or electricity to the National Grid;

No significant level of community support has been expressed however only a very small number of objections have been received (see above). The Parish Councils (and neighbouring District Council), nearby do not raise objections. The limited number of responses reflects the low number of properties that are within the vicinity. There is no proposal to generate community infrastructure in this case.

3. The time limited, non-permanent nature of some types of installations;

The development is proposed for a period of 40 years after which the site would be returned to its current condition.

A 40 year period while obviously non-permanent in the strictest sense, is not temporary. The earlier generation of sites were usually for a 25 year period. It is not considered that any significant weight can be given to this. This said, should national, local or global situations arise, the panels could be removed and the land reverted to agriculture within a few months.

4. The need for secure and reliable energy generation capacity, job creation opportunities and local economic benefits.

The government, in producing the Solar Radiation maps of the UK, have identified areas of the country receiving higher levels of solar radiation. South Gloucestershire is identified as falling in an area receiving high levels of solar radiation. The solar proposed solar farm is therefore considered to be a reliable source of renewable energy.

It is considered due to the way solar farms operate that, with the exception of commissioning and de-commissioning, the site will not generate notable local employment opportunities. However the proposal represents a form of agricultural

diversification, which brings an economic benefit to the landowner who will receive a consistent ground rent for the full period of installation, to add to their otherwise more volatile agricultural income.

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 farm would make a 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. It is considered that the proposed development would meet the local and national policy objectives for renewable energy development and as such is acceptable in principle. However, it is necessary to weigh the policy objectives and renewable energy benefits in the balance with the impact upon the local environment.

5.4 Agricultural Land Classification

This is an issue which is considered under the “principle of development section”.

In terms of the loss of agricultural land, the NPPG guides development away from the best and most versatile land i.e. land graded between the best Grade 1 and Grade 3. Within the Grade 3 categories there are two sub categories namely 3a and 3b. Only 3a is included in the “best and most versatile land) category.

The application site is currently utilised as agricultural land. A detailed survey of the site was undertaken in May 2020 (soil analysis) by a competent authority and the results submitted with the application. The results of the survey show that 2.8% of the area is in Grade 3b land and 97.2% is Grade 4 i.e. a poor quality.

Solar farms do allow for some limited sheep grazing and ultimately the development will not further harm the soil. The development is therefore considered acceptable in these terms.

5.5 Principle of Development Summary

It is having regard to the above matters, considered that the principle of development is acceptable and that in any planning balance, (see section 5.15 below), the provision of renewable energy carries very significant weight. Prior to the planning balance, the report will now cover the material planning considerations.

5.6 Heritage (non-archaeological impacts)

This part of the report will consider the designated Heritage Assets

Policy/Legislation

Paragraph 66(1) of the Planning (Listed Building and Conservation Areas) Act 190 states that:

In considering whether to grant planning permission (or permission in principle) for development which affects a listed building or its setting, the local planning authority

or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Para 194 of the National Planning Policy Framework states:

In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

Para 195 of the National Planning Policy Framework states:

Local Planning Authorities should identify and assess the particular significance

Para 199 of the National Planning Policy Framework states:

When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Para 200 of the National Planning Policy Framework states:

Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

Para 202 of the National Planning Policy Framework states:

Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Policy PSP17 of the Policies, Sites and Places Plan and policy CS9 of the Core Strategy relate to conservation, and seek to protect the character and appearance of conservation areas and the significance and setting of heritage assets such as listed buildings. These policies are up to date and in accord with the provisions of the National Planning Policy Framework.

The application is supported by a Heritage Desk-Based Assessment (which can be seen in detail on the Council Website), which has been submitted with the application and has been viewed by the Listed Building Officer.

The submitted report considers as per the above requirements set out in the National Planning Policy Framework, the impacts of the development upon the historic environment in terms of significance and changes to setting. It sets out what are considered to be the key assets and makes an assessment of the impact upon their significance using photographs where relevant of the key views between the site and the key assets. The findings of the report are set out below, followed by an analysis from the Council Heritage Officer.

Heritage Assets (submitted report)

The report identifies 16 Listed Buildings (all Grade II Listed) within a one kilometre radius of the site, the nearest being identified as Brickhouse Farm (250m to the south-east) and Dayhouse Farmhouse 450m to the south of the site. There are no Scheduled Monuments, Conservation Areas, Registered Parks and Gardens, Battlefield Sites within one km of the site.

To the north-east lies the Grade II* Registered Park and Garden of Berkeley Castle within the Stroud District Council area. Berkeley Castle Grade II* RPG comprises a medieval castle (Grade I) with terraced gardens of C17 to C20 date, adjoining Home Park, and Whitcliff Deer Park 1km to south-west. Whitcliff Deer Park, occupies a low rocky ridge, running south-west to north-east and continues to support deer herds. Open parkland slopes away off the ridge to the east and west, interspersed with mature and veteran parkland trees, and later C20 plantings. Small blocks of mixed woodland also occupy parts of the ridge. The Park was likely to have been enclosed in C13 during the reign of Henry III and enlarged in C18 when a high boundary wall was constructed. This survives in part along the existing perimeter.

The key element to consider is any impact upon the Whitcliff Deer Park. The Park is of relevance as it occupies higher ground to the north-east on a low ridge and overlooks the site and a large part of this part of the Severn Vale. There are two separate listed structures identified within the Park in the report, a Grade II Listed Lodge and the north-eastern end and Park House (also Grade II) a folly located to the south-west. The folly overlooks the Vale.

Impact upon Heritage Assets (submitted report)

The report considers that the heritage significance of the assets is largely derived from their architectural and historic interest and that elements of setting (frontages, accesses, gardens/grounds and wider land holdings) contribute to a lesser degree. There are views from Brickhouse and Dayhouse farmhouses across the site.

It is considered that Brickhouse Farmhouse a 17th Century property which was extended in 19th Century derives its significance from the architectural, artistic and historic interest from its built form and fabric. The setting is of less significance and it is considered that the development site makes no contribution through setting to the significance of Brickhouse Farmhouse.

Similarly to the above asset, Dayhouse Farmhouse is 17th Century with 19th Century extensions. Main views of the house are indicated as being from the south with only glimpses from the site lying to the north-east at a distance of 450m. It is considered that views are reduced by intervening modern barns, trees and hedgerows. It is considered that the site makes no contribution to the setting of Dayhouse Farmhouse.

Hill Court is north-west facing and there is no visibility from this asset to the site. There are not considered to be any visual or non-visual associations for the Listed Buildings in Upper Hill or Hill including Grade II* St Michaels Church.

With respect to Berkeley Castle, the report identifies that there are no visual linkages between the site and the castle. With respect to the Deer Park, which was enclosed in the 13th Century and enlarged in the 18th Century when a high brick wall was built around it, this lies 1km to the south-west of the castle and is 2.25km long and 700m wide. The park is approximately 1.3 km from the application site on higher ground comprising a low ridge between the River Severn to the west and the Cotswold Escarpment to the east. There is no inter-visibility between the Grade II Listed Lodge at the north-eastern end of the Park.

With respect to the Deer Park itself, the report considers that it is best experienced from within its boundaries. It is important to note that a Public Right of Way runs along the Deer Park along its “spine” however this is situated away from the western edge. Public views are significantly restricted by the location of the Public Right of Way and also along part of its route by a large conifer plantation, with further planting at a lower level, so despite long ranging views as far as the estuary and Wales, views down to the site from the accessible part of the Park are considered limited. The report considers that the development site makes no appreciable contribution through setting to the overall heritage significance of the Grade II* Registered Park and Garden of Berkeley Castle.

Turning now to the Grade II Listed Park House Folly, built in the early/mid-19th Century and comprising a three storey square structure with octagonal towers at each corner. The structure is located broadly at the centre of the park to the north-east of the Public Right of Way with woodland to north-east and north-west. There will be some views from the site at the northern and western sides to the folly. Views are considered incidental. The folly cannot be accessed so there are no views from it to the site. In summary the report concludes that the site makes no appreciable contribution to its setting. There are the remains of a buried medieval moat near to the folly which are scheduled but not deemed sensitive to the development.

Analysis/Assessment (of submitted report)

The report will now assess the submitted findings as set out above. The Council Heritage Officer has viewed the proposals and because the development lies along the boundary with the neighbouring Stroud District Council, the views of their officers has also been sought. The assessment will also consider “cumulative impact” given the development proposed immediately to the north and once further to the north near the town of Berkeley itself. The location of these proposals can be viewed in Appendix 1 and Appendix 2 attached to this report.

Grade II Listed Brickhouse Farmhouse (Grade II)

The view in the report that the significance of the heritage assets is largely derived from its fabric and form is accepted albeit this is usually the case.

Officers note that the farm track that branches off from the main lane than runs north to south is Stuckmoor Lane which is also a PROW. For the last point, it is considered interesting to why to fields to the east are considered to be of significance, but the fields to the west are not mentioned at all. It is accepted that there may be greater levels of inter and co-visibility especially for the land to the south, but this is only because of the obvious fact of being in closer proximity. The land to the east also rises in level and so affords elevated views back to the farmhouse where the land to the west is a largely flat enclosed fields of an historic field pattern.

The assessment that the impact is limited is not entirely correct. It is necessary to include how the building is experienced and while it is accepted that inter-visibility may be limited, the submitted report does not assess how the development affects the functional agricultural origins which is part of its character and authenticity. There will be a fundamental change to a more industrialised landscape and this would be apparent from the public right of way, in particular given that these panels at 4.2m (at the top edge) are higher than usual notwithstanding the other structures that are associated with a solar farm.

For the reasons set out above, the proposals would result in Brickhouse Farmhouse experiencing a negative impact through a change in its wider setting. The change in setting may not result in a significant degree of harm to the significance of this designated heritage asset, but harm would be caused nonetheless.

Dayhouse Farmhouse (Grade II)

The assessment in the submitted report is agreed with, it is not considered due to the intervening levels of planting, the separation distances involved and the flat topography that development proposals would have any impact on the setting of this designated heritage asset.

Manor Farmhouse (Grade II)

This does not appear to be included in the report assessment. Inter-visibility between this assets exists however that would be from the upper floor windows on the west facing elevation. The farmhouse would as it is on higher ground overlook the northern part of the solar farm. While the impact may be considered limited, the industrialisation of the landscape would result in a level of harm.

Upper Hill Farmhouse (Grade II)

This property lies to the south-west of the site accessed by a single track leading off the eastern side of the main lane through Upper Hill. While its façade faces west towards the site, due to the combination of existing intervening planting and structures and the modest scale of the property and the lack of elevation to overlook the intervening features between itself and the application site (which includes the substantial Brickhouse Farmhouse), it is not considered that the development proposals would result in a change in setting that would cause harm to the overall architectural and historic interest of this designated heritage asset.

Hill Court (Grade II)

The property lies to the south-west, from visiting the site views from this property would be restricted to glimpses due to the level of existing trees planting to the north of the property. Views of the site would be achieved from the considered curtilage listed buildings to the north-east of Hill Court, but in light of the distance involved it is difficult to consider that any perceived change in landscape would result in an change in setting that could be considered to cause harm to the overall architectural and historic interest of Hill Court and its associated building group.

St Michael's Church (Grade II*)

It is considered that separation distances and the intervening vegetation (and it must be said proposed landscaping), make it likely that the development proposals would not result in a harmful change to its significance through its setting.

Berkeley Castle (Grade I) and its Registered Park and Garden (Grade II*) and Park House and Lodge (Grade II)

These assets are located within the Stroud District Council Area and that authority as well as Historic England have been consulted on the proposal. It is considered having regard to the Castle itself that the application site is at such a distance and has such intervening landforms that there is no inter-visibility. Any impacts as set out in the submitted Heritage Impact Assessment relate to the park and garden and the two separately listed structures.

Both Stroud District Council and Historic England have commented upon the development having viewed the submitted assessment and supporting information. Stroud DC do not express a clear opinion indicating that it is for South Gloucestershire to be certain that the development accords with legislative requirements. However Historic England state:

We concur with the findings of the Heritage Desk Based Assessment that the application site makes no appreciable contribution through setting to the overall heritage significance of the RPG (notably Whitcliff Deer Park), Park House, or the Scheduled Monument.

On the basis of the above advice, while quite obviously the development will be highly visible in panoramic views across the Severn Vale, the relationship between it and the Deer Park is such that there would be no appreciable impact upon its heritage significance either in terms of the impact upon the Park, Park House, the Lodge or the Scheduled Monument.

Cumulative Impact

As set out already in this report, this 72.5 hectare development would sit alongside (of course dependent upon whether that application is approved, at the of writing this report a decision is pending) a Solar Farm proposal comprising approximately 64 hectares of farmland at a site known as Worlds End Farm. The site outline is shown as Appendix 1 attached to this report.

Regarding the impact of the development within Stroud District, the comments of the comments of the Conservation Officer from that Authority are noted as follows:

It is considered that in medium and long-range views, the proposals would not result in the introduction of atypical, unnatural colours and forms into the verdant, pastoral surroundings of the group of highly graded listed buildings and of the conservation area. In conclusion, I consider that there are no significant concerns over the impact on the nearby designated heritage assets.

Paragraph 196 of the Framework states that any less than substantial harm should be weighed against the public benefits of the proposal. The proposal has been considered in line with the duties set out in the Planning (Listed Buildings and Conservation Areas) Act 1990, policies set out in the NPPF and the Stroud District Local Plan 2015, and guidance from Making Changes to Heritage Assets'- Historic England Advice Note 2

It is noted that Historic England initially raised concerns (response to Stroud DC 5th November 2021) that insufficient information had been submitted in terms of viewpoints and that a more convincing justification was required. Reference to this concern was raised in the response to South Gloucestershire Council when considering cumulative impact.

However recently on 20th February 2023, it appears following the submission of additional viewpoints with wireframes Historic England have concluded that:

These viewpoints with wireframes of the extent of the application site have now been provided and demonstrate that there would be either no or very limited visibility of the proposed solar array. We are therefore satisfied that any impacts would not be harmful to the significance of individual heritage assets.

Historic England as a result as per the application in South Gloucestershire raise no objection to the proposal in Stroud DC.

It is thus concluded that any impact from either development is not considered "notable". It is your officer's judgement that any cumulative harm to heritage assets is less than substantial in the light of the above and at the lower end of the spectrum.

It is noted that an application for a further development has been submitted at a site known as Woodlands Farm, this is also within the Stroud District, details of which are attached to this report as **Appendix 2**. Reference to this development has been made in public correspondence received. Given the location, distance, intervening features such as buildings, landform and landscaping, it is not considered that this development should be considered as part of a cumulative assessment.

Heritage (Conclusion)

Firstly it is important to note that officers disagree with the "no harm" conclusions stated in the applicant's submitted assessment.

As set out above, the development proposals would impact on the setting of the Grade II listed Brickhouse Farmhouse and the Grade II listed Manor Farmhouse. There will also be a likely impact classed as less than substantial harm either from the development or cumulatively having regard to the Worlds End Farm proposal on the “Berkeley Castle” assets, although it is noted that no objection is raised by Historic England to either scheme.

In respect of all the other relevant assets within Hill or Upper Hill, the findings of the HA are considered accurate.

It is considered that any impacts would be “less than substantial” and would be towards the lower end of the spectrum to the significance of the Grade II listed Brickhouse Farmhouse and slightly lower for the Grade II listed Manor Farmhouse and the Berkeley Assets.

The application needs therefore to be considered within the context of paragraphs 202 and 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.

A finding of less than substantial harm does not, therefore, imply a less than substantial objection to the grant of planning permission and the council must be satisfied that the public benefits resulting from the wider residential aspect of the scheme clearly outweigh the harm to the heritage asset.

The principal benefit of the proposal however is 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. These benefits are set out in Section 1.2 above. The application proposals make an appreciable 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.

It is considered that the public benefit from the provision of the solar farm 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.

5.7 **Archaeology**

There are two features of interest at this site, one is a potential feature and the other evident. These will be considered separately.

Ridge and Furrow

Across the site there is clear evidence of Late Medieval or early post- medieval ridge and furrow which are of good quality. An initial submission recognised this and

identified it. It is the reversed “S-shaped” features which are indicative of the late medieval or early post medieval ridge and furrow. As with all heritage assets it is essential to understand their significance to be able to identify the level of harm that may result and thus be able to weigh that against any benefits. Initial concerns were raised regarding the level of information submitted to indicate the different types and location of these features and this be able to assess their value and thus the level of harm that could ensue and whether any mitigation is possible or indeed areas can be retained.

It is understood that significant additional work has been undertaken, with additional LiDAR assessments and also small scale trial trenching. The results have been submitted and viewed by the Council Archaeologist. It is considered that while the results have not definitively identified the age of all furrows, sufficient information to determine that the feature would not fall within the category of a nationally designated asset and is considered the equivalent of a non-designated asset of local to regional significance instead. Mitigation is noted that includes raising the panels and above ground cabling however it is considered that harm would occur as it would be necessary to cut into the features.

Paragraph 204 of the NPPF states that *“The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset”*. As set out above it is accepted that harm will result but it is not considered that the assets are more than of local/regional importance and some mitigation is proposed through the form of the development. It is therefore considered that the public benefits that have been outlined elsewhere in the report outweigh the harm.

Roman Settlement

The Gloucestershire Historic Environment Record (HER) identifies the proximity of the development to a substantial Roman settlement noted in the Gloucestershire HER and which appears to extend southward into South Gloucestershire. The Desk Based Assessment does identify this and also recognises that features related to this, including buildings or kilns could conceivably, survive within the red line boundary of the site.

It is considered appropriate to apply two conditions in the light of the above findings.

Firstly to require prior to the commencement of works, the undertaking of a programme of archaeological investigation and recording for the site with the submission of the information for approval and the development being then carried out in accordance with those details.

Secondly a condition to ensure that 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.

5.8 **Landscape**

The overarching National Policy Statement for Energy (EN 1 March 2023) largely considers Nationally Significant Infrastructure Projects) which this application is not, however some, guidance on considering landscape impact is applicable to all such schemes. The statement states (5.10.26) that:

Within a defined site, adverse landscape and visual effects may be minimised through appropriate siting of infrastructure within that site, design including colours and materials, and landscaping schemes, depending on the size and type of the proposed project. Materials and designs of buildings should always be given careful consideration.

5.10.27 states that:

Depending on the topography of the surrounding terrain and areas of population it may be appropriate to undertake landscaping on or off site. For example, filling in gaps in existing tree and hedge lines may mitigate the impact when viewed from a more distant vista.

Policy PSP2 requires any development proposal to respect and consider the context, setting and character of the landscape and the natural environment that it is located within. The Policy states that:

Development proposals will be acceptable where they conserve and where appropriate enhance the quality, amenity, distinctiveness and special character of the landscape (defined by the Landscape Character Assessment).

Policy CS1 of the Core Strategy requires that development of a sufficient scale or significance explains how it contributes towards the vision and strategic objectives of the locality. Policy CS9 states that new development will be expected to “conserve and enhance the character, quality, distinctiveness and amenity of the landscape”

The landscape character is identified in the South Gloucestershire Landscape Character Assessment) that was adopted as a supplementary planning document in November 2014: The site lies within LCA 19: Oldbury levels. This describes the general characteristics indicating:

The flat nature of the landform, combined with various layers of low hedges, occasional hedgerow trees and small woodlands, produce an open to semi-enclosed textured landscape. Medium to distant views are possible within this framework, from open lanes and from minor high points at Oldbury-on-Severn and Rockhampton, towards the Severn Ridges to the east.

The visual impact of the scheme, and how it can be mitigated is a key issue for determination of this application.

Existing Landscape Character

The site comprises 20No. medium size agricultural fields, which are bounded and crossed by a strong network of field hedgerows, although some are species poor in ecological terms. A triangular shaped, broadleaved wooded copse, of some 1.4ha, extends into the centre of the site from its SW boundary. The ecological report has identified some 19No. Ponds across the site, together with a number of wet ditches. An overhead powerline crosses the eastern half of the site from NE to SW.

The site lies at an average 6m-7m AOD. The site is overlooked from the east and SE by the Hill to Upper Hill ridgeline, which extends NE towards Berkeley in SDC and includes the historic Whitcliff Deer Park, which is designated as part of the Grade II* Berkeley Castle registered park and garden. This ridgeline is identified as Visually Important Hillside as defined by SGC Policy CS2: Green Infrastructure and described in the Strategic GI Corridor Mapping Project. This draft consultation report also identifies a strategic viewpoint (8) from adjacent to St. Michael's Church in Hill as overlooking the site. Hill Court, a Grade II listed building is set within a historic garden that straddles the ridge near the church. Dayhouse Farmhouse that lies some 0.25km to the SW of the site, and Brickhouse Farmhouse some 0.45km to its SE, are also listed Grade II.

The Severn Way long distance route (OHL/20/20) follows the edge of the estuary to the west of the site. A bridleway extends along the southern edge of the site to part overlaps with Longpool Lane (OHL/2/30) to west and Stuckmoor Lane to east, and links with a second bridleway that crosses the central part of the site before turning east pass a triangular wooded copse and watercourse (OHL/1/10). A number of other PROWs overlook the site.

Landscape Impact and Mitigation

The tree report identifies tree and hedgerow root protection zones and includes a tree protection plan. A total of 281 trees were surveyed, which included 49No. Category A/high quality and 127No. Category B/moderate quality trees, with 38No. of these being ancient/veteran trees and comprising Willow and Ash with some Oak.

In summary a total of 71 metre of hedgerow will be lost to the scheme however approximately 1km of hedgerow is to be planted as well as planting within existing hedgerows. The new hedgerow is this significantly greater than that lost but would take between 10 to 15 years to reach the same heights. On balance this is considered a minor to moderate benefit. This will be subject to the requirements of the Landscape and Ecological Management Plan secured by condition and discussed below.

An enhanced corridor is provided to the north of the wood. A combination of existing and new planting will provide physical and visual separation to varying degrees between the bridleway routes and solar PV areas. Hedgerows will be managed at a height of 3.5m or more to equate to the proposed solar PV panel height.

A significant number of wireframe images have been secured taken from numerous viewpoints and additional information within the Landscape visual Impact Assessment

(LVIA). 18 viewpoints have been selected around the site based upon the Screened Zone of Theoretical Visibility. This is agreed by the Landscape Officer. The LVIA characterised the impacts from these various viewpoints. There will be some major impacts from the nearest public rights of way and some cumulative impacts should the neighbouring Worlds End Farm development be approved and built. Those impacts will be largely from the elevated areas near Beverston Farm. It is considered that from the elevated Berkeley Ridge and Whitcliff Deer Registered Park and Garden are obstructed by the landform itself and vegetation on the upper slopes, with only the Worlds End Farm area being visible.

Landscape Conclusions

Based on the review of landscape and visual information received to date, there is no in principle landscape objection to the proposed scheme. As identified within the LVIA, there will be a discernible adverse effect on the local landscape character of LCA 19: Oldbury Levels and views across it, including those from the Severn Way and overlooking ridge to the NE of Bevington, and the scheme will be prominent in the foreground of local views from sections of bridleways OHL/2/30 and OHL/1/10, for example. The construction compound will be highly visible however that is a temporary feature.

However, adverse visual effects on views from a number of assessed viewpoints will be reduced over time as new mitigation planting matures and the site hedgerows are managed at a taller than present growth height. The adverse landscape and visual impact of the proposed scheme will be also partly offset by benefits arising from, for example, reinforcement and enhancement of the existing site vegetation framework by new hedgerow and tree planting, including the proposed laying out of a new orchard space; long term management of landscape and ecology site assets; and improvement works to the site bridleway.

Future landscape maintenance is essential to the success of the scheme in landscape terms in particular to regulate the heights of the hedgerows in and around the site, with these being allowed to grow to a minimum height of 4 metres at selected points. This is important given that some of the panels to the west (where there will be views in particular from the Severn Way) will have a maximum height of 4.2 metres to the top edge.

A Framework Landscape and Ecological Management Plan has been submitted and agreed. The document includes a draft plant schedule of proposed tree, hedge and other structure planting.

A condition will be attached to the decision notice to secure a detailed landscape and ecological management plan (LEMP) that will be based upon the framework document.. This will be required to cover both the enabling works and 40 years operational period, and outline typical, anticipated management works associated with the decommissioning period. The plan shall include but not be limited to schedules setting out of the scope and frequency of annual maintenance work together with longer term management operations. The LEMP is also to include the ecological enhancement plan detailing location and specification of the ecological enhancements detailed within the Ecological reports prepared by Clarkson & Woods.

In addition conditions will be added to ensure that the development takes places in accordance with the tree/hedgerow protection plan and the submission of a detailed planting plan specifying the location, species, stock size, planting centres and quantities of all proposed tree and structure planting (to be implemented in the first season following completion of construction works).

Subject to these conditions, while some harm will result in particularly until additional landscaping has matured, the proposal is considered acceptable in landscaping terms.

5.9 **Site Security**

To secure the proposed development, stock proof perimeter fencing (open gauge mesh with wooden posts or similar) is proposed around the parcels of arrays proposed within the separate field enclosures. The proposed perimeter fencing will be installed at a height of approximately 2m along the outer edges of the separate parcels of arrays in order to restrict access. The minimum distance between the edge of the arrays and the fence would be 4.5m followed by 4.5m outside the deer fencing to the field boundary.

The distance between the proposed fencing and existing/proposed hedges would vary across the site and at its minimum distance this would be no less than 4.5m. The buffer area would be used for ecological enhancement measures and the trimming and maintenance of existing and proposed vegetation.

In addition to fencing, it is proposed that pole mounted CCTV and/or infrared security cameras would be positioned at intervals along the inside face edge of the fencing (between the fence and the arrays) at a height of 6m and facing into the site to protect privacy. The design of the proposed gates will be of the same appearance, material and colour as the fencing. Despite the concerns of the Police designing out crime officer, there is sufficient site security proposed.

5.10 **Residential Amenity**

There are a small number of residential properties within the vicinity of the site. Dayhouse Farm (560 metres to the south), Severn House Farm (1100m to the north), Worlds end Farm (900m to the north with the neighbouring proposed solar farm in between), Blisbury Farm (800 metres to the north-east), Manor Farm (500m to the east), Tranton Cottage (470m to the south), Nupdown Farm (1200 to the south-west) and Brickhouse Farm close to the entrance of the site and less than 200m from the nearest panels but owners of the land that is the subject of this application. Properties in Upper Hill are also relatively close. The above distances are approximate measurements.

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 form some properties but at a 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.

Notwithstanding the above views are not in themselves a factor when considering residential amenity, but rather the impact from the development itself. The solar panels are designed to absorb light rather than reflect it. Any glare would appear as a sheen and the solar panels take on a lighter colour for a period of time - 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 is any significant potential harm to neighbouring dwellings by means of glint and glare.

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. Solar development is not noise free during its operational phase, transformers emit a low “hum” but given the distance to the nearest properties it is not considered that this will result in detriment to amenity. A condition will secure a Construction Management Plan to include working hours etc as described elsewhere in this report and this will control any impacts during the construction phase. No objection has been raised by the Environmental Protection Team to the development. It is not considered, that the proposed development would result in any detriment to residential amenity.

5.11 **Ecology**

5.11.1 Policy CS9 of the Core Strategy and PSP19 of the Policies Sites and Places Plan consider the impact of development upon the natural environment and see where possible to secure “biodiversity gain” through on-site enhancements.

In support of the application the applicant has submitted the following supporting information:

Ecological Impact Assessment

A Shadow Habitats Regulations Assessment

A Breeding Bird Survey Report and Wintering Bird Survey Report

A Noise Assessment

Grassland Mitigation Strategy

5.11.2 **Context**

The site itself is not covered by any ecological designations, however it is approximately 450m from the Severn Estuary SPA/SAC/Ramsar/SSSI. It is for this reason that a Shadow Habitats Regulations Assessment has been requested and subsequently submitted.

5.11.3 **Site**

In terms of the on-site habitat, this comprises: Lowland meadow; other neutral grassland; Modified grassland; Hedgerows and trees.

Officers have concerns that the proposal would impact upon the lowland meadows which are a priority habitat and that as a result there would be a reduction in the diversity of species. In the light of this concern a grassland mitigation strategy has been submitted for review and essentially this strategy seeks to ensure that the less diverse areas of the site are enhanced in order to compensate for the degradation of the higher valued habitats.

The submitted Mitigation Strategy, sets out construction and operational phase prescriptions to ensure that the biodiversity value of grassland habitat within the Site is maintained and enhanced where possible. The Mitigation Strategy provides method statements to be put in place during construction as well as management regimes and schedules for the grassland habitat within the Site, with responsibilities clearly set out. Long-term monitoring of the site is also specified to evaluate success and progress against the aims and objectives; and to provide strategies for implementing remedial measures, if required. The findings and recommendations are supported by the Council's Ecologist.

5.11.4 Protected Species and Conservation Species

Bats

The submitted report indicates that the grassland provides quality foraging habitat for bats and it is acknowledged that a proportion of this will be lost to the solar panels, substation and removal of a total of 71m of hedgerow. It is proposed however to plant 1.3km of new native species hedgerow. In addition a buffer is proposed between the solar panels and the hedgerows / ditches to ensure there are still wildlife corridors available.

It is indicated that any lighting proposed for any of the buildings, is to be designed in a sensitive manner for bats. A condition is recommended to secure this details to ensure that this is in fact the case.

Multiple trees were identified on site in the report, mainly in the hedgerows, that supported potential roost features, however these are to be retained and protected. Additional bat roosting provisions have been recommended and this is welcomed.

Dormice

Officers note that the majority of the hedgerows will remain, however small sections will be removed throughout the site for access. In total as set out already in this report there will be a total loss of 71m of hedgerow. It is considered that the hedgerows lack species optimal for dormice, however they are well connected to the wider landscape which comprises hedgerow networks and broadleaved woodland, therefore there is potential for dormice to be present. It is noted that mitigation has been proposed which includes a fingertip search, supervision of works by a suitably qualified ecologist and sensitive timing of removal, this will be expanded on in the Construction Environmental Management Plan (CEMP), however the outline mitigation set out in the submitted report is considered acceptable due to the small lengths of hedgerows being removed at large intervals. A condition is recommended to secure the detailed CEMP.

Great Crested Newts (GCN)

The submitted report indicates that there are 19 ponds on site and a further 25 within 250m of the site, the hedgerows and grassland will provide terrestrial and dispersal habitat. The report indicates that the Natural England District Level Licence scheme will be entered into. AS GCN can travel up to 500m to seek terrestrial habitat it is noted that Natural England may require further information to assist with the District Level Licence. Officers considered that impact report / certificate counter signed by Natural England would be required prior to determination and that has been now submitted by the applicant.

Otters

Most of the ditches were found to be dry or seasonally wet/damp and offered little potential for otters. Other watercourses which are permanently wet were recorded and are likely to provide more suitable habitat for otters. No signs were recorded apart from a mammal path. A condition is recommended to secure a pre-works inspection, to be undertaken by a suitably qualified ecologist not more than one week before the commencement of works, and the submission of this evidence. The condition will require that if the inspection reveals such evidence then no development shall take place until a mitigation strategy has been approved. A buffer will also be implemented between the panels and the ditches to minimize disturbance to otters if present.

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

Wintering bird surveys and breeding bird surveys were undertaken to ascertain the species assemblage present, this is of particular important due to the close proximity to the Severn Estuary. Further wintering and breeding bird surveys have been requested and submitted. In general, hedgerows and trees will provide nesting opportunities for passerine birds, suitable mitigation has been submitted and is welcomed.

The reports consider the assemblage of wintering birds to be of local importance. It is considered and agreed that the impact will be greater to the species recorded in open habitats with the construction displacing them to alternative shelter and foraging areas. The submitted reports indicate the protection of retained habitats; creation of new habitats to provide shelter and foraging resources; and sensitive management of the habitats during operation to ensure the continued provision of such resources long-term. This is welcomed and will be the subject of a condition.

In terms of the survey of breeding birds the greatest number of species were found in the hedgerows and trees. The site is of local importance for breeding purposes. The planting of a 1.3km of hedgerow (with 71 metres lost) is welcomed along with the provision of 25 bird boxes. A condition is recommended to secure a Construction Environmental Management Plan which will be required to detail all necessary mitigation measures for birds to be implemented. This will include buffer zones and a Reasonable Avoidance Method Statement (RAMS) to reduce the risk of harm/disturbance to ground-nesting birds, including skylark, as far as possible.

Reptiles

The submitted reports indicate that the hedgerows and ditches offer suitable habitat for reptiles, though the grassland is of lower quality and lacks tussocky structure. Some hibernaculum features are present which would provide additional sheltering opportunities. A precautionary approach has been recommended and this will be required to be on in the CEMP (secured by condition), though Officers consider the outline proposals to be acceptable. Additional hibernacula will be installed to provide further opportunities for reptiles which is welcomed.

Water Voles

Most of the ditches were found to be dry or seasonally wet/damp and offered little potential for water voles. Other watercourses which are permanently wet were recorded and are likely to provide more suitable habitat for water voles. No signs were recorded apart from a mammal path, a pre-works inspection will be undertaken by a suitably qualified ecologist. A buffer will also be implemented between the panels and the ditches to minimize disturbance to otters if present.

Badgers

Three outlier badger setts were recorded during the survey and a proposed buffer of 10m is to be implemented between the entrances and works. Additional Further badger information has been submitted and reviewed this details that the badger setts identified were not in regular use and all comprised minor outlier setts, with the tunnels directing away from the development. Currently, there is a minimum 5m buffer between the setts and the security fencing, where no construction activities will occur, and a further 5m to the footprint of the array, where the first panel will require piling. A pre-commencement badger check will be conditioned to ensure that there are no notable changes to the use of the existing badger setts and that no new setts have been excavated. If active badger setts are recorded, appropriate monitoring and mitigation will be put in place.

Hedgehogs and Invertebrates

The report indicates that these are likely to be present on the site and the submitted CEMP will be required to safeguard them likewise Invertebrates.

5.11.5 Biodiversity Net Gain Assessment (BNG)

A BNG assessment was undertaken and with all recommended proposals within the report there will be a likely increase of 10.53% in habitat units and 15.05% increase in hedgerow units. Both meet the expected 10% minimum increase and are acceptable, further details are to be expected to be included in the LEMP (secured by condition).

5.11.6 Habitats Regulations Assessment (HRA) and Noise Assessment

With respect to the noise assessment submitted the conclusion that the impact of the development either during construction or operation will be limited is agreed and while there is the potential for disturbance the timing of construction work and the abundance of alternative habitats around the site ensures that the overall impact from noise is deemed acceptable by officers.

In terms of the habitats assessment the following issues are considered and have been reviewed by the Council Ecologist.

1) Loss of Foraging Habitat

Loss of foraging habitat for shelduck has been identified as a potential impact, given their need for open areas to 'run-up' in order to take flight, although given the occasional use of the site by this species, the impact is not considered major. More generally, due to the low numbers of QI species recorded and the abundance of similar agricultural farmland within the local landscape, the impacts are not likely to be significant.

2) Water Quality

It is not considered that the nature of the works will result in any increase in pollution or sedimentation

3) Cumulative Impacts

There are two applications for solar arrays awaiting decision within 5km of the Proposed Development. Due to the nature of the proposed developments, the distance of each from the Severn Estuary and the low numbers of QI species recorded within all three Sites, it is not anticipated that there will be significant effects on the Severn Estuary European Sites, in combination with other plans and projects.

4) Conclusions to Habitat Regulations Assessment

The impact assessment, approach and mitigation proposals included within the shadow HRA are suitable and it is concluded that there would be no significant adverse effects from the solar farm on the European Protected Sites either alone, or in combination with the two other solar farm applications identified. Natural England have been consulted and accept the findings of the HRA.

5.11.7 Ecology Conclusion

The information submitted by the applicant has been assessed by the Council ecologist and the Habitat Regulation Assessment has been seen by Natural England. With the proviso that bat surveys are usually valid for 12 months, (after this updated bat roost assessment and emergence/re-entry surveys, where appropriate, will be required) and that Wintering bird and breeding bird surveys should be reviewed after 12 months and repeated after 3 years, if no development has taken place, the proposed development is considered acceptable in ecological terms subject to the conditions discussed above. These include that the development shall take place in

accordance with the mitigation measures in the Ecological Impact Assessment; the submission and approval of a scheme of external lighting; the submission for approval of a Landscape and Ecological Management Plan; the submission and approval of a Construction Environmental Management Plan and lastly prior to the commencement of works a final check for the presence of badgers, water voles and otters is made and mitigation made if that is the case.

5.12 **Public Rights of Way**

Policy PSP10 supports the development of active travel routes. Active Travel Routes include public rights of way and bridleways. The improvement of existing routes is a material benefit in any planning balance. Improvements can take the form of surface works or new and improved access gates. The replacement of stiles with gates will improve accessibility.

Discussions have taken place and the applicant has indicated agreement to provide improvements however the details will need to be secured by an appropriate condition. This approach is supported by the Public Rights of Way Team. In the light of this a condition will be added to the decision notice to secure full details of Public Right of Way Improvements and that these improvements are provided prior to the first use/operation of the Solar Farm.

5.13 **Highway Impact**

The applicant has provided a detailed transport statement that has been viewed by officers.

Site Access

The area of land that is the subject of this application is currently accessed from Brick House Farm and accesses on Hill Road (including Stuckmore Lane/Longpool Lane along which there is a bridleway OHL 2/30. Access to the site is proposed from Hill Road. The access is considered acceptable.

Construction Period/Traffic Generation

It is envisaged that the construction period will be approximately six months. A construction compound and HGV turning area will be provided. Construction hours will be 08.00 hours to 1800 Mon-Fri and 08.00 hours to 14:00 Saturday. A total of 1110 deliveries are envisaged for all vehicle types spread over the six month period equating to 20 HGV movements per day, however there would be larger vehicles at the outset tapering off during the time period. Staff would arrive using crew buses largely.

Operational Period

It is indicated that while operational traffic movements are very low and would be for monitoring and maintenance and three to four movements per week of small vans or 4 X4's.

Construction Route

The submitted report (which can be found in full on the Council Website) assesses the available routes for construction traffic. The route chosen connects A38 and the site using routes signed to Oldbury Power Station, thus Oldbury Lane, Foss Lane, north on Naite/Hill Lane to Hill Road. In contrast to other routes (for example along Rockhampton Road) this route is said to provide sufficient road width and passing opportunities to accommodate HGV movements associated with the development. The alternative route via Stone and Clapton Road is a possibility but would be by the nearby solar development, is longer and there is a primary school at Stone. The report summarises the route via Oldbury lane etc as follows:

Route 1 accommodates a minor number of existing HGV movements, has very low traffic flows in general and provides suitable locations for vehicles to pass. It also provides the opportunity to hold inbound construction vehicles at the layby on Foss Lane prior to being released to the site, if such traffic management measures are considered necessary to be implemented.

Assessment

While concerns are noted regarding the traffic route, Officers concur with the findings of the submitted transport report. It is noted that the existing uses in the area i.e. agricultural-based, generate small travel demands on the network. It is therefore accepted that the development will involve a noticeable increase during the construction period, but barely any use of the network when operational. Officers note the amount of traffic during the construction period including one abnormal load delivery (which will require bespoke arrangements). Overall while the amount of traffic will be noticeable it is considered that the flows involving 10 HGV visits per day is still low and those movements will taper off as the development progresses. Officers support the use of the suggested route having reviewed the tracking assessment submitted and consider that it will cause the least harm of the possible alternatives.

It is noted that the applicant has indicated that a Construction Management Plan will be produced prior to the commencement of the development and this is welcomed. It would be expected that these details will include the access route, construction period, hours of operation, the means by which any mud/debris is kept within the site and not on the adjoining roads (wheel washing), on-site parking details, signage for the route. It is also noted that the applicant will undertake a survey before and after construction of the surrounding roads and will be liable should any deterioration occur.

Subject to conditions requiring a dilapidation survey and full Construction Traffic Management Plan the application is acceptable in highway and transport terms.

5.14 Drainage

Policy CS9 of the Local Plan Core Strategy and Policy PSP20 of the Policies, Sites and Places Plan seek to ensure that any development is not adversely affected by the existing water environment or results in an impact to the surrounding area. As stated in the Core Strategy, new development has a significant role to play in managing flood risk by minimising its own surface water run-off through the use of Sustainable Drainage Systems (Suds), this provides a means of discharging surface water in ways

that prevent flooding and pollution within the site (methods such as attenuation ponds and controlling flows).

A detailed Flood Risk Assessment has been submitted with the application and this has been considered by both the Lead Local Flood Authority and the Environment Agency. No objection to the development is raised by either body subject to conditions or the application of the sequential test (and exception test which is considered below).

Flood Risk

The available mapping indicates that the site lies within Flood Zone 3 (3a). This is an area where there is a high probability of flooding.

The NPPF in the specific section on Flood Risk, (Meeting the challenge of climate change, flooding and coastal change), sets out the criteria for assessing development. Table 3 labels this form of development within the category of Essential Infrastructure which is not deemed inappropriate subject to the passing of the sequential test and the subsequent exception test as set out in table 2 of the guidance.

Sequential Test

Para 162 sets out that the aim of the sequential test is to steer new development to areas with the lowest risk of flooding, with development being rejected if there are other alternative locations with such a lower risk. Whether the sequential test is passed is a judgement for the decision maker.

It is accepted that there are large areas of South Gloucestershire which are located in Flood Zone 1 and where in theory it would be possible to locate a development of this nature.

The applicant has considered other sites and this assessment is accepted by the Case Officer in so far as these are not considered acceptable.

The Case Officer notes that the site is not located in a designated National Landscape nor the Green Belt as per a large area of the District. The key driver as always for this form of development is connectivity to the national grid where there is available capacity which there is in this case. Such locations are limited to a relatively small number of locations in the District. It is also the case that the large scale of the development on 72.5 hectares requires such land to be available (within one ownership usually) and this further reduces opportunities elsewhere. Other limiting factors elsewhere include in addition to landscape impact, impact upon heritage assets (discussed above in this report), the higher grading of the agricultural land classification and residential impact but as set out above the key determining factors are land availability where there is appropriate connectivity to the grid. For these reasons it is considered that the sequential test is passed

Exception Test

Paragraph 163 sets out that if the sequential test is passed it is necessary to apply the exception test with para 164 setting out that to pass the test it should be demonstrated that:

- a) The development would provide wider sustainability benefits to the community that outweigh the flood risk;
- b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall

With respect to “a” above, the overriding impetus behind the NPPF is to actively promote sustainable development. Several paragraphs as set out elsewhere in this report are relevant to the development of a site such as this and indicate that planning plays a key role in helping to secure radical reductions in greenhouse gas emissions ... supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic social and environmental dimensions of sustainable development.

In fact unlike almost all forms of development para 158 specifically indicates that an applicant does not need to demonstrate the need for renewable or low carbon energy (158a) and that such development should be approved where impacts can be made acceptable. Thus The NPPF is very specific when it states that to support the move to a low carbon future, local planning authorities should plan for new development in locations and ways which reduce greenhouse gas emissions”. It is considered that part “a” is passed.

With respect to “b”, the detailed Flood Risk assessment (available online) has been viewed both by the Environment Agency and the Council Drainage Engineers.

The risk from the majority of sources of flooding is considered low, the primary source though would be extreme high tides and tidal surges which would flood the majority of the site. The following measures are identified in the FRA.

Solar arrays will be raised +0.1m above the modelled ‘breach’ flood level.

String inverters raised +0.1m above the modelled ‘breach’ flood level.

Control equipment (DNO substation, customer switchgear, and transformers) to be protected by a suitably designed earth bund or flood gate +0.1m above modelled ‘breach’ flood level (typically 1.7m above ground level).

Panel supports and security fencing in flood risk areas will be securely piled into the ground and designed to allow for the effect of flowing water pressures and to be resistant to inundation during a flood event.

Security fencing mesh size in flood risk areas is increased to 150mm square to minimise the risk of it collecting debris.

All development (including security fencing) is at least 5m from the onsite watercourses.

Construction contractor and operating staff will register to receive flood alerts / warnings from the Environment Agency.

The Flood Risk Assessment (FRA) is deemed acceptable by the Environment Agency. Further detailed information has been assessed including proposals for surface water drainage and these are deemed acceptable by the Lead Local Flood Authority subject to conditions requiring works to take place in accordance with the FRA and requiring details of surface water drainage and any works to infrastructure (requirement of the Lower Severn Drainage Broad).

5.15 **Planning Balance**

The following section will weigh the harms that would result from the development against the benefits in order to reach a recommendation.

The balancing exercise required by Paragraph 196 of the NPPF that allows where there is “less than substantial harm” that it may be weighed against any public benefits of the proposal. The conclusion that the public benefits outweigh the harm caused to heritage assets both above and below ground has been undertaken in Section 5.6 above and does not form part of the “planning balance”.

The principle harm that would result from the development is the impact upon the landscape. The full assessment is set out in the report above (Section 5.8) and will not be repeated in full here.

It is considered that while there is no overall landscape objection, the introduction of a large solar farm will by definition add an industrial type development to a rural landscape. There will be a discernible adverse impact upon the local landscape character of the Oldbury Levels (as described in LCA 19 of the adopted character assessment SPD). The development will be seen from a number of viewpoints, a ridge north-east of Bevington, from the Severn Way, from the Deer Park and will be prominent in the foreground of local views from sections of bridleways OHL/2/30 and OHL/1/10. However, adverse visual effects on views from a number of assessed viewpoints will reduce over time as new mitigation planting matures and the site hedgerows are managed at a taller than present growth height. The adverse landscape and visual impact of the proposed scheme will be also partly offset by benefits arising from. Such benefits include reinforcement and enhancement of the existing site vegetation framework by new hedgerow and tree planting, including the proposed laying out of a new orchard space and the long term management of landscape and ecology site assets and improvement works to the site bridleways secured by condition. This assessment is made in the knowledge of a potential development at Worlds End Farm as discussed elsewhere in this report and included in Appendix 1 of this report, although it is unclear what the outcome of this application will be.

The proposal would result in some disturbance on the road network during the construction process as discussed above. This will fluctuate during the construction process which is anticipated to last 6 months. A Construction Management Plan however will provide mitigation and the disturbance will be for a limited period.

In terms of benefits, it is considered as set out above that there will be some ecological gains with enhancements to hedgerows overall. There will also be some improvements to the public rights of way to be secured by condition.

The principal benefit of the proposal however is down to the public benefit that would arise from the generation of renewable energy. This would reduce 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, and this should be given very significant weight in determining this application. It is understood that the location of the site is important in securing grid connection.

The applicant has stated that solar farm would bring about the following green energy benefits:

- Approximately 16,500 Homes powered with electricity from the project
- 10,200 Tonnes of CO2 saved per annum

It is considered that the application proposals make an appreciable 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 by South Gloucestershire, the benefits of the scheme must weigh heavily in the planning balance.

It is considered that the public benefit from the provision of the solar farm (with the appropriate conditions added to the decision notice), outweigh any of the harms identified above.

5.16 **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.

6. CONCLUSION

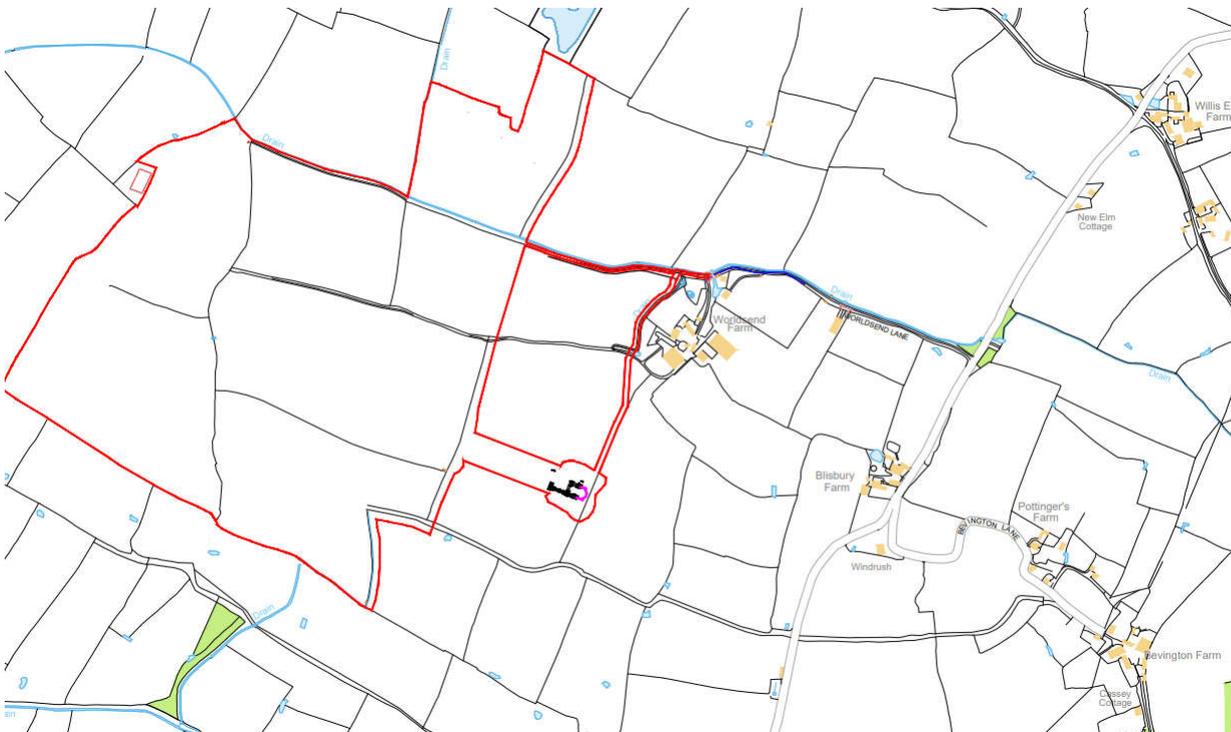
- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The recommendation to grant permission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

7. RECOMMENDATION

- 7.1 It is recommended that planning permission be **GRANTED** subject to the conditions written on the decision notice.

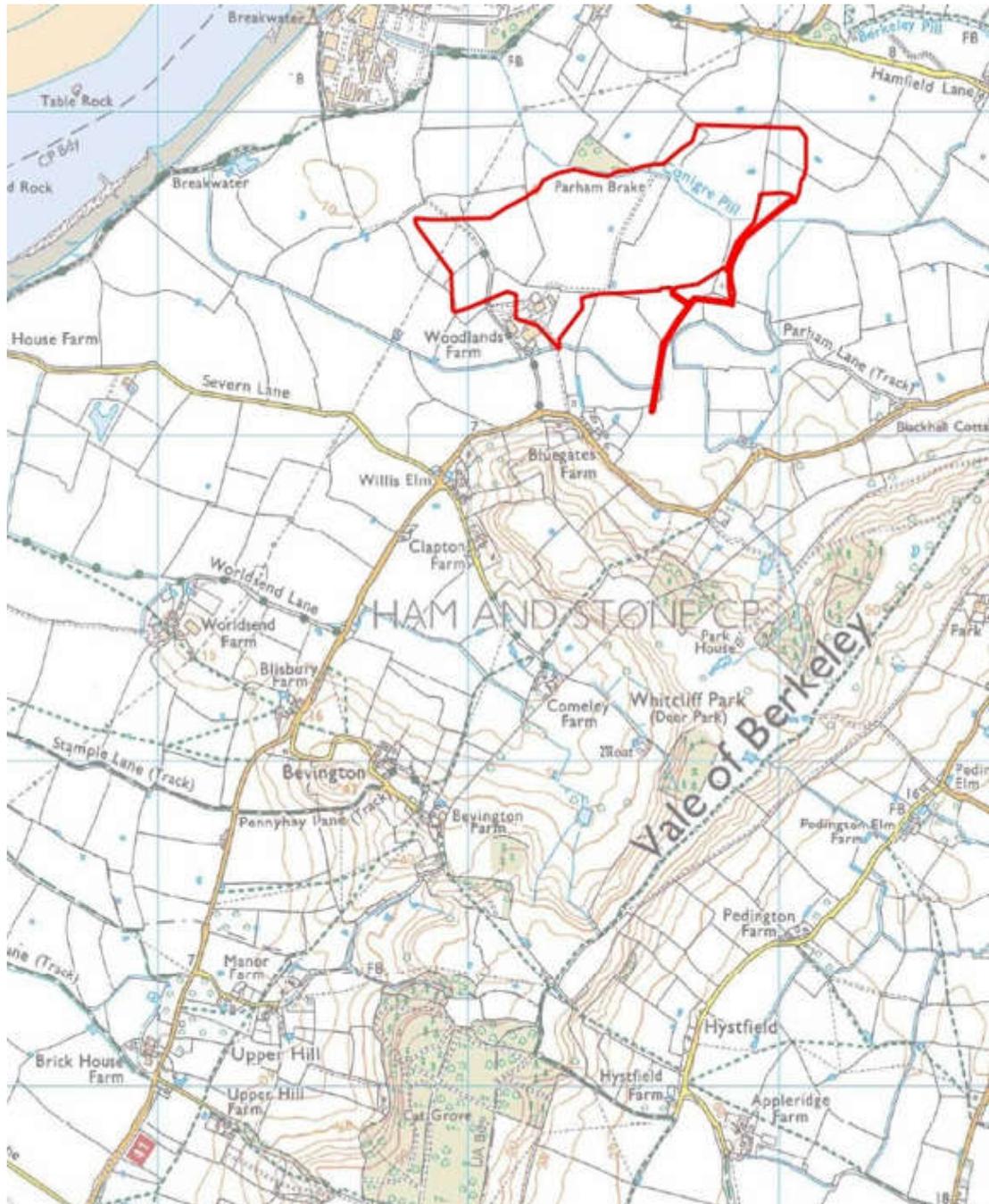
Appendix 1 Land Parcel West of Worlds End Farm Worlds Lane Clapton Berkeley (Stroud DC) Ref: S21/1210/FUL

Erection of a 49.99 MW Solar PV Array, comprising ground mounted solar PV panels, vehicular access from Worlds End Lane with internal access tracks, landscaping and associated infrastructure including security fencing, CCTV cameras, and grid connection infrastructure including transformers and substation compound buildings (Decision Pending)



Appendix 2 Land At Woodlands Farm Woodlands Lane Clapton Berkeley Gloucestershire Ref S22/1955/FUL (Stroud DC)

Solar Park and Energy Storage Facility together with associated works, equipment and associated infrastructure (Decision Pending).



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. Ecological Mitigation Measures

The development shall proceed in strict accordance with the Mitigation Measures provided in the Ecological Impact Assessment (Clarkson & Woods, August 2022).

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 2017.

3. Lighting Scheme

Prior to commencement, details (including location and specification) of all proposed external lighting shall be submitted to and approved in writing by the local authority. 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 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 2017.

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

4. Landscape and ecological management plan (LEMP)

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, and accord with the principles set out in the framework LEMP (Framework Landscape and Ecological Management Plan Pegasus Group 13th June 2023). The LEMP shall be written in accordance with BS42020, and cover both the enabling works and 40 years operational period, and outline typical, anticipated management works associated with the decommissioning period. The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall include schedules setting out of the scope and frequency of annual maintenance work together with longer term management operations, and 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 ecological enhancement plan detailing location and specification of the ecological enhancements detailed within the Ecological reports prepared by Clarkson & Woods

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 2017.

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

5. Construction Environmental Management Plan (CEMP: Biodiversity)

No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall be written in accordance with BS42020, including mitigation details on bats, birds, reptiles, hedgehog, otters, water vole, amphibians and badger, as well as any pollution prevention measures. The CEMP will include all mitigation detailed within the wintering and breeding bird survey reports and Shadow HRA. The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

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 2017.

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

6. Site "Walkover"

Prior to commencement of works a site walkover is to be undertaken by a qualified Ecologist to check for evidence for badgers, otters and water voles using the site. This is to be undertaken within a week of the proposed works due to the mobility of badgers and the speed of sett excavation. A letter confirming that there is no evidence shall be submitted to the Local Planning Authority in order to discharge this condition.

However if evidence is found the development shall not commence until a scheme of mitigation has been submitted to and approved in writing by the Local Planning Authority. Thereafter, all such details as approved shall be implemented in accordance with approved timing of mitigation.

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 2017.

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

7. Dilapidation survey

Prior to commencement of development a full dilapidation survey shall be submitted to and agreed in writing by the Local Planning Authority. For the avoidance of doubt this will require agreement with the highway authority to identify any existing damage on the existing public highway with each defect and its location being mapped on a plan for the area (one mile from the application site entrance).

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

8. Post Construction Condition Survey

Within 3 months after the first export of electricity, a post construction condition survey will be submitted across the same extent of adopted highway identified in condition 7 in order to identify and agree with the Council any remedial works reasonably attributable to construction activities. Any identified highways defects resulting from construction activities will then be corrected to the satisfaction of the Council within a timescale to be agreed with the Council.

Thereafter any damage arising from the development or construction traffic must be properly rectified with full construction depth and to satisfaction of the Highway Authority.

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

9. Construction Management Plan

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;

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

10. Flood Risk

The development shall be carried out in accordance with the submitted Flood Risk Assessment (FRA) ('Longlands Solar Farm, South Gloucestershire - FRA', ref. L499-DOC02-FRA issue 2 dated 07 July 2022, PFA Consulting) and the following mitigation measures it details:

The lower edge of all solar panels shall be set, as stated in section 3.83 of the submitted FRA, a minimum of 0.1m above the 'breach' flood level, in a 1 in 200 (0.5%) flood including allowance for climate change to 2068 shown in Drawing No. L499/11 Rev A in Appendix 10 of the submitted FRA.

String inverters shall be set, as stated in section 3.84 of the submitted FRA, a minimum of 0.1m above the 'breach' flood level, in a 1 in 200 (0.5%) flood including allowance for climate change to 2068 shown in Drawing No. L499/11 Rev A in Appendix 10 of the submitted FRA.

Control equipment shall be designed to be resistant to flooding in the 'breach' flood event, in a 1 in 200 (0.5%) flood including allowance for climate change to 2068 shown in Drawing No. L499/11 Rev A in Appendix 10 of the submitted FRA. Proposed earth bunds and/or flood gates shall protect to a minimum level of 0.1m above the predicted breach flood level, as detailed in sections 3.91 and 3.92 of the submitted FRA.

Construction contractors and operational staff shall register to receive Environment Agency flood warnings as detailed in section 3.102 and 3.103 of the submitted FRA.

These mitigation measures shall be fully implemented prior to first use of the development hereby approved, and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason:

To ensure that the development is protected from and does not add to the risk of flooding, and to accord with policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy PSP20 of the Policies Sites and Places DPD (Adopted) November 2017; and the National Planning Policy Framework.

11. Drainage

Prior to the commencement of development details of the proposed surface and sub-surface drainage systems and proposed points of discharge shall be submitted to and approved in writing by the Local Planning Authority (in conjunction with the Lower Severn Drainage Board). The development shall be carried out in accordance with the approved details.

Reason:

To ensure that the development is protected from and does not add to the risk of flooding, and to accord with policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy PSP20 of the Policies Sites and Places DPD (Adopted) November 2017; and the National Planning Policy Framework.

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

12. Drainage

Prior to the commencement of development, details of any proposed rhine crossing, access bridge, culvert or boundary fence shall be submitted to and approved in writing by the Local Planning Authority (in conjunction with the Lower Severn Drainage Board). The development shall proceed in accordance with the approved details.

Reason:

To ensure that the development is protected from and does not add to the risk of flooding, and to accord with policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy PSP20 of the Policies Sites and Places DPD (Adopted) November 2017; and the National Planning Policy Framework.

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

13. Time Limit

The development hereby approved is a for a period of 40 operational years from the date that electricity from the development is first exported to the Grid for commercial operation; or within 3 years of the cessation of the exportation of electricity to the grid, whichever is the sooner.

No later than three months before the cessation of the development a Decommissioning Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The Statement shall include the timing for decommissioning of the solar farm, along with the measures, and a timetable for their completion (to be completed within 12 months from cessation of the export of energy to the grid), to secure the removal of the solar farm equipment and all associated road, hard surfacing, equipment and structures in accordance with the Decommissioning Method Statement.

Reason

In order to ensure that the approved development does not remain in situ beyond the projected lifetime of the equipment so installed in the interests of the visual amenity and character of the surrounding landscape; and to accord with Policy CS3 and CS5 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013)

14. Export of Electricity (Start Date)

The developer shall notify the Local Planning Authority in writing within 21 days of such time that electricity from the development is first exported to the Grid for commercial operation.

Reason

In order to allow the Local Planning Authority to adequately monitor the time scale of the development; and conditions contained in this decision notice.

15. Archaeology (Investigation/Recording)

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. For the avoidance of doubt this would be for trial trenching with contingency for excavation/further mitigation depending on the results.

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

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.

16. Archaeological investigation and post investigation assessment

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.

17. Public Footpaths (improvements)

Prior to the commencement of the development hereby approved full details of Public Rights of Way Improvements shall be submitted to and approved in writing by the Local Planning Authority. The Improvements shall be provided prior to the first use/operation of the Solar Farm in accordance with the approved scheme.

Reason:

To protect and enhance existing travel routes and to accord with Policy PSP10 (Active Travel Routes) of the South Gloucestershire Council Local Plan Policies Sites and Places Plan 2017.

18. Planting Plans

Prior to the commencement of development, detailed planting plans specifying the location, species, stock size, planting centres and quantities of all proposed tree and structure planting shall be submitted to and approved in writing by the LPA. The approved scheme shall be implemented in the first planting season following completion of construction works. For the avoidance of doubt given the scale of the site and proposed type of mitigation planting, 1:500 scape plans will be acceptable.

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.

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

19. Tree/Hedgerow Protection

The development shall take place in accordance with the submitted Tree Retention/Removal and Protection Plan BHA 4353 02 (Barton Hyett Associates) received 14th September 2022. No work of any kind shall take place within a particular field until the tree protection fencing has been erected around the area to be developed, in the position shown on tree protection plan in the above Plan. Such fencing shall be in place before any equipment, machinery or materials are brought on to the site for the purposes of the development and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Within the fenced area(s) there shall be no scaffolding, no stockpiling of any materials or soil, no machinery or other equipment parked or operated, no traffic over the root system, no changes to the soil level, no excavation of trenches, no site huts, no fires lit, no dumping of toxic chemicals and no retained trees shall be used for winching purposes. If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the council.

Reason:

To ensure the health and amenity of the trees and hedgerows and to accord with Policy PSP2 of the South Gloucestershire Local Plan Policies Sites and Places Plan 2017

20. Approved Plans

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

Received 4th May 2023

PLE-01 Rev 09 Berkeley External Layout Plan
DZ-01 Rev 05 Berkeley Development Zone Plan
P21-0284 07 Rev C Landscape Strategy

Received 22nd September 2022

SP-01 Rev 4 Site Location Plan

Received 29th September 2022

LCS059-SD-01	02	PANEL ARRANGEMENT 4 LANDSCAPE 29.5
LCS059-SD-02	02	INLINE INVERTER-STANDARD DRAWING
LCS059-SD-04	01	CCTV DETAIL
LCS059-SD-05	01	DNO HV COMPOUND ELEVATION VIEW
LCS059-SD-06	01	DNO HV COMPOUND (BUNDED)
LCS059-SD-07	01	DNO SUBSTATION ELEVATIONS AND DIMENSIONS
LCS059-SD-08	01	CUSTOMER SUBSTATION ELEVATIONS AND DIMENSIONS
LCS059-SD-09	01	NO SUBSTATION FLOOR PLAN
LCS059-SD-10	01	CUSTOMER SUBSTATION FLOOR PLAN
LCS059-SD-11	01	TRANSFORMER DETAIL

Reason:

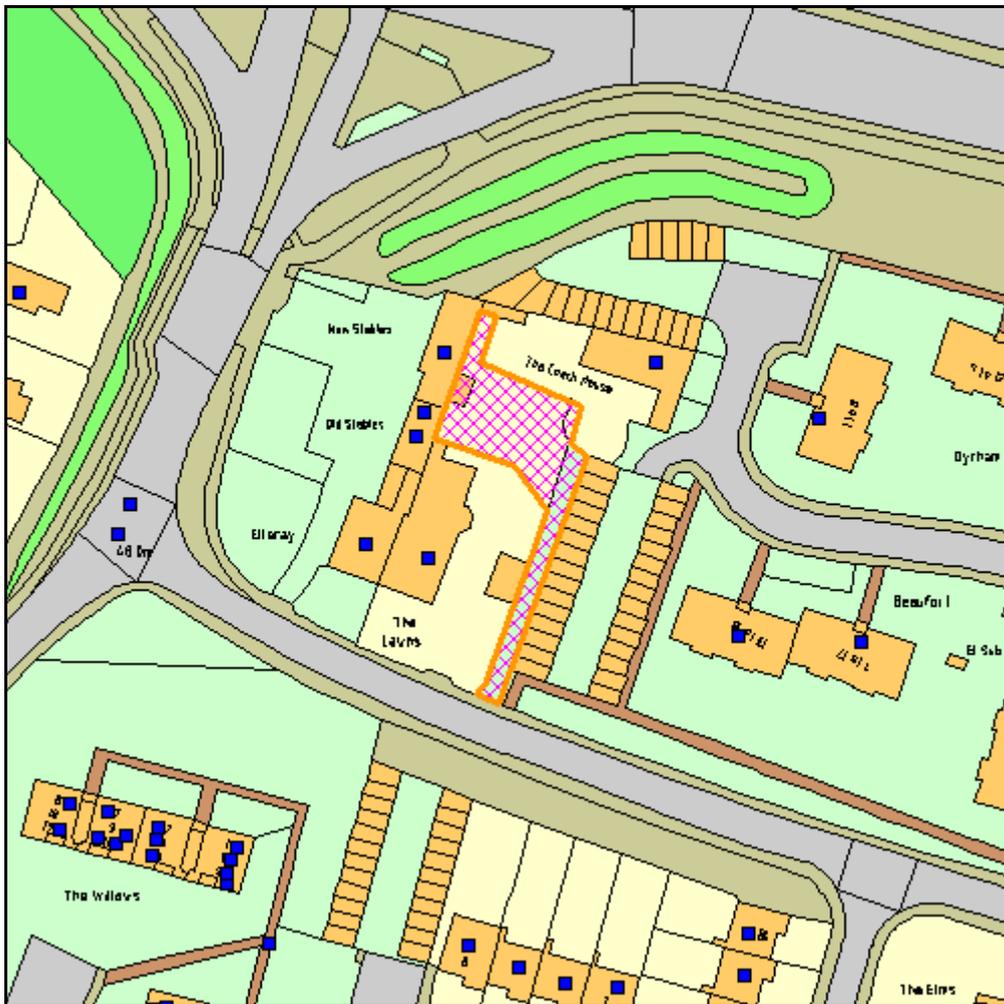
For the avoidance of doubt

Case Officer: David Stockdale

Authorising Officer: Helen Ainsley

CIRCULATED SCHEDULE NO. 25/23 -23rd June 2023

App No.:	P22/07178/F	Applicant:	Mr. Jamil Ahmed
Site:	The Lawns Beckspool Road Hambrook South Gloucestershire BS16 1QZ	Date Reg:	4th January 2023
Proposal:	Erection of 1 no. detached dwelling and associated works	Parish:	Winterbourne Parish Council
Map Ref:	363961 178365	Ward:	Frenchay And Downend
Application Category:	Minor	Target Date:	30th June 2023



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N.T.S.

P22/07178/F

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

REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

The application appears on the circulated schedule due to receipt of a response from the Parish Council, which is contrary to the findings of this report and officer recommendation.

1. THE PROPOSAL

- 1.1 Planning permission is sought for the erection of 1no. detached dwelling with associated works.
- 1.2 The application site is land within the curtilage of The Lawns, a substantial semi-detached dwelling that fronts Beckspool Road, within the Frenchay settlement boundary. The host building has been identified as being of heritage value during the consideration of this and previous applications, and so is a 'non-designated heritage asset'.
- 1.3 This application has been subject to pre-application advice provided under PRE22/0421, which sought officer advice on 2no. dwellings. The advice provided was such that 2no. dwellings would not be acceptable and 1no. dwelling was suggested broadly in the location proposed within this application. The above pre-app follows an earlier outline application (P22/00056/O) which sought consent for a total of 3no dwellings (including conversion of an existing detached garage). This scheme was withdrawn in April 2022 following officer concerns.
- 1.4 This application has been subject to revised plans to adjust the design. Initially, revised plans were submitted to amend the design of the dwelling and amend the layout by introducing passing bays on the access drive. This was subject to a period of re-consultation. Further amendments have been accepted reducing the scale of the dwelling and amending the design to something akin to a 'mews' style design. Adjustments have also been made to the site layout to better rationalise the parking and amenity space. The below report considers the final set of revised plans.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework February 2021
National Planning Practice Guidance

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1	High Quality Design
CS4A	Presumption in Favour of Sustainable Development
CS5	Location of Development
CS8	Improving Accessibility

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

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

PSP1	Local Distinctiveness
PSP2	Landscape
PSP8	Residential Amenity
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP17	Heritage Assets and the Historic Environment
PSP20	Flood Risk, Surface Water, and Watercourse Management
PSP38	Development within Existing Residential Curtilages
PSP43	Private Amenity Space Standards

- 2.3 Supplementary Planning Guidance
 Design Checklist SPD (Adopted) August 2007
 Residential Parking Standard SPD (Adopted) December 2013
 CIL and S106 SPD (Adopted) March 2015
 Waste Collection SPD (Adopted) January 2015 (updated March 2017)

3. RELEVANT PLANNING HISTORY

- 3.1 P22/00056/O (withdrawn 07/04/2022):
 Demolition of existing garage and erection of 2 no. detached dwellings with 1 no. detached garage block (Outline) with access to be determined, all other matters reserved.
- 3.2 P86/1966 (approved 13/08/1986):
 Erection of single storey side extension to form conservatory.
- 3.3 P85/1549 (approved 05/06/1985):
 Erection of two storey rear extension to form kitchen, study and games room with lounge over. (In accordance with the amended drawing no. 84.661.4C received by the council on 7TH may 1985.)
- 3.4 N4588/1 (approved 25/01/1979):
 Conversion of garage to bedroom (in accordance with the amended plans received by the Council on 20th December, 1978).
- 3.5 N4588 (approved 27/07/1978):
 Conversion of existing coach house to residential unit.

4. CONSULTATION RESPONSES

4.1 Winterbourne Parish Council

Objection – consider the application to be overdevelopment with insufficient parking. Out of keeping with historic aspects of host building.

Updated comments – objection. Support the comments of the conservation officer.

4.2 Transport

Objection due to suitability of access along existing narrow access lane.

Updated comments

Whilst not ideal, the revised layout addresses the issues previously identified. A CEMP would be required and a condition should be applied to ensure access is implemented in accordance with the revised plans.

4.3 Highway Structures

No comment.

4.4 Drainage (LLFA)

No objection.

4.5 Conservation Officer

As established, The Lawns and its neighbour can be considered non-designated heritage assets. In light of the scale of rear extension to the neighbouring property, something similar here could be considered, but the key issue is one of character, as a sympathetic, in keeping or even complementary mews style dwelling could positively be assimilated to the rear of the main house. What has been proposed however does not fall into any of these categories as it is a rather plain, characterless and oversized standard dwelling design that would fail to integrate in any positive way into its surroundings. The result would be, in my view, a rather disparate and visually jarring addition to the rear. I would suggest therefore a more sensitive approach is considered in respect of design concept and scale.

Updated comments (provided on the first set of revised plans)

All I can see that has changed is the external facing materials has changed from brick to render. This fails to address the issues previously raised about assimilation, as along with materials, the scale, massing and design are also relevant factors that needed to be addressed if the scheme is to be supported. The character that you would expect in this location is a mews style property, not a free standing domestic house that appears to have been simply dropped into the site with no regard to its context. What is proposed remains a disparate and visually jarring development that fails to demonstrate some fundamental basics of good design. The existing development on the neighbouring property is noted, but the dwelling positioned to the rear is both a better design but is an historic building, as it appears on the 1st Edition of the OS Map from the 1880s and so precedes the planning system by a number of decades. This structure also arguably addresses at least the Bristol Road and so its context is different

to the application site, which would be more visually enclosed. In terms of character, in light of the existing site context it would be more the mews character of the building to the rear of the neighbouring range that would be more appropriate here, rather than looking to replicate the large historic dwelling.

The final revised plans on which this report is based follow the above comments.

4.6 Local Residents

1no. general comments has been submitted in the initial consultation, summarised as follows:

- No fundamental objection to the proposals but the gap between rear wall and the rear wall of the proposed structure looks narrow. Wonder if it would serve both owners to have a wider gap to allow access to clear debris and for maintenance. Note that elevation labelling appears incorrect as the front elevation faces more towards the East than to the South.

5. ANALYSIS OF PROPOSAL

- 5.1 Planning permission is sought for the erection of 1no. Detached dwelling with associated works.

Principle of Development

- 5.2 The application site is within a designated settlement boundary (Frenchay). CS5 of the core strategy instructs that new development should take place within urban areas and settlement boundaries as designated by the policies map. On that basis, as the site is within a settlement, the proposed development fully accords with the spatial strategy set out in CS5. PSP38 supports development within existing residential curtilages in principle, including new dwellings within urban areas and settlements. This is subject primarily to consideration of design, amenity and transportation impacts.

- 5.3 Further to the above, the development is acceptable in principle. The key issues to deliberate are matters of design, heritage, residential amenity and transport.

5.4 Design and Layout

The application site is a semi-detached stone fronted dwelling of generous proportions, with stone bay window and window surrounds, hipped slate tiled roof and side door with the door to the side with open porch over. The dwelling is within a large plot, which opens out to the rear. Running along the Eastern boundary is an access lane serving The Coach House to the North, a detached dormer bungalow. The Lawns has been extended extensively to the rear, and the attached neighbour (Elleray House) has been extended to a greater extent creating a rear range, albeit the rear range on Elleray House also addresses Bristol Road to the West.

- 5.5 It is proposed to erect 1no. Detached dwelling to the rear of The Lawns, aligned with the existing rear building range for Elleray House. The new dwelling would face east towards the access Lane for The Coach House, and would have parking and amenity space to the front. The new dwelling would be separated from The Lawns by a 1.8 metre stone wall, and an existing 1.8m high fence separates the new dwelling from The Coach House. The dwelling would be two storey, with a height to the ridge of c.6.3 metres and height to the eaves of c.3.9 metres. The dwelling would have three pitched dormers and has been reduced in scale (height) to attempt to form something of a mews appearance. Materials would comprise render where visible and tiles would match the existing dwelling. The dwelling proposed has been altered to include some additional detailing to include window surrounds, and an open canopy over the front door, with a view to add interest to the design.
- 5.6 In terms of siting, having regard to the character of the area, a dwelling in this location is acceptable in principle when considered against the backdrop of existing back land development and the adjoining rear building range to the West. The new dwelling would be perceptible from Beckspool Road and there would be co-visibility with The Lawns, however the new dwelling would read as part of the rear range and would not appear unduly competitive with the main dwelling to the front.
- 5.7 The layout proposed is logical, and the use of a stone boundary wall will be in keeping with the existing boundary treatments and will not appear incongruous (unlike a close boarded fence, for example). Whilst the materials used would differ from The Lawns (which is stone, not render), the use of render would accord with the materials used on the existing rear range to the West.
- 5.8 Overall, the proposed development (based on the final amended plans) represents an appropriately designed dwelling which will appear comfortable in its location. Comments are noted suggesting that the development represents overdevelopment, however this is not borne out in reality when considered that the site can accommodate a dwelling without appearing cramped/contrived and the site can provide all the necessary services (amenity space, parking, etc.) for the new and existing dwelling. Should permission be granted, a condition should be applied to secure details of materials, in the interest of a satisfactory external appearance.
- 5.9 Heritage Consideration
The host building is not on the statutory list and does not appear either on the local list. However, it is possible that buildings can be identified as having heritage value through the development management process (non-designated heritage assets). Local plan policy requires the conservation of non-designated heritage assets in a manner appropriate to their significance. Para. 203 of the NPPF requires the effect of an application on the significance of a non-designated heritage asset to be taken into account in determining an application.
- 5.10 Comments of the conservation officer are noted in this regard, and officers are mindful of previous concerns regarding siting and more recently, the

- appearance of the new dwelling which at first appeared 'off the peg' and not appropriate in its setting to the rear of the non-designated heritage asset.
- 5.11 Since submission, the design has been revised to reduce the scale and amend the appearance to be more in keeping with the host building and neighbouring rear range. The result is something that attempts to create a more 'mews' style appearance, with additional detailing to add interest. Overall, following revision, it is considered that the proposed dwelling sufficiently responds to its context and will not result in any unacceptable level of harm to the host dwelling as a non-designated heritage asset.
- 5.12 Residential Amenity
PSP8 permits development where it does not prejudice the residential amenity of both occupiers of the development and of neighbouring dwellings through the creation of unacceptable impacts. Such unacceptable impacts include loss of privacy, overlooking, loss of light, loss of outlook and overbearing/dominant impacts.
- 5.13 There are no openings on the East elevation of the adjoining rear range, and so there would be no material impacts on the buildings to the West. The siting of the new dwelling is such that there would be no material impacts on The Coach House or The Lawns in terms of overbearing or overshadowing. It is noted that windows on the Northern elevation of the extension to the Lawns face the proposed dwelling at quite close proximity. However, these are confirmed as being secondary windows and windows serving a small study, and so not considered to be primary living accommodation. Whilst there would be a loss of outlook and light to these windows, it would not be unacceptable due to their secondary nature or that they do not serve primary accommodation. Placement of openings and the off-set relationship to the Coach House are such that there would be no unacceptable levels of intervisibility or overlooking created, and no such impacts would exist either between the existing and new dwelling.
- 5.14 In terms of future occupants, the internal arrangements for the new dwelling appear sufficient and all primary habitable rooms offer at least one opening with a good level of outlook and which will receive an acceptable level of natural light. The new dwelling would be provided with 70sqm private amenity space, which exceeds the 60sqm requirement for a 3-bed dwelling set out in PSP43. The layout of the amenity space is such that it would be sufficiently useable and would not be unacceptably overlooked, when considering available separation distances. The host dwelling would continue to benefit from a PSP43 compliant level of private amenity space, having regard to the existing character of the host and neighbouring dwelling.
- 5.15 Should permission be granted, a condition should be applied to ensure no new windows are added to the North and South elevations, to prevent intervisibility and overlooking between the new dwelling and neighbouring/the host dwellings. A further condition should be applied to remove permitted development rights, to ensure that further additions are able to be properly assessed to prevent any amenity impacts. Such a condition would also be necessary in the interest of preserving the character of the host building.

5.16 Transportation

The application site is within a designated settlement boundary and is within a location which has good access to key services and facilities by means other than the private motor car. The development therefore broadly accords with the locational requirements of PSP11.

5.17 Turning to parking and access, the new dwelling having three bedrooms requires 2no. spaces, and the existing dwelling would be assumed (given its scale) to fall into the 5+ bedroom category. Parking for the existing dwelling would remain as existing which is in excess of the 3no. spaces required by PSP16 for a 5+ bed dwelling. The new dwelling would be provided with parking for 2no. Vehicles and turning space to allow egress in a forward gear. Access to the new dwelling would be via the exiting access drive to The Coach House. The highways officers ultimately do not object to this following the introduction of pedestrian refuges and a widening of the existing access onto Beckspool Road to form a passing bay, which would avoid conflicts between arriving and departing vehicles and subsequent reversing manoeuvres onto Beckspool Road.

5.18 Further to the above, the proposed parking and access arrangements are considered acceptable and in accordance with PSP16 and PSP11. Should permission be granted, conditions would be required to ensure the provision of parking and access arrangements for the new dwelling prior to occupation. Given the back land position and access situation, a construction management plan (CEMP) should also be secured by condition. This should for the avoidance of doubt include arrangements for deliveries to site; delivery hours; contractor parking arrangements and storage of materials. Due to the back land location, a working hours condition should also be applied, in the interest of preserving neighbouring amenity.

Impact on Equalities

5.19 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.

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

5.21 Other Matters

Comments are noted regarding the gap between the buildings. Ultimately matters of future maintenance are not determinative to a planning application.

6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The recommendation to **grant** permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

- 7.1 It is recommended that permission is **GRANTED** subject to the following conditions:

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. Prior to commencement of any development on site, a site specific construction environment management plan (CEMP) shall be submitted to the local planning authority for approval in writing. The approved CEMP shall be complied with at all times throughout the construction phase of development.

The CEMP referred to above shall provide details of the following:

- Arrangement for deliveries to the site (to include use of a banksman when performing any reversing manoeuvres onto the public highway via the access lane)
- Hours of deliveries to site
- Contractor parking and access arrangements
- Material storage on site

Reason

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

3. Prior to the application of external facing materials, details/samples of all roofing and external facing materials proposed to be used shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

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

4. The dwelling hereby approved shall not be occupied until the parking and access arrangements (including improvements to the access lane) have been provided in full in accordance with the details so approved on plan PL03C (proposed block plan, as received 14th June 2023). Access and parking arrangements shall be retained and maintained thereafter.

Reason

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

5. 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 preserve the amenities of neighbouring occupiers and to accord with PSP8 of the South Gloucestershire Local Plan: Policies Sites and Places Plan (Adopted) November 2017.

6. Notwithstanding the provisions of Schedule 2 of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no development as specified in Part 1 (Classes A, AA, B and E), or any minor operations as specified in Part 2 (Class A), other than such development or operations indicated on the plans hereby approved, shall be carried out without the prior written consent of the Local Planning Authority.

Reason

To ensure that any future additions do not serve to detract from the character and appearance of the host building and in light of the plot location, to ensure that any additions do not harm the amenities of neighbouring occupiers by allowing the LPA to retain control over any further additions.

7. No windows other than those shown on the plans hereby approved shall be inserted at any time in the North or South (side) elevations* of the property.

*Elevations marked as 'West' and 'East' on the approved elevations (PL04C).

Reason

To preserve the amenities of neighbouring occupiers in accordance with PSP8 of the South Gloucestershire Local Plan: Policies Sites and Places Plan (Adopted) November 2017.

8. Development shall be implemented in accordance with the following plans:

PL01 – the location plan

As received 30th December 2022

PL02A – existing block plan

As received 19th April 2023

PL03C – proposed block plan

PL04C – proposed elevations

PL05B – proposed plans

As received 14th June 2023

Reason

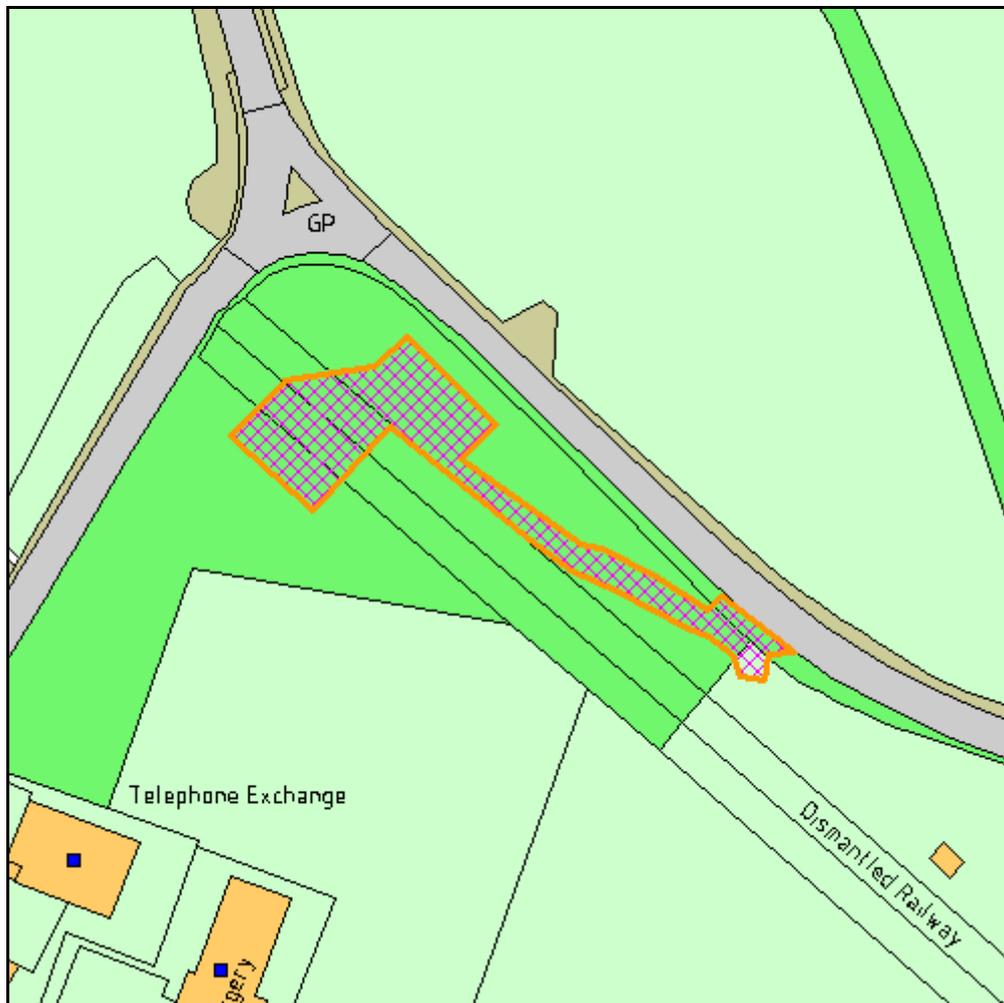
To define the exact terms of the permission.

Case Officer: Alex Hemming

Authorising Officer: Suzanne D'Arcy

CIRCULATED SCHEDULE NO. 25/23 -23rd June 2023

App No.:	P23/00117/F	Applicant:	Mr Michael McDonagh c/o Agent
Site:	Land South Of The Northwick Road And Bank Road Junction Pilning South Gloucestershire BS35 4HA	Date Reg:	20th January 2023
Proposal:	Change of use of land to gypsy and traveller caravan site to facilitate the stationing of 1 no. mobile home, 1 no. touring caravan and the erection of 1 no. amenity unit with other associated works.	Parish:	Pilning And Severn Beach Parish Council
Map Ref:	355693 185284	Ward:	Pilning And Severn Beach
Application Category:	Minor	Target Date:	12th April 2023



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100023410, 2008. **N.T.S.** **P23/00117/F**

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

Reason for Referring to the Circulated Schedule

This application has been referred to the Circulated Schedule following the receipt of an objection from Pilning & Severn Beach Parish Council and objections from local residents; the concerns raised being contrary to the officer recommendation.

1. THE PROPOSAL

- 1.1 This is a full application for the change of use of land to a one-pitch gypsy and traveller site, to facilitate the stationing of 1No. mobile home, 1No. touring caravan and the erection of 1No. day room with other associated works.
- 1.2 The site is located in open countryside within the Green Belt to the NE of the centre of Pilning. The site lies to the east of the B4055 Northwick Road which is accessed off the south side of Bank Road, to straddle the route of a dismantled railway, with a telephone exchange lying to its south. The access track would lie parallel to the south side of Bank Road with the caravan, day room and mobile home located at the western end of the site near the road junction, together with a parking and turning area for vehicles.
- 1.3 The site lies opposite a recently consented (see P20/21006/F) 2-pitch gypsy site to the north side of Bank Road.

2. POLICY CONTEXT

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

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 - High Quality Design
CS4A - Presumption in Favour of Sustainable Development
CS8 - Improving Accessibility
CS9 - Managing the Environment and Heritage
CS21 - Gypsy and Traveller Accommodation
CS34 - Rural Areas

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

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

PSP11 - Transport Impact Assessments
PSP16 - Parking Standards
PSP17 - Heritage Assets and the Historic Environment
PSP19 - Wider Biodiversity
PSP20 - Flood Risk, Surface Water and Watercourse Management
PSP21 - Environmental Pollution and Impacts

2.3 Supplementary Planning Guidance

The South Gloucestershire Design Check List SPD Adopted August 2007
Development in the Green Belt SPD Adopted June 2007

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

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

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

South Gloucestershire Council Residential Parking Standards Approved 2013.

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

South Gloucestershire Council - 'Gypsy and Traveller Accommodation Assessment (GTAA) 2017 Explanatory Note'

Relevant Case Law

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

3. RELEVANT PLANNING HISTORY

- 3.1 None

4. CONSULTATION RESPONSES

4.1 Pilning & Severn Beach Parish Council

Pilning & Severn Beach Parish Council objects to this planning application for the following reasons:

1. Ecology - This land and the environs of the Pill (from the surgery to the village hall) were designated by Northavon District Council (Officer Graham Webb) as a site of Nature Conservation Importance. However, the site was cleared illegally of mature trees in April/May 2022 which was reported at an early stage to the police and South Gloucestershire Council and nothing was done to halt the clearance. Note the clearance also goes well beyond the areas shown in the plan.

2. Green Belt - This is currently green belt land; visual amenity of the green belt will be impaired by this new development. The site can be seen from the roads and is not hidden as said in the application.

3. Traffic - The entrance is opposite an existing traveller site entrance which is currently applying for division into two separate sites with independent entrances. All would be close together and adjacent to the busy junction of Bank Road and Northwick Road, these entrances with movement of vehicles will negatively impact road safety especially as the primary school is so close.

4. Neighbourhood Plan - This application for creating a new traveller site will limit options for the Neighbourhood Plan and should not be considered until the outcome of the Neighbourhood Plan is established. Under the Pilning & Severn Beach Neighbourhood Plan, there is intention to build new housing in Pilning. New building in Pilning is constrained by the main railway line to the south and east and the A403 to the west. This site is close to the centre of the village and is under evaluation by Locality as one of a limited number of sites for new housing development and is one of only a couple of potential sites which are not all in Flood Zone 3.

5. General - The village of Pilning already has in Bank Road, towards the school, a travellers site with 17 caravans on it. There are two approved sites (of 3 pitches in total) already on the north side of Bank Road. There is an illegal site nearby in Northwick. The community already has more than its fair quota of traveller sites therefore no more should be approved. If however this site were to be allowed for this development, the Parish Council would want to see very detailed conditions about maintaining the remaining green setting, demanding a landscape masterplan for the site and a group Tree Preservation Order.

4.2 Other Consultees

Highway Structures

No response

Lead Local Flood Authority

No objection

Transportation D.M.

No objection

Ecology Officer

No objection subject to the development being carried out in accordance with the Ecological Appraisal.

Environmental Protection

No objection

Children and Young People

No response

Environment Agency

No response

The Landscape Officer

No objection subject to conditions.

Housing Enabling

No response

Corporate Traveller Unit

No objection

The Tree Team

Provided that compliance with the Arboricultural report is conditioned there are no objections to the proposal.

Archaeology Officer

The proposal is over the route of a 19th century railway line. Whilst this has some historic interest it does not warrant any pre-determination work and its significance is not enough to preclude development. Nevertheless, there is some merit in recording this as it may prove to have information about gauge and construction not currently recorded. As such, I recommend a HC11 condition for a programme of archaeology to monitor below ground disturbance associated with this application.

Strategic Policy

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

There remains a high level of need for Gypsy/ Traveller pitches in South Gloucestershire. The proposed development would result in a new Gypsy/ Traveller site, providing one additional pitch, therefore contributing to meeting the existing shortfall of sites in South Gloucestershire. Significant weight should be attached to this given the current level of unmet need.

Notwithstanding this, in the case of proposals which come forward in the Green Belt, national policy is clear that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances (para 16).

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

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

Other Representations

4.3 Local Residents

2no. local residents have objected. The concerns raised are summarised as follows:

- Inappropriate development in the Green Belt.
- Another gypsy site in the area is not required.
- Adverse impact on wildlife.

4.4 The Pilning and Severn Beach Neighbourhood Plan Steering Group

The proposed development is on a site that falls within the Green Belt. The NPPF advises that inappropriate development should not be permitted except in very special circumstances. Para 149 of the NPPF advises that the construction of new buildings, such as proposed, are inappropriate. The proposed development does not fall within the scope of the exceptions mentioned therein and thus consent should be refused.

It should be further noted that this Parish is currently preparing a Neighbourhood Plan for formal adoption pursuant to the provisions of the Localism Act 2011. The Draft Plan is at an advanced stage at present and substantial work has been done to identify potential development sites within the Parish and, it is hoped, to properly justify (via the appropriate mechanism) small changes to the Green Belt in order to accommodate badly needed dwelling houses. The subject site has been identified as especially appropriate for residential development meeting the design code, a draft of which is currently being considered by the local authority. The site is close to the village centre with easy access to key facilities such as the shop, doctor's surgery, school and public transport and thus meets a number of the key objectives set by the Neighbourhood Plan Steering Group following public consultation. If this site is approved for very low density gypsy and traveller development rather than being allocated via the proper process then the principles of the Localism Act will have been undermined without justification. It is thus requested that the draft Neighbourhood Plan is given weight in the decision making process.

The Neighbourhood Plan Steering Group request that the subject application is refused for the reasons outlined above.

5. ANALYSIS OF PROPOSAL

Principle of Development

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

- 5.2 In location terms, the application site is located beyond any settlement boundary and lies within the Bristol and Bath Green Belt on the southern side of Bank Road, Pilning. Whilst the site lies in open countryside it does lie adjacent to the edge of the defined Settlement Boundary of Pilning.
- 5.3 Whilst the Neighbourhood Plan Steering group may have earmarked this site for future housing development, the site is within private ownership. Furthermore the Plan is only currently in draft form and has not yet been adopted; as such it carries no weight in the determination of this planning application.

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

- 5.4 Policy CS21 of the Core Strategy is the principal policy in the development plan with regard to gypsy and traveller accommodation. It states, primarily, that a review of accommodation will be undertaken as part of the Policies, Sites and Places Plan or a replacement local plan, but that applications in the meantime will be considered having regard to the level of need and most recent government guidance. A further review is however yet to be undertaken, and as such CS21 remains the principal policy.
- 5.5 The policy outlines that additional provision will be addressed through the intensification of existing sites in the first instance. The policy then goes on to provide a selection criteria when considering applications and indicates that, sites within a reasonable distance of facilities and services would be preferential to those in more remote locations. It is also stipulated that, in the Green Belt, development will only be acceptable where 'very special circumstances' can be demonstrated. The selection criteria as referred to above, is set out below and an assessment of the compliance of the scheme with these criteria will be undertaken throughout the remainder of this report:
- 5.6 'Sites for Gypsies and Travellers will be considered appropriate where they meet the following criteria:
1. The development would not lead to unacceptable environmental effects; and
 2. The land is not the subject of unacceptable levels of noise disturbance, air pollution, smell, dust or contamination; and
 3. The proposal would not unacceptably prejudice the amenities of existing and new neighbouring residential occupiers; and
 4. Adequate provision is made for vehicular access, parking and manoeuvring.'
- 5.7 The key issues to consider in the determination of this application are as follows:-
- Whether or not the applicant and his family meet the PPTS definition of Gypsies and Travellers.
 - The degree to which the proposed development would affect the openness of the Green Belt and encroach into the countryside.
 - The effect the proposed development would have on the appearance and character of the site and the surrounding area.
 - The accessibility of the site with respect to community services.

- The safety and suitability of the access to the site.
- The effect the proposed development would have on amenity at other properties.
- The degree of national and local need for the proposed development.
- The personal needs and circumstances of the applicants,
and
- In the overall balance of planning considerations, whether harm by reason of inappropriateness and any other harm would be outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal as sustainable development in the Green Belt.

Definition of Gypsy and Traveller

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

“Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own family’s or dependents’ educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling show-people or circus people travelling together as such.”

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

- 5.9 The Authority has published the ‘Gypsy and Traveller Accommodation Assessment (GTAA) 2017 Explanatory Note’. In this document the Authority sets out why it has adopted a broader definition of gypsies and travellers than that contained in PPTS. This note is being used to establish the Authority’s position as the New Local Plan progresses. It is yet to be subject to examination; however, officers attach weight to it (albeit limited) as it is an important document in indicating the future direction the Authority will take in addressing the historic under-supply of specialist gypsy and traveller accommodation in the district.
- 5.10 While the Authority’s broader definition has been used to establish need; and as a result, that need may be higher than if the more restrictive national definition were used, for the purposes of this application, the definition in the PPTS will be used. This is because it is considered a more robust position; if the applicant meets the national definition then they would de facto meet the local definition. To determine whether a person may be included within the national definition, consideration should be given to whether they previously have led a nomadic habit of life; the reasons for ceasing a nomadic habit of life; and whether there is the intention of living a nomadic habit of life in the future.
- 5.11 The proposed occupants of the site comprise a couple and their young child. They are part of the extended gypsy family that occupy the site opposite and

the site further west. Officers have concluded that the proposed occupants of the site do fall within the definition of gypsies and travellers for planning purposes. On the basis that officers are satisfied that the proposed occupants fall within the definition of gypsies for planning purposes, the assessment of this application should continue as follows.

- 5.12 PPTS states that the government's overarching aim is to ensure fair and equal treatment for gypsies and travellers, in a way that facilitates the traditional and nomadic way of life while respecting the interests of the settled community (para 3).
- 5.13 Subject to this, there is a high level of need for Gypsy/Traveller pitches in South Gloucestershire. The proposed development would result in a new Gypsy/Traveller site, providing an additional pitch, therefore contributing to meeting the existing shortfall of sites in South Gloucestershire.
- 5.14 Notwithstanding this, in the case of proposals which come forward in the Green Belt, national policy is clear that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances (para 16). In local planning policy terms, considerable weight can be applied to Policy CS21 of the adopted Core Strategy.

Green Belt Issues

- 5.15 The application site is located within the Bristol and Bath Green Belt. Policies CS5 and CS34 of the Core Strategy and policy PSP7 of the Policies, Sites and Places Plan support the protection of the Green Belt from inappropriate development. The NPPF attaches great importance to the Green Belt – with the fundamental aim of preventing urban sprawl and keeping land open in nature. In order to achieve this, there is a general presumption against inappropriate development in the Green Belt. Any type of development in the Green Belt is considered inappropriate, unless it falls into a predefined exception category or very special circumstances override the presumption against inappropriate development. Very special circumstances will not be found unless the harm to Green Belt and any other harm is clearly outweighed by the benefits of the proposal.
- 5.16 The provision of a gypsy/traveller site is not listed as an exception category for development in either Paragraph 149 or 150 of the NPPF. As such, the development is an inappropriate form of development in the Green Belt. Furthermore, Policy E of the PPTS is unequivocal that traveller sites in the Green Belt are inappropriate development. The development is therefore, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
- 5.17 Paragraph 16 of the Planning Policy for Traveller Sites August 2015 clearly states that 'Inappropriate development is harmful to the Green Belt and should not be approved, except in very special circumstances. Traveller sites (temporary or permanent) in the Green Belt are inappropriate development. Subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish the very special circumstances.

5.18 In addition to this, the guidance at paragraph 27 of PPTS confirms that, where local planning authorities cannot demonstrate a 5-year land supply of deliverable sites; this continues to be a significant material consideration when considering planning applications for the grant of temporary permission. However, the guidance has now introduced exceptions to further qualify this, which include proposals that involve land designated as Green Belt (*inter alia*).

Openness

5.19 The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The openness of the Green Belt has a spatial aspect as well as a visual aspect.

5.20 The site itself is modest in scale and the proposed pitch is not expansively proportioned, with only a modest Day Room, a mobile home and a touring caravan. The site is for most part enclosed by hedgerow boundaries and trees.

5.21 The recent Court of Appeal case of Turner v SSCLG & East Dorset Council (2016) EWCA Civ 466 confirmed that it was not irrational for an Inspector to determine that the impact on openness of moveable development such as caravans and mobile homes is less than the impact of an equivalent permanent structure.

5.22 The site does relate closely to existing built form i.e. the telephone exchange to the south and houses to the west. There would however be an adverse effect on openness due to the proposal adding structures to a presently open and undeveloped site. Nevertheless, having regard to the 'Turner' judgement and the constraints on through views, the effect on openness would be limited. It should also be noted that a railway line previously passed through the site.

5.23 The limited structures to be brought onto the land would be contrary to one of the purposes of including land in the Green Belt as they would represent encroachment into the countryside. The contained nature of the site however, would limit this to causing little harm. Nevertheless, the Framework states that substantial weight should be given to any harm to the Green Belt.

The Extent of Any Other Harm

Impact on the Appearance of the Area and the Open Countryside

5.24 In the case of sites in the open countryside, such as this, the guidance has also strengthened its advice to local planning authorities, advising that new traveller site development in open countryside that is away from existing settlements; should be very strictly limited. LPAs should also ensure that sites in rural areas respect the scale of, and do not dominate the nearest settled community or place undue pressure on local infrastructure.

5.25 The site is not allocated and lies in the open countryside but is not 'away' from the existing settlement, lying in close proximity to the village of Pilning and its services. The small size and limited occupancy of the proposed development would not dominate the community of Pilning generally or cumulatively having regard to the existing gypsy sites along Bank Road.

- 5.26 Any discernible visual impact on the openness of the Green Belt can be mitigated by enhancing the hedgerow planting; this can be secured via an appropriate landscaping condition. The landscape is not a 'valued' one as referred to in the Framework and having regard to the acceptability of a countryside location close to facilities in both the Framework and in Policy CS21, the weight to be afforded the visual effect of the proposal is very limited.

Transportation Issues

- 5.27 The site lies within a reasonable walking distance of the facilities and services in Pilning. The proposal is therefore not remote and is considered to be sustainable from a transportation viewpoint.
- 5.28 The proposed access is on the inside of a sweeping bend where sufficient visibility splays are available. There would be no highway safety issue in relation to the proximity of the access on the opposite side of the road 50m to the west. The tarmac surface would extend for 5m beyond the back of the footway as requested by the Transportation Officer.
- 5.29 The access has been left wide to serve as a passing point in case two cars meet along the track, so that one car wouldn't have to reverse the whole distance of the track as it is not wide enough to accommodate two cars. The access road is long to keep the pitch out of flood zone 3. The passing point will also allow a car towing a touring caravan to swing round properly and enter the highway and exit the highway safely. There would be no lorries entering the site, the largest vehicle would be a car towing a touring caravan.
- 5.30 There would be adequate parking provision to serve the development. The numbers of vehicles and occupiers would be limited. Car and Cycle parking facilities can be secured by condition. Electric vehicle charging points are secured via building regulations. The cumulative impacts of the proposal on highway safety would not be severe and as such, there are no objections on transportation grounds.

Impact on Residential Amenity

- 5.31 The nearest residential properties lie to the west. Buildings for agriculture or forestry would not be inappropriate in this Green Belt location and loss of view is not a material consideration in the determination of planning applications. The existing boundary hedgerows can be enhanced to provide additional screening.
- 5.32 Given the small scale of the proposed day room and the single-storey and enclosed nature of the development as a whole, there would be no impact on residential amenity to result from overbearing impact, loss of light or loss of privacy from overlooking; adequate amenity space would be provided to serve the proposal. Officers therefore conclude that the scheme would not unacceptably prejudice the amenities of existing and new neighbouring residential occupiers (CS21).

Environmental Issues

- 5.33 Foul disposal is proposed to a package treatment plant; a drainage infiltration field has now been located and is indicated on the submitted Site Plan. Surface water would be disposed of via a SUDS drainage system. The application site lies within Flood Zone 1. The site has not been undermined for coal and is not subject to excessive levels of noise, dust or smell.
- 5.34 As is normally the case with gypsy sites and In order to allay local resident concerns, any permission would be subject to a raft of conditions to control *inter alia*, commercial activities, outside storage and the parking of commercial vehicles and the number of caravans.

Ecological Issues

- 5.35 An Ecological Appraisal (Quantock Ecology, February 2023) has been submitted. The site is not located on or adjacent to any designated sites. The site lies within a Habitat of Principle Importance Floodplain and Coastal Grazing Marsh. Paragraph 179 (b) of the NPPF states that plans should: promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species. The site has apparently been recently cleared. Aerial imagery would suggest that the site previously comprised woodland and possibly scrub, grassland and hedgerows.
- 5.36 The ecology report has confirmed that the site is cleared and now provides little suitable habitat for wildlife. A range of enhancements to the site have however been proposed, including:
- wildlife friendly lighting
 - bird and bat boxes
 - wildlife friendly planting
 - areas of rough grassland
 - log piles
 - species rich hedgerows

The above enhancements are welcomed and will help to compensate for the loss of habitat. Given the likely felling of trees on the site and the overall loss in biodiversity, new tree planting is to be carried out. This is further in line with local policy as mentioned by the landscape and tree officers.

- 5.37 A condition can be imposed to ensure that the development would proceed in strict accordance with the Mitigation Measures provided in the Ecological Appraisal (Quantock Ecology, February 2023) (PSP19).

Other Matters

Need for Gypsy and Traveller Accommodation

- 5.38 Whilst CS21 remains the Council's principal development plan policy, the figures set out in CS21 relating to identified need are no longer up-to-date. The most up-to-date information relating to need is set out in the Gypsy and Traveller Accommodation Assessment (GTAA) 2017. Based on the GTAA 2017, there is a need for 61 additional pitches for Gypsies/ Travellers in South

Gloucestershire by 2032. Following the Lisa Smith judgement, this figure could increase further. The Council is currently refreshing its GTAA and an update is due to be published later this year, however the 2017 GTAA represent the latest figures.

- 5.39 On the basis that allocations are yet to be made as part of any new local plan, and given the current shortfall in gypsy/traveller pitches, the Local Planning Authority is currently unable to demonstrate it has a 5-year supply of gypsy and traveller accommodation. Furthermore, the authority has an historic track record of under delivery of gypsy and traveller accommodation with a significant shortfall in supply and a ministerial direction to make significant improvements to supply and delivery.
- 5.40 Paragraph 22 of the Planning Policy for Traveller Sites (PPTS) emulates Section 38(6) of the Planning and Compulsory Purchase Act 2004. It states that applications should be determined in accordance with the development plan, unless material considerations indicate otherwise. As it is established that the Authority does not currently have a 5-year supply, national guidance should be given greater weight as a material planning consideration.
- 5.41 Paragraph 23 of PPTS states that applications for gypsy and traveller sites should be assessed in the context of the presumption in favour of sustainable development; and, where a local planning authority cannot demonstrate an up-to-date 5 year supply of deliverable sites, this should be a significant material factor in the determination of applications (paragraph 27). The exception to this is where the land in question is subject to a national designation, such as Green Belt, as is the case here, where the tilted balance contained within the presumption in favour of sustainable development does not apply. Paragraph 24 of the PPTS sets out that Local Planning Authorities should apply weight to:
- a) the existing level of local provision and need for sites
 - b) the availability (or lack) of alternative accommodation for the applicants
 - c) other personal circumstances of the applicant
 - d) that the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites
 - e) that they should determine applications for sites from any travellers and not just those with local connections
- 5.42 The locational and impact assessment criteria of CS21 therefore can still be afforded full weight in decision taking.
- 5.43 The conclusion remains that there is unmet need that is unlikely to be fully met in the near future. The Inspector for a recent appeal hearing APP/P0119/W/21/3289677 Land at Bristol Rd, Frampton Cotterell, concurred with this view and attributed substantial weight to it.
- Lack of available, suitable, acceptable, affordable alternative sites:
- 5.44 There are still no available sites in the South Gloucestershire area for gypsies and travellers generally, and the two Council sites are still full with waiting lists.

As stated in paragraph 24b of Planning Policy for Traveller Sites the availability (or lack) of alternative accommodation for the applicants is a relevant matter to be considered, and significant weight attaches to this matter, subject to consideration of the reference to paragraph 16 contained in the policy.

Lack of a five year supply of sites

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

The likely location of sites

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

Personal Circumstances

- 5.47 The proposed occupants are a couple with a young child. The husband is a self-employed gardener who has no fixed place of work. Currently the family are constantly travelling and have no secure base to live from and are having to double up on friends and families' pitches or on roadsides. Over the past 5 years they have been moved off sites frequently. The proposal if approved, would allow the family to own their own home and allow their child and any future children to have a settled education and access to health facilities.
- 5.48 The proposed occupants are related to Bernard and James McDonagh who occupy the two-pitch gypsy site opposite. The site is also near Michael McDonagh's pitch who is the husband's brother in law. It is not unusual for gypsies to live in extended family groups where they can give mutual support to each other, not least with child care when the bread winner is travelling for work. It is a fact that having a settled base from which an adult member of the family can travel to seek work is acceptable and is supported by Government policy (see previous Land at Bristol Rd. Appeal Decision Letter para. 29).
- 5.49 Article 3(1) of the United Nations Convention on the Rights of the Child provides that the best interests of the child shall be a primary consideration in all actions by public authorities concerning children, meaning that no other consideration can be inherently more important than the best interests of the child. They must properly be afforded an importance or weight as great as any other material consideration prior to examination of the circumstances of the case. This will be considered further in the planning balance that follows.

- 5.50 *(A Personal Circumstances Statement has been submitted which contains confidential information about the family. Whilst this is not in the public domain it can be made available to Members upon request from the Case Officer or Planning Manager).*

Green Belt and Planning Balance

- 5.51 The development would be inappropriate development that would harm the openness of the Green Belt. The Framework states that inappropriate development in the Green Belt should not be approved except in very special circumstances. It advises that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
- 5.52 The need for further sites for Gypsies and Travellers nationally, regionally and sub-regionally attracts significant weight. In South Gloucestershire, the unmet need for sites, the absence of a five-year supply, the limited prospect of a meaningful remedy anytime soon, the persistent record of policy failure, and the immediate unavailability of suitable alternative sites each amount to considerations of substantial weight.
- 5.53 The development would secure a further pitch to address need and supply on a permanent basis. In the recent Bristol Road Appeal the point was made that the propensity for decision makers to only grant personal permissions for Gypsy and Traveller sites in the Green Belt in South Gloucestershire has been a key factor in contributing to its longstanding policy failure, given that when the occupants leave or pass on, the sites lose their authorised purpose. The Inspector had sympathy with this argument, and attributed it significant weight.
- 5.54 Approximately 75% of South Gloucestershire is within the Green Belt or otherwise constrained, and logically a high proportion of the remaining land will already be built up. This means that, when sites are sought to be allocated, a quantum will invariably be selected within the existing Green Belt. This also attributes significant weight.
- 5.55 The site has good access to the range of services and facilities within Pilning. There is no impression that the site and its occupants would be deliberately isolated from the rest of the community. In fact, the opposite impression is given. This attracts moderate weight, as does the fact that this site is immediately deliverable.
- 5.56 Significant weight is also attributed to the personal circumstances of the proposed occupants, specifically the benefits of a settled base for the child present on the site, with particular reference to their future educational needs.
- 5.57 Your officer has balanced the harm to the Green Belt including the loss of openness against these considerations. In doing so it is recognised that the PPTS states that, subject to the best interests of the child, personal circumstances and unmet need are **unlikely** to clearly outweigh the harm to the Green Belt and any other harm so as to establish very special circumstances. However, in the Bristol Road Appeal it was established that the word 'unlikely'

does not mean **never**, and that it is not always necessary to rely on personal circumstances when granting permission in the Green Belt.

5.58 The Inspector for the Bristol Road Appeal concluded that:

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

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

5.59 Consideration of likely impact on Equalities

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

5.60 With regards to the above, this planning application is considered to have a neutral impact on equality. Equalities have been given due consideration in the application of planning policy as discussed in this report.

6. CONCLUSION

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

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

7. RECOMMENDATION

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

CONDITIONS

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

Reason

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

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

Site Location Plan Drawing No. 22_1230 001 Rev P03 received 12th Jan. 2023
Existing Block Plan Drawing No. 22_1230 002 Rev P05 received 12th Jan. 2023
Proposed Site Plan Drawing No. 22_1230 003 Rev P09 received 21st Feb. 2023
Proposed Utility Block Drawing No. 22_1230 005 Rev P04 received 12th Jan. 2023
Topographical Survey Drawing No. 22_1230 010 Rev P06 received 25th Jan. 2023
Survey Overlay Drawing No. 22_1230 015 Rev P07 received 25th Jan. 2023

Reason:

To define the terms and extent of the permission.

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

Reason

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

4. There shall be no more than 1 pitch on the land the subject of this consent and within the pitch hereby approved no more than 2 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 as amended (of which no more than 1 shall be a static caravan) shall be stationed on the site at any time.

Reason

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

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

Reason

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

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

Reason

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

7. The mobile home shall be sited in accordance with the approved Site Plan Drawing No. 22_1230 003 Rev P09 received 21st Feb. 2023 .

Reason

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

8. Prior to the commencement of development a detailed landscape plan, specifying the location, species, stock size, planting centres and quantities of all proposed tree and structure planting (to be implemented in the first season following completion of construction works); together with details of all proposed boundary and hard landscape surface treatments, including entrance gate; shall be submitted to and approved in writing by the Local Planning authority. The development shall be carried out in accordance with these agreed details.

Reason

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

9. Prior to the commencement of development, a schedule of landscape maintenance for a minimum period of 5 years, covering the establishment of all new planting, shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. The landscaping shall be maintained in accordance with the approved schedule.

Reason

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

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

10. The development hereby approved shall be carried out in full accordance with the submitted Arboricultural Report Impact and Method Statement by Phil Dye ref. WTC_1063.01 dated 29th March 2023.

Reason

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

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

Reason

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

12. The hours of working on site during the period of construction shall be restricted to 07:30 to 18.00 Monday to Friday and 08:00 to 13:00 on Saturdays with no working permitted on Sundays or Bank or Public Holidays. The term 'working' shall for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery, deliveries to the site and the movement of vehicles within the curtilage of site.

Reason

To protect the residential amenity of the neighbouring occupiers and to accord with Policies PSP8 and PSP21 of The South Gloucestershire Local Plan: Policies Sites and Places Plan (Adopted) 8th Nov. 2017.

13. No external lighting shall be installed on the site other than that for which, prior to the first occupation of the site for the purposes hereby approved, details have been submitted to and approved in writing by the Local Planning Authority.

Reason

To minimise light pollution in the countryside and to protect the visual amenity of the Green Belt and landscape in general to accord with Policy PSP21 and PSP2 of the South Gloucestershire Local Plan : Policies, Sites and Places Plan (Adopted) 6th Nov. 2017 and Policies CS1 and CS34 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec 2013.

14. Prior to the first occupation of the development hereby approved, the car parking spaces, access, and manoeuvring areas shall be provided in accordance with the approved Site Plan Drawing No. 22_1230 003 Rev P09 received 21st Feb. 2023. and thereafter retained as such for the purposes intended.

Reason

To ensure the satisfactory provision of car parking, access and manoeuvring facilities; in the interest of highway safety and the amenity of the area, and to accord with Policies PSP11 and PSP16 of the South Gloucestershire Local Plan : Policies Sites and Places Plan (Adopted) 8th Nov. 2017 and Policy CS8 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec. 2013.

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

Reason

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

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

Reason

In the interest of archaeological investigation or recording, and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013, Policy PSP17 of The South Gloucestershire Local Plan : Policies, Sites and Places Plan adopted Nov. 2017 and the National Planning Policy Framework.

This is a pre-commencement condition to ensure that archaeological remains are not sterilised prior to recording.

17. The development shall proceed in strict accordance with the Mitigation Measures provided in the Ecological Appraisal (Quantock Ecology, February 2023).

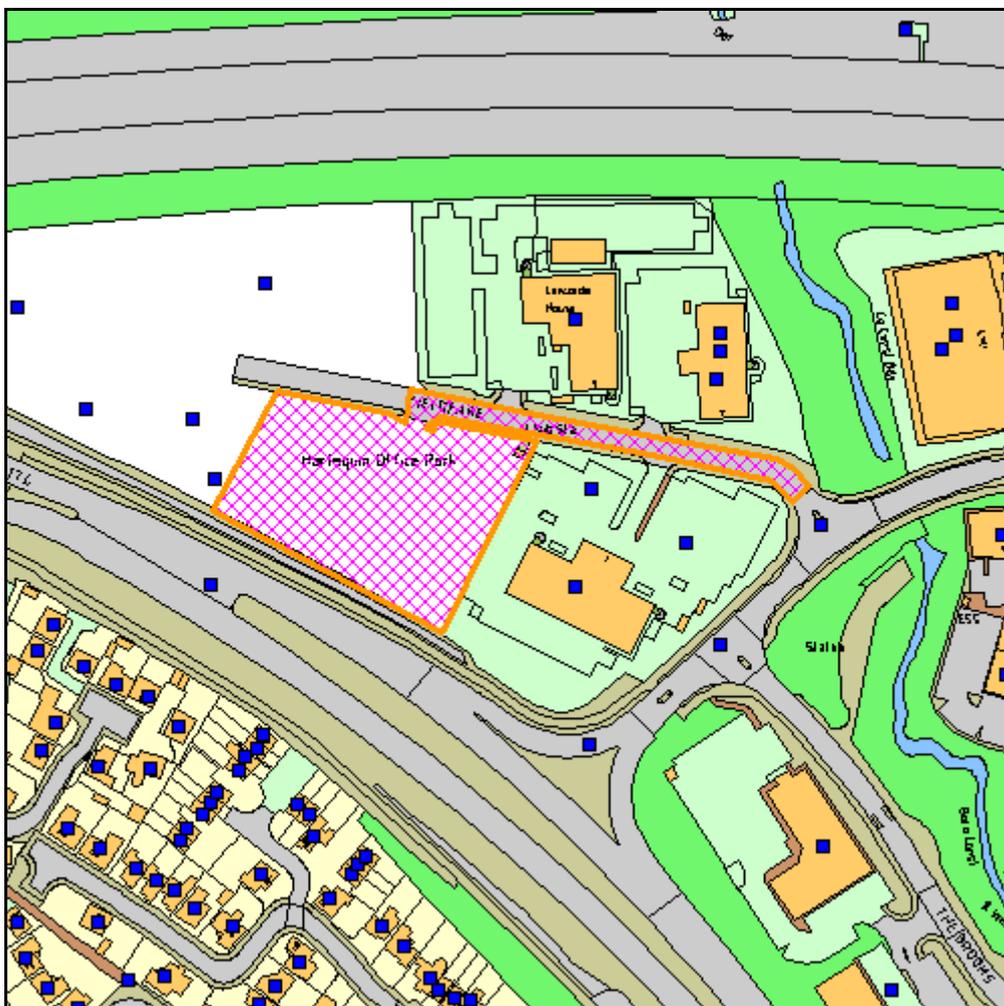
Reason

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

Case Officer: Roger Hemming
Authorising Officer: Suzanne D'Arcy

CIRCULATED SCHEDULE NO. 25/23 -23rd June 2023

App No.:	P23/00568/F	Applicant:	Greene King Commercial Investments Ltd
Site:	Land At Harlequin Office Park Fieldfare Emersons Green South Gloucestershire BS16 7FN	Date Reg:	17th February 2023
Proposal:	Erection of 1no. single storey Drive Thru retail / bakery unit and 1 no. part single storey and part two storey Drive Thru restaurant (Sui Generis), including erection of customer order displays and associated canopies, play equipment and outdoor seating, together with car parking, landscaping and associated works.	Parish:	Emersons Green Town Council
Map Ref:	366370 178636	Ward:	Emersons Green
Application Category:	Minor	Target Date:	30th June 2023



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

REASON FOR APPEARING ON CIRCULATED SCHEDULE

This application appears on the Council's Circulated Schedule procedure following over 3no objections by residents, contrary of the officer recommendation detailed below.

1. THE PROPOSAL

- 1.1 Full planning permission is sought for the erection of 1no. single storey drive-thru retail / bakery unit and 1 no. part single storey and part two storey drive-thru restaurant (Sui Generis), including erection of customer order displays and associated canopies, play equipment and outdoor seating, together with car parking, landscaping, and associated works.
- 1.2 The application site comprises of a predominantly level, vacant plot within the Harlequin Office Park, Fieldfare, Emersons Green. The site is bounded to the south by the A4174 Avon Ring Road and on either side by existing Class E uses consisting of a three-storey office block and an existing single storey drive-thru food and drink retail unit. Notable features of the site include the presence of beech hedges and some young trees around its perimeter which is also marked by a change in levels, rising to the south.
- 1.3 The application site is situated within the eastern fringe of Bristol's urban area and benefits from planning designations as Emersons Green Science Park Enterprise Area and an area safeguarded for economic development.
- 1.4 The site has been subject to a rather fruitful planning history with planning permission originally granted for 3no office blocks in the early 90s, with the reserved matters coming through around two decades later. The site then remained vacant for a period in excess of 10 years despite marketing efforts for the intended office use. This led up to the most recent application for which granted permission for the erection of the existing hotel, coffee shop/ drive thru and a pub – the latter being the subject site of this application. This final application remains extant and whilst materially different in its proposal it remains a legitimate fall-back position. Amendments to the proposed development have included revised elevations and landscaping treatments.

2. **POLICY CONTEXT**

2.1 **National Guidance**

National Planning Policy Framework 2021
National Planning Practice Guidance

2.2 **Development Plans**

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

CS1 High Quality Design
CS4a Presumption in Favour of Sustainable Development
CS5 Location of Development
CS6 Infrastructure and Developer Contributions
CS8 Improving Accessibility
CS12 Safeguarded Areas for Economic Development
CS29 Communities of the Eastern Fringe of Bristol Urban Area

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

PSP1 Local Distinctiveness
PSP2 Landscape
PSP11 Transport Impact Management
PSP16 Parking Standards
PSP24 Mineral Safeguarding Areas
PSP26 Enterprise Areas
PSP35 Food and Drink Uses (including drive through takeaway facilities)

2.3 **Supplementary Planning Guidance**

Design Checklist SPD (Adopted 2007)
Technical Advice Note: Assessing Residential Amenity 2016
Residential Parking Standards SPD (Adopted 2013)
Householder Design Guide SPD (Adopted 2021)

3. **RELEVANT PLANNING HISTORY**

3.1 Whilst the application site and its surrounding area have been subject to numerous planning applications, only those relative to this application are included below:

3.2 P19/18447/NMA. No Objection, 16/1/2020
Non-material amendment to P19/8333/F to update the wording of Condition 13 and 18.

- 3.3 P19/8333/F. Approved with Conditions, 22/11/2019
Erection of mixed-use development comprising of 1no. 90 bedroom Hotel (Class C1), 1no. Restaurant/Bar (Class A3/A4) and 1no. Coffee Shop with Drive Thru Facility (Class A1/A3) with parking, landscaping and associated works.
- 3.4 PK11/2551/RM. Approved with conditions, 8/11/2011
Harlequin Office Park Erection of 3no. (Class B1) Office buildings with landscaping and associated works. (Approval of all remaining reserved matters to be read in conjunction with planning permission PK09/5530/RVC, PK06/2470/RVC and P92/4320 and P92/4320.
- Neighbouring Site*
- 3.5 PK07/3393/RM. Approved and all constructed.
Harlequin Office Park Erection of 3no. (Class B1) Office buildings with landscaping and associated works. (Approval of all remaining reserved matters to be read in conjunction with outline planning permission P92/4230 and PK06/2470/RVC. A masterplan accompanied this scheme and was broadly followed in PK11/2551/RM above.

4. CONSULTATION RESPONSES

- 4.1 Emersons Green Town Council – No objection

“No Objection in principle. Members have noted the contents of the Transport Survey but still have the remaining concerns:

- 1) The increased volume of vehicles accessing/leaving the site via Follybrook Rd - this is an extremely busy road used by cyclists, cars and articulated lorries, who sometimes park on the road waiting for access onto another site. There is often severe congestion on the road, sometimes causing a potential safety issue.*
- 2) The increased volume of vehicles leaving Follybrook Rd onto the A4174 - the slip road leading onto the A4174 is very short making joining the very fast moving Ring Road very difficult and potentially dangerous.*
- 3) Cycle access from the A4174 onto Follybrook Road - The dropped kerb is too close to the A4174 junction, with fast moving vehicles leaving the Ring Road it is very difficult for cyclists to cross over safely.*

4) *The increased volume of traffic accessing the site will lead to increased levels of carbon emissions in this area, in which there is currently a children's nursery."*

4.2 Transportation Development Control – No objection, conditions recommended.

4.3 Landscape Architect

Objection. *The current scheme proposals fail to deliver the high quality, attractive or locally distinctive environment required by the NPPF and local plan policies. Insufficient space has been made available for structural landscape replacement and reinforcement.*

4.4 Climate and Nature Emergency Team

Further Detail Required. *The Energy Statement should be using Part L2 (2021) of the building regulations rather than the 2013 regulations. The Energy Statement should therefore be updated and also include further information/consideration of matters pertaining to heating and cooling, on-site renewables, climate resilience including overheating and EV charging as well as consideration of the vehicle emissions that will occur from the drive through use at the site.*

[Officer Comment]: An updated energy statement and overheating assessment has been provided in accordance with the above recommendations.

4.5 Avon & Somerset Constabulary

No objection. *Having viewed the revised information as submitted I find the design to be in order and generally complies appropriately with the crime prevention through environmental design principles. The additional information in relation to CCTV, lighting and furniture layout is welcomed, although it is still recommended that consideration be given to extending the CCTV system to cover the whole site.*

4.6 Planning Ecologist

No objection subject to conditions and informatives.

4.7 Lead Local Flood Authority

No objection subject to informatives.

4.8 Environmental Protection

No objection to the submitted noise assessment subject it forming a condition.

4.9 Neighbour Comments

There have been 28 responses received concerning this planning application, 6 in support and 22 objecting to the scheme. The comments have been summarised below:

Objection

- Prevalence of existing McDonalds and Greggs in the area;
- Development would attract anti-social behaviour;
- Outlets will be contributing to obesity crisis;
- No pedestrian/cycle link up embankment to ring road and bus stops- prioritising car use;
- More litter and air, noise and light pollution;
- The site was intended to be for a family pub – much more suited to community need;
- Insufficient neighbour consultation;
- Increase in traffic;
- No provision for nature/wildlife;
- Development essentially creates a motorway service station;
- Negative impact upon house prices;
- Harm to highway safety;
- Cumulative impact with adjacent Costa outlet requires significant improvements/alterations to surrounding pedestrian infrastructure to avoid traffic incidents; and
- Local needs are for: convenience store, allotment sites, nurseries, parks, community facilities, youth centre, not fast-food outlets.

Support

- Good to have a McDonald's close by;
- Plans look good;
- Would provide a good local choice;
- Well located, with a good/ sustainable catchment area;
- Preferred use that the previous pub;
- The site needs to be developed sooner rather than later;
- Would improve the appearance of the site;
- Would add over 100 jobs;
- Concerns of anti-social behaviour are scare mongering;
- Many bins and litter picking by staff would be provided as on other sites;
- Would bring economic, leisure and convenience benefits to the local area.

5. ANALYSIS OF PROPOSAL

Principle of Development

- 5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan for South Gloucestershire Council consists of the adopted Core Strategy and the Policies, Sites and Places Plan, these documents are generally compliant with the NPPF. The revised NPPF (para. 11) reiterates that; at the heart of the Framework is the presumption in favour of sustainable development. At para. 11 c) the NPPF states that development proposals that accord with an up-to-date development plan should be approved without delay. The relevant development policies are considered to be sufficiently up to date for the determination of this application.
- 5.2 The application site forms a vacant plot within the Harlequin Office Park, an area designated as an Enterprise Zone and safeguarded for employment uses under Class B. As such the leading policy for the assessment is CS12 which seeks the retention of B Use Classes in these safeguarded areas. Development outside of this use class will need to pass the sequential test and improve the number and range of jobs in the local area.
- 5.3 As touched upon at the start of this report, the sites history plays an important part for the principle of development. Whilst initially the site was proposed for office use, it remained vacant for a substantial period of time (>10 years) - despite marketing efforts throughout this period for the subject office use. As established through the 2019 application, no perspective operators were found. Following this, the council were in agreement that out-of-town office space was less attractive to some occupiers due to the limited amenities within the area. Subsequently, the delivery of alternative uses on the site, such as those outside of Class B, could expand the services on offer that serve the wider area and making it more attractive to future occupiers. This led to the approval of the 2019 application, for which granted permission for a public house (*Sui Generis*) on the subject site. This forms a material consideration attracting substantial weight for an alternative use on the site away from Class B Uses. This is also reflective of NPPF paragraph 122, which seeks to reallocate land to more deliverable uses where there is no reasonable prospect of an application coming forward for a use allocated in the local development plan.
- 5.4 The applicant has stated that two operators, being Gregg's and Mc Donald's, have been found, with the development designed for their individual needs.

Whilst this is acknowledged, the planning system is focused on a specific land use and not the end commercial operator.

- 5.5 With regards to the proposed uses being sought as per the application form, both the Mc Donald's and Gregg's are applied for under Class E. However, whilst shops and restaurants are both Class E uses, hot food takeaways are sui generis. The definition of a shop in the Use Class Order is:

“for the display or retail sale of goods, other than hot food, principally to visiting members of the public.”

Restaurants are defined as:

“For the sale of food and drink principally to visiting members of the public where consumption of that food and drink is mostly undertaken on the premises.”

- 5.6 The provision of a drive-thru facility is not traditional in shops or restaurants but there is nothing to suggest that the provision of a drive thru lane would take the proposed building outside of the definitions, but the combination of hot food sales to take and drive-thru element does. With both operators well known for the sales hot food, in this instance be it sausage rolls or burgers for example, the use does not fall clearly in the Class E Use category. Where hot food is available for take-away (formerly A5), the use is now classified as Sui Generis. As such the use of both units for the purposes of this application will be classified as Sui Generis. Whilst this has been clarified, hot food takeaways (in addition to shops and restaurants) are defined as main town centre uses in the NPPF, to which the sequential test applies.
- 5.7 The only restaurants and pubs in the commercial area are the adjacent Costa Coffee outlet and the Folly pub. There is a pub at the A4147/A432 roundabout but access from the business area by foot is poor. There is a Sainsbury Local store in the new housing area of Lyde Green to the southeast of the site and planning permission for 3 small shop units, a micro pub and a restaurant on adjacent land. The nearest designated centre is Emersons Green Town Centre which is located 1.5 miles to the south. Downend High Street is 1.4 miles to the southwest and Staple Hill High Street is 1.7 miles to the south. These centres contain a number of restaurants and pubs.

Policy Context

The National Planning Policy Framework

- 5.8 The provisions of the NPPF are well known and can be considered briefly at this stage.

“Planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation” (NPPF Para 86)

- 5.9 Local Plans should, amongst other things, define a network and hierarchy of centres and promote their long-term viability and define the extent of centres and primary frontages.

- 5.10 The Sequential test is a key test in determining planning applications for town centre uses in out of centre locations which are not in accordance with the development plan. The other is the impact on town centre vitality and viability.

- 5.11 The sequential test is set out in paras 87 and 88 as follows: -

“87 Local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.”

“88. When considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored”.

- 5.12 Paragraph 91 states that if an application fails to satisfy the sequential test or is likely to have a significant adverse impact on any town centre, it should be refused. They are separate tests and refusal is indicated if either is failed.

The Development Plan

- 5.13 The Development Plan for South Gloucestershire comprises the Core Strategy, (CS) adopted in December 2013 and the Policies Sites and Places Plan (PSP) adopted in November 2017. Although they pre-date the current NPPF, there are no material changes to later versions of the NPPF which significantly alter the sequential test policy and we consider the Plans are up-to date in this respect.
- 5.14 Core Strategy Policy CS14 defines the retail hierarchy. Of particular relevance here, Emersons Green, Downend and Staple Hill are defined as town centres.

49 local centres and parades are identified, listed in a separate table. We will examine which of these might be relevant as part of the Applicant's sequential test assessment in due course.

- 5.15 Policy CS29 for the Bristol Eastern Fringe seeks, inter alia, to *improve the viability and vitality of Emersons Green, Downend, Staple Hill, Kingswood and Hanham centres, to enhance their role as service centres for the urban and surrounding rural areas and provide for additional comparison floorspace as appropriate*

The Policies Sites and Places Plan

- 5.16 PSP Policy 31 directs development proposals for main town centre uses to town and district centres identified on the Policies Map and notes that large scale retail development will be acceptable within defined primary shopping areas. The policy makes provision for new comparison goods retail floorspace in the defined town centres up to 2021 and notes that small scale retail development to meet local community needs will be acceptable outside of primary shopping areas.
- 5.17 Subsection 6 of the policy sets out the sequential test and indicates that out of centre proposals will only be acceptable where
- i. no centre or edge of centre sites are available; and
 - ii. the proposal(s) would be in a location readily accessible on foot, cycle, and by public transport; and
 - iii. alternative formats for the proposed uses have been considered.
- 5.18 The policy does require alternative formats to be considered. It differs from the NPPF to the extent that it requires sites to be available without qualifying when. This reflected the wording of the NPPF before 2018. The wording is however sufficiently broad for it also to encompass the current NPPF to require alternative sites to be available within a reasonable period. There is therefore no conflict between the policy and the NPPF and it can be regarded as up to date.
- 5.19 Para 7.55 defines town centre uses in the same terms as the NPPF glossary and includes restaurants, hot food takeaways and drive-through restaurants as main town centre uses. Para 7.60 defines "out of centre" as locations outside of the boundaries of Town, District boundaries and beyond edge of centre locations. In line with the NPPF glossary, Para 7.61 notes that for most other

main town centre uses edge of centre means within 300m of the town centre boundary.

- 5.20 Policy PSP 32 is concerned with the local centres and parades and policies for them. It sets out how proposals in these centres will be assessed. Para 7.68 notes the importance of local centres parades and individual shops in meeting day to day convenience and service needs, the community cohesion they can create and their role in reducing the need to travel. This policy may be relevant to the assessment of possible alternative sites in the centres and should be considered where appropriate but, in general, food and drink uses are important parts of these centres and should not be considered unsuitable in principle.
- 5.21 Policy PSP 33 seeks to resist the loss of retail use within the primary frontage, notes the value of other main town centre uses in secondary frontages and sets out the criteria for assessing such proposals. The policy can be relevant to the assessment of alternative sites.
- 5.22 PSP Policy 35 is specific to food and drink uses and includes drive-through takeaways. It sets out criteria on which the impact proposals would have will be judged. Its purpose is primarily to avoid undue concentrations of these uses causing harm to the character of the area, residential amenity or public safety. This policy could impact on the suitability of sequentially preferable sites, but this has to be assessed case-by-case.
- 5.23 The town centres boundaries, primary shopping areas and primary and secondary frontages are defined on the Proposals Map.

Summary of the Sequential Test Policy

- 5.24 In brief, LPAs should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out-of-centre sites be considered. When considering edge-of-centre and out-of-centre proposals, preference should be given to accessible sites which are well connected to the centre. Applicants and local planning authorities should be flexible on issues such as format and scale. It is for the applicant to demonstrate compliance with the test and planning permission should be refused where the test is failed.
- 5.25 WP [*the applicant*] acknowledges that the site is not in a town centre or allocated for main town centre uses in an up-to-date development and that the sequential test applies to the application.

The Sequential Assessment - Interpretation

- 5.26 It is well established law that, in determining applications planning authorities, must have regard to the relevant policies and have a proper understanding of them. As such the most important case law is presented so that there is no doubt as to the Council's correct understanding of the sequential test. It is of course also necessary for the Applicant to understand the sequential test correctly if it is to carry out a proper sequential site assessment.
- 5.27 It's also be helpful to note at this stage, the distinction between the interpretation of policy, which is a matter for the Courts, and the planning judgement which is a matter for the LPA and in which the Courts will not intervene except on grounds of extreme unreasonableness. The position is conveniently explained in relation to the sequential test in the Mansfield judgment (see below for full reference) where the judge commenting on previous judgement (the Dundee judgement referred to in the Sequential Assessment) remarked in para 30

"The question of what "suitable" meant was a question for the Court, although its application was a matter of planning judgment."

Legal Precedent

- 5.28 The leading case is the Dundee judgment (*Tesco Stores Limited (Appellants) v Dundee City Council*) dating from July 2012. It is worth noting first, that the issue of interpretation of the sequential test that was before the Court was whether the word "suitable" (as in suitable sites are not available) referred to "suitable for meeting identified deficiencies in retail provision in the area" or "suitable for the development proposed by the applicant". (Lord Reed's judgment para 24). He accepted, with qualification, that "suitable" referred to the development proposed by the applicant.
- 5.29 The qualification concerned the need for flexibility on the part of the developer. In para 28 of the judgment Lord Reed notes

"The need for flexibility and realism reflects an inbuilt difficulty about the sequential approach. On the one hand, the policy could be defeated by developers' and retailers' taking an inflexible approach to their requirements. On the other hand, as Sedley J remarked in R v Teesside Development Corporation, Ex p William Morrison Supermarket plc and Redcar and Cleveland BC [1998] JPL 23, 43, to refuse an out-of-centre planning consent on the ground that an admittedly smaller site is available within the town centre may be to take an entirely inappropriate business decision on behalf of the developer. The guidance seeks to address this problem. It advises that developers and retailers should have regard to the circumstances of the particular town centre when preparing their proposals, as regards the format,

design and scale of the development. As part of such an approach, they are expected to consider the scope for accommodating the proposed development in a different built form, and where appropriate adjusting or sub-dividing large proposals, in order that their scale may fit better with existing development in the town centre. The guidance also advises that planning authorities should be responsive to the needs of retailers. Where development proposals in out-of-centre locations fall outside the development plan framework, developers are expected to demonstrate that town centre and edge-of-centre options have been thoroughly assessed.

Lord Reed continued...

29. It follows from the foregoing that it would be an over-simplification to say that the characteristics of the proposed development, such as its scale, are necessarily definitive for the purposes of the sequential test. That statement has to be qualified to the extent that the applicant is expected to have prepared his proposals in accordance with the recommended approach: he is, for example, expected to have had regard to the circumstances of the particular town centre, to have given consideration to the scope for accommodating the development in a different form, and to have thoroughly assessed sequentially preferable locations on that footing. “

- 5.30 WP does not refer to later legal judgments, of which there are several. The most significant, not least because it considered the Dundee and later judgments, is the Mansfield Judgment (Aldergate Properties Ltd v Mansfield DC and Regal Sherwood Oaks Ltd ([2016] EWHC 1670 (Admin)). This primarily addressed the issue of the relevance of the individual developer or retailer to the operation of the sequential test and found (para 35) that

“suitable” and “available” generally mean “suitable” and “available” for the broad type of development which is proposed in the application by approximate size, type, and range of goods. This incorporates the requirement for flexibility in [24] NPPF, and excludes, generally, the identity and personal or corporate attitudes of an individual retailer.”

- 5.31 This provides a clear guidance on the interpretation of “suitable” in the context of the sequential test – it refers to the development proposed in terms of approximate size, type and range of goods. While size and range of goods are relatively straightforward, the difficult question is what is meant by “type” in this context and would it distinguish drive-thru restaurants from other hot food takeaways and other restaurants. The same difficulty arises in terms of “format” within the requirement of flexibility in the sequential test itself.

5.32 WP makes several references to the operators' requirements and business models (e.g. Para 5.1 and 5.11- 5.15) It is clear from this judgment that the Council should not give weight to these individual requirements in assessing the suitability of alternative sites. The extent to which this misunderstanding undermines the sequential exercise will be assessed when the individual sites are examined.

Suitability, Format and Flexibility

5.33 In para 5.9 of the Sequential Assessment, Walsingham Planning comments in the context of the Dundee judgment and Rushden Lakes decision

".....the scheme needs to be considered as a whole and the component parts of the development should not be disaggregated."

5.34 The Dundee judgement was in 2012 and the judgment was taken into account in the Mansfield Judgment. The Rushden Lakes decision was in June 2014 and several appeal decisions since have taken a different approach.

5.35 In June 2016 the Secretary of State issued a decision on a proposal at Honiton Road, Exeter for retail and other town centre uses. (APP/Y1110/W/15/3005333). The Inspector found (para 11.33) that:

"To insist on the same requirement for parking and access in a town centre, which has ample existing parking, service roads and excellent links to public transport, would be unreasonable. Drive-through restaurants do feature within the definition of a town centre and so, to be suitable, it must be possible for these to be accommodated. Nevertheless, as with general access requirements for servicing and other vehicular needs, it would be no more than showing reasonable flexibility to accept that existing streets and access arrangements could provide part of the drive element of such a proposal if not the restaurant area".

5.36 The SoS agreed with the Inspector's conclusion on the sequential test in dismissing the appeal. There can obviously be considerable flexibility from developers expected in general terms. The Inspector accepted that the drive-thru format should be accommodated but that the applicant had not shown sufficient flexibility in how such a requirement could be met in relation to the alternative site.

5.37 The most detailed assessment in a Secretary of State decision which we are aware of is the Tollgate Village decision (APP/A1530/W/16/3147039 4th August 2017) The Inspector quoted from an earlier court case Warners vs Cotswold"

(Warners Retail (Moreton) Ltd vs Cotswold District Council (and others) [2016] EWCA Civ 606):

“What bounds can reasonably be set on an applicant’s preference and intentions as to ‘format and scale’ in any individual case will always, and necessarily, depend on the facts and circumstances of that particular case. The policy in paragraph [then] 24 of the NPPF should not be seen as prescriptive in this respect. It plainly is not”.

5.38 The Inspector then noted that in the Lionbrook judgment the judge stated that “suitability” and “availability” are matters of planning judgment (and case dependent).

5.39 In para 12.3.10 the Inspector commented:

“The extent of flexibility should not be constrained by policy or guidance, and there is nothing in the PPG that suggests that subdivision is not to be considered. Indeed, subdivision was considered in the Dundee case itself. There will be cases where subdivision is not appropriate, both Rushden Lakes and Scotch Corner conclude that disaggregation is not required to demonstrate flexibility. In Scotch Corner the proposal was a Designer Outlet Centre whose business model requires units of a certain scale, and which is tightly controlled by conditions to be different from ordinary Town Centre development. In Rushden Lakes there was a strong development plan justification for a critical mass of units.

5.40 He then concluded that in the case he was considering there was no evidence that the proposed format is necessary or fundamental to the proposal and went on to consider whether the development could be scattered over several sites in and around the town centre. It can be concluded from this decision that the degree of flexibility required can be extensive, that it depends on the facts of the case and is a matter of planning judgment for the LPA to make.

5.41 The SA (para 5.9) relies on the Dundee judgment to argue that:

“the scheme needs to be considered as a whole and the component parts of the development should not be disaggregated. In this regard, it means that not only should the two units not be considered and sequentially tested separately, but in relation to the drive thru restaurant (McDonalds), the element of eating in (restaurant) cannot be segregated from the (drive thru).”

5.42 However, it is clear from the Honiton Rd and Tollgate village decisions that the possible disaggregation of a proposed development can be material to the sequential test and it is a matter of planning judgement whether it is in any

particular case. The PPG on Town Centres and Retail also recognises disaggregation. Para 011 Reference ID: 2b-011-20190722 notes that:

“It is not necessary to demonstrate that a potential town centre or edge of centre site can accommodate precisely the scale and form of development being proposed, but rather to consider what contribution more central sites are able to make individually to accommodate the proposal.”

Drive-thru Appeal Decisions

5.43 WP quotes from an appeal decision in Newquay (APP/00830/A/05/1182303). The limitations of appeal decisions as precedents in general have been noted. The Council has supplied a copy of the decision. It is very old (2005) and determined under Planning Policy Statement 6. Most importantly they predate the Dundee and Mansfield judgments which indicated how suitability and flexibility in the sequential test should be approached and the Honiton Road Secretary of State decision referred to above (para 3.5). Furthermore, Dundee and other Judgments indicate that the sequential test may vary according to development plan policy. While the decision is noted, there is no indication of how representative it is of the approach to drive thru restaurants taken by local planning authorities and Inspector at appeals. The decision is of limited assistance to the Council in coming to a judgement of how much flexibility it should require.

5.44 We have searched on-line for more recent decisions where the sequential test in relation to drive-through restaurants has been considered. At Baynards Green in Oxfordshire (APP/C3105/W/16/315) where the Inspector found (DL para 4)

“Given that the purpose of this development is to provide roadside facilities for motorists on the A43, which by definition is unlikely to be within a town centre, I consider the sequential test to be of little relevance to this appeal.”

5.45 This appeal is therefore of little assistance in assessing the flexibility that could be expected in other circumstances.

5.46 In a recent appeal decision (Dumbarton Appeal Nov 2022 - PPA-160-2037) the inspector acknowledged *“that the proposal has specific design requirements, particularly in terms of its drive-through layout, and that finding a suitable site in the town centre has not been possible in this case.”* (DL para 9) Nevertheless, she went on to dismiss the appeal, partly on town centre impact grounds. The Inspector also noted that it was not clear that the circumstances of the appeal were comparable to an appeal decision the Appellant drew to her attention, that

she was obliged to consider the appeal on its merits and did not consider the other decision further.

Conclusions on the Sequential Test Policy

- 5.47 The applicant's Sequential Assessment is not a reliable guide to the sequential test. The reliance on Rushden Lakes and the failure to identify recent case law and later appeal decisions lead to a significant misunderstanding of the test in terms of disaggregation, flexibility and the individual operators' requirements.
- 5.48 The local planning authority must proceed on a proper understanding of the sequential test. In summary the main points are: -
- 1 the sequential test requires preference to be given to town centre locations, then edge of centre locations and only if there are no suitable sites available, should out of centre sites be considered.
 - 2 Where out of centre sites are considered, preference should be given sites which are accessible and well connected to the town centre.
 - 3 The focus of the test is the development applied for and not on other ways in which a public need could be met.
 - 4 Developers and local planning authorities are required to show flexibility in format and scale so that opportunities to utilise suitable town and edge of centre sites are fully explored.
 - 5 The extent of the flexibility that can be required is a matter of planning judgement for the local planning authority.
 - 6 Disaggregation (splitting the development up on separate sites) can be relevant.
 - 7 The identity or commercial requirements of the operator is generally not a material consideration in a sequential assessment. The suitability of sites means suitable for the broad type of development proposed by reference to the approximate size, type and range of goods.
 - 8 Alternative sites have to be available or available in a reasonable period. What is reasonable will depend on the particular case and is a matter of planning judgement.

5.49 In relation to this application, the relevant development plan for the sequential test policy is PSP 31 (6). This states that out of centre proposals will only be acceptable where

i). no centre or edge of centre sites are available;

ii. the proposal(s) would be in a location readily accessible on foot, cycle, and by public transport; and

iii. alternative formats for the proposed uses have been considered.

In addition, the NPPF indicates that sites should be well linked to existing centres and should be available in a reasonable period.

Sequential Test - Applicant's Methodology

5.50 The methodology was not discussed with Council (SA Para 5.24) prior to submission. This was because, in the view of WP, the site already had planning permission for a pub. The permitted and proposed development are different with different site requirements and subject to separate applications. The sequential assessment for this application is a separate exercise and the conclusion might very well be different.

5.51 The assessment (SA para 5.27) identifies the following factors as relevant to the exercise: -

Suitability - Whether it is 'suitable' to accommodate the proposed development?

Availability - Whether it is 'available' now or within reasonable period of time?

Viability – the extent to which the site will enable delivery of a viable development.

5.52 It is stated (para 5.28) that for a site to be site to be sequentially preferable, it must satisfy all three criteria.

Suitability

5.53 WP sets out its site search criteria in section 5 of the Assessment. Para 5.16 states

“that case law and planning policy directs that any alternative site[s] in a sequential preferably location have to be capable of accommodating the whole of the development proposed and not a disaggregated version or the individual elements of it.”

- 5.54 The search was for sites of the same size as the application site (0.43ha) capable of accommodating two separate buildings of 1.64 sq m and 441 sq m and ancillary facilities including outdoor seating areas. However, para 5.32 of the Assessment states that sites of varying sizes have been considered. Officers therefore consider this in relation to the possible sites considered.
- 5.55 As pointed out in relation to the Honiton Road and Tollgate Village decisions, the applicant’s approach is based on a misunderstanding of disaggregation in the sequential test. The proposed development consists of two free standing outlets which will be operated independently. No case is made that they are necessarily and inseparably linked. As such more central sites which could accommodate one or other of the units should be considered in the sequential test.

Site Size and Flexibility

- 5.56 The SA Para 5.1 states:

“The assessment considers the operators business model within its consideration of sequential sites.”

In para 5.11 it is stated that:

“The specific operators’ requirements will ultimately determine where a site or premises is suitable and viable.”

The intended operators site requirements are then set out in para 5.13. In para 5.33 it is stated:

“In considering the suitability of an alternative site a range of other factors also need to be considered based on the end user’s particular business model and site and operational requirements.”

- 5.57 This is based on a misinterpretation of the policy. As is clear from the Mansfield judgment, the suitability of sites in the test must be judged on *the broad type of development which is proposed in the application by approximate size, type, and range of goods*. It is clear that the assessment of sites in the SA is based on the intended operators’ requirements. Officers will consider the effect of this

misunderstanding and whether sites have been wrongly rejected because of it in the next section.

Availability

- 5.58 In terms of availability the Sequential Assessment notes that sites must be available, or available in a reasonable period. The PPG (para 011) notes that what a reasonable period is will depend on the scale and complexity of the proposed scheme and suitable sequentially preferable sites. Walsingham Planning considers that alternative sites have to be available freehold or on long leases (at least 25years) (S A para 5.29). It also considers (para 5.31)

“the test of availability precludes the assembly of a large area of land that comprises multiple smaller sites/plots “

- 5.59 In fact, what a reasonable period may be depends on the proposal (PPG). In this case, the proposal would be a relatively straightforward construction project and that the proposed site would be available quickly. If the contracts with the operators are in place, officers would expect the development to be up and running in about 12 months to 18 months and consider that alternative sites should be developable in a broadly similar timeframe – say about two years.

Viability

- 5.60 The SA indicates (para 5.34) that:

“With regard to viability consideration is given to a number of matters, including land cost, ground conditions; access; availability of services etc “

- 5.62 The NPPF does not refer to viability as part of the sequential test. It is referred to in the PPG Town Centre and Retail but only in relation to plan making (Para 010); it is not mentioned in para 011 in relation to decision making. PG para 013 notes that

“However, as promoting new development on town centre locations can be more expensive and complicated than building elsewhere, local planning authorities need to be realistic and flexible in applying the test.”

- 5.63 Officers conclude that development viability may be an element of the suitability of sites but operational viability depends on the policies and practices of individual operators and would fall foul of the Mansfield judgment. It is not a separate criterion and would have to be considered as viable for the broad type of development and not for the business models of the intended operators. In practice, the SA does not reject any sites solely as unviable.

Geographical Location

5.64 WP has considered sites in and on the edge of Emersons Green, Downend and Staple Hill centres. This is a reasonable reflection of the development's likely catchment area.

5.65 In para 5.20 the WP comments that

“It is important to note that the location of the application site, which is situated close to large areas of employment and in close proximity of a large residential population and is highly accessible by all means of transport and has good roadside visibility, is essential to both end users’ business model and thus the proposed scheme.”

5.66 Leaving aside the question of the business model, there is a suggestion of a locational specificity here, although the point is not pursued and is undermined by the consideration of alternative locations.

5.67 The PPG notes (para 012) that

“Use of the sequential test should recognise that certain main town centre uses have particular market and locational requirements which mean that they may only be accommodated in specific locations. Robust justification will need to be provided where this is the case, and land ownership does not provide such a justification “

5.68 While officers consider that that SA does not provide the robust justification needed for exemption from the test, the existing facilities in the Employment area are very limited and that some weight could be given to this outside of the sequential test.

Conclusions on the Sequential Assessment Methodology

5.69 The SA is based on several misunderstanding the sequential test regarding the requirements of specific operators in the test, the need for flexibility, the relevance of disaggregation and the definition of availability. Officers consider that insufficient flexibility has been adopted to the scale and format and that it is also reasonable to consider the disaggregation of the units in this case. The site suitability has been assessed on the intended operators' business models rather than on the basis of the broad type of development as required.

- 5.70 Officers have therefore examine the sites identified in the SA to see if sites have been excluded as a result of these misconceptions as well as whether there are potential sites which should have been considered.

The Site Assessments

- 5.71 WP states that potential sites have been identified from several sources including local agents and web sites and site visits. However, it is not clear how these sources have been used and what website searches were based on. For instance, was the search restricted to development land or were vacant premises also considered and, if so, what size limits were searched for. The report is dated May 2022 and is now also rather dated.
- 5.72 The individual sites are clearly identified in Appendix 3 of the SA. They are precisely identified and shown on maps and the background information is reasonable. More planning policy assessment and more amenity assessment is often provided but officers are familiar with the centres and the potential sites in and on their edges. This provides enough information for examination, if necessary, to supplement with additional research. Officers have carried out our own web-based search for vacant units in the centres and will conclude on the sites' suitability and availability and on whether other potential sites/opportunities have been left out.

Emersons Green

- 5.73 Emersons Green is a defined centre about 1.7 miles to the south of the site. It is a modern district centre built as part of the major housing development. It has a direct roundabout connection to the Bristol Ring Road (A4174) and is anchored by a large Sainsbury store and large format retail warehouses around an extensive car park. There are unit shops and community uses on the eastern side of the centre.

Betts Lane Emersons Green

- 5.74 The site is in the centre and large enough to accommodate both proposed units. WP considers that the site would be unsuitable because it "*does not satisfy the applicant's locational and business requirements*". This relates to the lack of prominence from a main commuter route. WP considers that similar nearby facilities makes it unsuitable for Greggs and that a drive-thru facility would not be appropriate in a car park.
- 5.75 Drive-thru and restaurant facilities are a common feature of retail parks and officers are aware of planning applications for drive thrus being submitted in existing car parks. WP's conclusion of suitability is based on the individual

retailers preferences and not the general type of development. Officers have concluded in the past that the site would be suitable for retail and other main town centre uses. However, the site is used for recreation and it would not be made available for such development and is therefore not a realistic option.

Downend

- 5.76 Downend is just over 2 miles to the west of the site. It is a small centre in a mature suburban area of north Bristol, with a good level of parking in a car park behind the Willow Centre, a small modern redevelopment dating from about the 1970s/1980s which comprises a Co-op store and unit shops. There is a Sainsbury Local outlet on the opposite side of the road.

Downend Cricket Ground

- 5.77 The site is on the edge of the centre and clearly large enough to accommodate this, and additional, development. WP considers this makes the site unviable whereas in reality, it would be likely to make the development more viable. WP also finds it unsuitable for the intended operators' needs.
- 5.78 Officers consider that the open space and recreational use is important in creating the sense of place. The site would be unsuitable for development and likely to be judged contrary to Policy PSP5 - Undesignated Open Spaces within Urban Areas and Settlements. The loss of sporting facilities would likely be strongly contested and found contrary to Policy PSP44 – Open Space Sport and Recreation. There is no indication that it is likely to be available. It is therefore not a realistic option.

Allotments to the North of Chestnut Road Downend

- 5.79 The site is on the edge of the defined centre and clearly large enough to accommodate the development. WP considers that there would be additional costs in developing a larger area, but it is likely that only the land required for the development would be acquired with the existing use continuing over the remainder of the site. There is no indication that any land on the site might be available.
- 5.80 The land would be considered as undesignated open land development in this location would be contrary to policy PSP5. The development would be likely to give rise to amenity objections through traffic, lighting, evening noise/disturbance, litter and anti-social behaviour and in short is not suitable for a restaurant/hot food takeaway development on the broad scale proposed.

King Georges Playing Field, Westerleigh Road, Bristol

- 5.81 The site is described as edge of centre and while it is within 300 m of the centre, the centre is small and the site is in reality remote, from the centre. WP conclude that it is unsuitable because it is 3.2 km from similar facilities (McDonalds) in Fishponds but this is operator specific and can be discounted.
- 5.82 However, it is open urban land in active sport and recreation use and its development is likely to be found to be contrary to policies PSP5 and PSP44. There is no indication that it would be made available and it seems highly unlikely.

Staple Hill

- 5.83 Staple Hill is about 2.5 miles southwest of the application site. It is a medium sized centre which developed in the late 19th Century at a crossroads on a radial route out of Bristol. Typically for such centres, the units tend to be small in relation to current retailer requirements. There is a small 1960s retail development (Fountain Square). The centre has a good offer of independent retailers, an Iceland outlet and a Tesco Metro.

Land at Staple Hill Primary School, Page Road Staple Hill

- 5.84 The site is edge of centre with the site area given as approximately 0.27 ha in the SA. It is close to the main shopping frontage and there is a public car park directly opposite. The site is rejected as unavailable because it is not being marketed, and unsuitable for the proposed development as too small and lacks sufficient prominence. Sites do not have to be on the market to be available and many development sites are never openly marketed.
- 5.85 However, it is subject to an undetermined planning application (P22/05589) submitted in September 2022 for 42 retirement flats – an appeal against non-determination is currently undergoing. Given the stage of the development process, the site cannot be considered as available.

Lyde Green Local Centre

- 5.86 WP identifies the site in Appendix 2 as with permission for a pub, restaurant and 3 retail units under a reserved matters application (P21/08297/RVM) and the original permissions for the whole Emersons Green development area. The site area is given as 0.171 ha.
- 5.87 The site is part of the planned local centre and is adjacent to a Sainsbury Local store. There is also a Community Centre, primary school and children's nursery in the centre. The surrounding area is predominantly residential. Walsingham

Planning rejects the site as too small for the development. WP considers that it is too small for an alternative site and not sequentially preferable.

- 5.88 The proposed restaurant has a floorspace of 1950 sq ft (181 sq m) and the shop units a total floorspace of 2,400 sq ft (223 sq m) according to the site layout. In the submitted design and access statement, the pub, described as a micro pub, has a floorspace of 123 sq m, although this figure may have changed slightly in the revised layout. There is very limited parking proposed.
- 5.89 It would be difficult to accommodate either part of Fieldfare development on the site even allowing for flexibility. The proposals at Lyde Green are at an advanced stage, with further details submitted in February and we doubt that the site would be available. The proposed development is unlikely to be acceptable in the centre as it would reduce the facilities available there and be detrimental to the amenities of nearby houses.

Other Opportunities

- 5.90 Officers agree that the other permissions identified in App 2 of the SA would not provide suitable accommodation even allowing for a reasonable amount of flexibility. A web-based search of vacant premises have not found any suitable possibilities. This includes the relevant local centres identified in Table 3 of the Core Strategy.

The BT Depot, Downend Road, Downend

- 5.91 This would appear to be an anomalous use in the centre and, potentially, would offer a suitable site for redevelopment. However, it appears to be in active use and there is no evidence that it would be available. The last planning application was in 2021 for new aerials on the roof. The application was withdrawn but there have been no recent applications for redevelopment and no indication of an intent to vacate the site. Officers consider the site could not be regarded as available.
- 5.92 Officers are not aware of other potential sites which should be considered.

Conclusion

- 5.93 Officers conclude that the applicant has applied the sequential test incorrectly in that it: -
- has not shown sufficient flexibility with regard to format and scale;
 - has failed to consider disaggregating the development;

- has adopted an unduly restricted definition of availability; and
 - has applied an incorrect approach to assessing site suitability and has relied heavily on the intended operators' business models to assess site suitability.
- 5.94 The assessment of individual sites is affected fundamentally by this incorrect approach is not relied upon. However, the applicant has adopted a reasonably thorough approach to site identification and officers have been able reassess the sites in line with the correct approach, supplemented by further research where necessary. As a result of this further analysis, it is concluded that there are no suitable more central sites available in terms of the sequential test. As such, subject to assessment below, the development is therefore acceptable in principle.

Design and Landscaping

- 5.95 The design of the Greggs units has been amended since the points of submission, as originally the all blue cladding and limited design features resulted in a container-like structure. This was not representative of the highest standards of design and resulted in harm to the character of the site and its context.
- 5.96 The revised design is now much more respectful in the context, being finished in brick, with breaks of vertical timber cladding and blue highlight strips defining the overhangs and kiosk. The appearance of the structure now has a more natural/ softer tone which ties in well with the existing and proposed neighbouring units.
- 5.97 The proposed Mc Donald's unit is taller in stature, with a mixed materials pallet comprising predominantly grey toned cladding panels and vertical timber cladding. The arrange of materials, in addition to the glazed elements works well to break-up the massing and to create an attractive, modern structure that is appropriate for its use.
- 5.98 In review of the architectural design for both units, the final appearance would be complementary of each other and the surrounding developments. The materials are suitable, albeit samples for review should be conditioned so to ensure a high quality finish. Subject to this condition, the proposed units would be of a high quality and would meet the requirements of policy CS1.
- 5.99 With regards to the proposed landscaping, 22no. trees and 105m of native hedgerow would be planted, the majority being around the peripheries of the site – save for 4no. Acer Campestre Streetwise trees which would be located in

the central parking area. When compared to the existing level of planting on-site, and in comparison to the previous consent, the proposed level of landscaping is considered an enhancement. Once in maturity, would result in an attractive and high quality setting. Whilst the objection from the Landscape Officer is noted, considering the site has remained within a derelict and vacant state since the point of allocation for ~30 years, the proposals are considered acceptable and would not result in any significant adverse harm. A landscape management plan has been included on the landscape plan, so long as this is adhered to, in addition to a replacement planting condition to cover any species which might fail, and details of the central tree pits, no objections are raised.

Residential Amenity and Public Safety

- 5.100 Policy PSP35 makes provision for hot food establishments within local centres, provided that, amongst other criteria, it would not unduly affect the amenity of nearby residents. As the proposal is not within a local centre, this policy does not expressly apply, however the provisions of policy PSP8 do seek to ensure the amenities of nearby residents are protected.

Fumes, smells and noise

- 5.101 In considering this application, officers are mindful of the appeal decision for the takeaway units at Bradley Stoke (APP/P0119/W/19/3232136). The inspector discussed the possible impact on neighbouring dwellings in some detail. Noise and smells are very technical subjects and assessed using technical methods. As the Councils Environmental Protection Officers do not raise any objection to the scheme, this should not be put forward as a reason for refusal unless there is clear evidence to suggest why the technical assessment of the assessment is incorrect.
- 5.102 With regards to fumes, smells and noise, an odour control assessment (CDM Partnership, March 2022) has been submitted. The closest sensitive receptors are the residential properties located to the south west of the development – the closest being ~100m from the point of discharge. This is considered a sufficient distance away from the point of discharge that any smells would disperse within the atmosphere so not to result in any unreasonable harm. Provided that the control measures are implemented as detailed within the report, no objections are raised with regards to fumes or smells.
- 5.103 The proposal would include an installation of an extraction system. The applicant submitted a noise impact assessment and a Vent/Extraction Statement for the proposed installation. The Council Environmental Health Officer has reviewed the proposal and raised no objection. Given the location of the site, officers consider that the proposal is acceptable subject to

conditions restricting the noise level of the proposed installation. In the unlikely event of reports relating to fumes, smells or noise, the councils Environmental Protection Team could take reasonable action.

General disturbance, late night activity and litter

5.104 The proposed hours of operation are for a 7am to 11pm (Monday to Sunday, including bank holidays) for Gregg's, and 24/7 (including bank holidays). As noted above, the nearest residential properties are located approximately 100m to the south and across the Emersons Green bypass. The site is situated several metres below the bypass. This is considered as a sufficient distance and barrier so that the amenities of the local residents would not be unreasonably harmed by any general disturbance, noise and light pollution. In addition, the site would be managed by the operators, of whom it would be their best interests to prevent any forms of anti-social behaviour. It should also be noted that Emersons Green Police Station is located adjacent to the site, and thus an immediate response could be provided in the worst-case scenario of any illicit behaviour. Albeit, there is no evidence to suggest that the proposed use of the site would attract such behaviour.

5.105 Whilst Officers note the concerns of local residents to litter, there is no specific evidence before officers to suggest that the disposal of waste could not be adequately dealt with by the business or that the proposed use would result in additional litter being dropped by future customers in the surrounding area. Whilst Officers appreciate the concerns of local residents, there is also little information to suggest that the proposed use would necessarily result in anti-social behaviour or an increase in vermin, should this application to succeed. Nonetheless, a condition requiring the implementation of a management plan in relation to litter, anti-social behaviour and external use of the site is a standard practice and reasonable in protecting the amenity of local residents and the surrounding area.

Health and obesity

5.106 Under the heading of creating a healthier food environment the PPG (para 04 ref ID 53-004-20190722) notes that planning policies and proposals may need to have particular regard to the following issues: -

- proximity to locations where children and young people congregate such as schools, community centres and playgrounds;
- evidence indicating high levels of obesity, deprivation, health inequalities and general poor health in specific locations;
- over-concentration of certain uses within a specified area;
- odours and noise impact;

- traffic impact;
- refuse and litter;

5.107 The Public Health England publication “*Using the planning system to promote healthy weight environments*” and its addendum on the 2020 changes to the UCO. notes the aims of the NPPF with regards to healthier and more active lifestyles and that the impact of health can be a material planning consideration. It notes that exclusion zones for fast food takeaways can be appropriate.

Policy PSP9 requires: -

“All new development proposals to provide an environment that promotes health and wellbeing, addresses adverse health impacts and reduces health inequalities”. Para 4.12 of the text notes that the way in which we build and shape the environment holds great potential to address public health concerns, such as obesity and heart disease. It notes the importance of access to woodland, green spaces and outdoor sports, good transport links education, housing good transport links, education, housing, employment and community development to general health. There is no reference to drive-thrus or other fast-food takeaways and no reference to exclusion zones for these uses.

5.108 Further to the above, during a recent appeal within Bristol (Ref. APP/Z01116/W/15/3131829) for a similar application for an A5 premises, the inspector noted in his Decision Letter at para. 56:

“Evidence has been referred to that connects obesity in children with the consumption of fast food and shows that this is higher in areas of deprivation. However, there is nothing conclusive to show that the appeal proposal would result in any significant increase in obesity in the area of Fishponds, even though it has been recognised as an area of multiple deprivation.”

5.109 The Inspector goes on to say in para. 57:

“Whilst there is scope for developing the law, policies and guidance to try to reduce obesity levels, there are limited planning powers to prevent additional fast food outlets from being provided at appropriate locations on these grounds.”

5.110 With regards to the previous appeal, the Inspector also noted at para.63:

“Whilst concerns have been expressed that McDonald’s is a popular place for young people to congregate and that they are not very likely to choose ‘healthy options’, this is insufficient to robustly demonstrate that the appeal proposal would fail to comply with development plan policy.”

- 5.111 Turning then to the recent appeal decision for McDonalds at Bradley Stoke, the inspector at para 20 stated *“I have little evidence to substantiate why the addition of two proposed units would have an adverse effect upon the health and wellbeing of Bradley Stoke’s residents”*
- 5.112 The same approach must be taken at this location, if impact on health is being considered as a reason for refusal, the decision taker must be able to substantiate how the addition of the two additional sui-generis unit would have an adverse effect on the health and wellbeing on local residents.
- 5.113 Officers consider that the same reasoning must apply in the current proposal.

Transport

- 5.114 With regards to the site’s location, access would be obtained from Fieldfare which is not an adopted highway. The location is within an existing commercial area which is fully comply with the locational requirements of Policy PSP11.
- 5.115 The submitted transport statement (TS) indicates that when compared with the consented activities on the site, the proposed uses will cause a slight increase in its travel demand. This conclusion is based on the analysis of data extracted from the TRICS program and although these forecasts are derived from a modest sample of sites, they provide a useful picture of the impact of this change in development. It is also noted that this analysis indicates that although there are changes in the time periods when most activity will occur at the new and consented uses, overall, the effect of this change is limited in trip generation terms. Consequently, it is not considered likely that the increased travel demand arising from this change of use will have a severe or unacceptable impact on the local highway network.
- 5.116 Sufficient queueing areas would be provided within the site, with the TS indicating that safe access to this facility by all types of vehicle can be provided without jeopardising the operation of the existing highway or creating a tailback which is long enough to block back onto the public highway and create congestion.
- 5.117 It is understood that the TRICS information has also been used to carry out an examination of the demand for the sites proposed car park to ensure that it is adequate to accommodate this change of use. Hence, the TS indicates that the 54 general and 12 specially allocated parking spaces which will be present on the site provide sufficient capacity to accommodate the parking demand arising from the proposed uses even at the busiest times. This analysis seems satisfactory and note that adequate provision has been made for both disabled users and Electric Vehicle Charging faculties within this total.

- 5.118 The TS also includes a swept path analysis demonstrates that a long-wheelbase rigid vehicle can manoeuvre within the site, this being the type of vehicles employed by Greggs/ McDonalds for their deliveries. It's noted that transport officers requested a swept path analysis for artic lorries, however given the scale of development, operational use, and storage capacities within the structures, it is unlikely that such vehicles would be used. As per McDonald's Appeal mentioned above (ref. 3131829), the inspector was satisfied that by ensuring that deliveries would be made by nothing larger than a 14.5m articulated HGV and restricted to specific times, there would be no unacceptable harm to highway safety.
- 5.119 In addition to the above, a delivery management plan could be secured via condition to ensure that deliveries to the development would be undertaken safely. Subject to this plan being worded to enable it to be effectively implemented by other potential users of the proposed development and the condition enforced as with other management conditions to ensure that the deliveries and servicing would be carried out safely, no objections are raised.
- 5.120 Conditions should also be attached to ensure the parking areas are fully complete prior to first occupation so to prevent any parking on the highway. A condition to ensure that a Travel Plan is implemented in accordance with approved targets is in the interests of promoting sustainable means of transport, including the use of public transport, cycling and walking should also be attached. A Construction Management Plan is also requested to ensure the development is constructed with regards to local safety and highway users.

Ecology

- 5.121 An Ecological Impact Assessment (EclA) report has been submitted (The Environment Partnership, May 2022). The EclA report refers to a previous EclA undertaken by The Landmark Practice in 2019 and that report has not been submitted for review with this application, and therefore has not been reviewed.

Designated sites for Nature Conservation (European Sites, SSSI's and local sites (Sites of Nature Conservation Interest or Regionally Important Geological Sites)

- 5.122 The site is not covered by any ecological designations.

Habitats (including habitats of principle importance (Priority Habitats) Section 41 Natural Environment and Rural Communities (NERC) Act 2006:

- 5.123 The EclA includes the results of a survey undertaken in February 2022. At this time, the habitats on site were described as comprising of bare ground with

ephemeral mix, nonpermanent standing water, planted hedgerows, dense/continuous scrub, and tall ruderal vegetation. The EclA recommended a Construction Environmental Management Plan (CEMP) be produced to reduce potential impacts to surrounding habitats, and this can be provided prior to commencement. The EclA also noted that a planting scheme has previously been approved under granted planning permission for the wider site area. Any amendments to the proposed planting are to be submitted to the Local Planning Authority (LPA) for review and approval, prior to commencement.

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

Bats

- 5.124 The trees on site were assessed as being unsuitable to support roosting bats, as none had any potential roost features. The site was also described as being of low commuting/foraging value partly due to the close proximity to major roads and surrounding industrial/residential areas. A sensitive lighting scheme should be provided to the LPA for review, prior to commencement.

Great Crested Newts

- 5.125 A desk study was undertaken to support the EclA and no great crested newt (GCN) records were returned within 2km of the site and one common frog record was returned. The site had areas of non-permanent standing water, but no permanent waterbodies. The EclA report noted that the non-permanent water was unsuitable to support breeding GCN, and the site was also isolated from any suitable waterbodies within 500m of the site by large, major roads which would act as a dispersal barrier. The mitigation measures outlined in the EclA are to be expanded on in the form of a precautionary working measures method statement (PMMMS) which can be provided as a standalone document, or part of the CEMP. This is to be submitted to the LPA for review, prior to commencement.

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

Birds

- 5.126 The trees and scrub habitat offered potential nesting opportunities for birds. Appropriate mitigation measures are outlined within the EclA report. These can be expanded on in the CEMP, and an enhancement plan is to be provided prior to commencement to include bird boxes as ecological enhancement features.

Reptiles

5.127 The site offered very limited suitable habitat for reptiles and was isolated from suitable habitat in the wider area. Appropriate mitigation measures are outlined in the EclA, and these are to be expanded on in the form of a CEMP.

Badgers protected under the Badger Act 1992:

5.128 The site was assessed as being largely unsuitable for foraging badgers, and unsuitable to support badger setts. The mitigation measures outlined in the EclA are to be expanded on in the form of a CEMP.

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

Hedgehog

5.129 The habitats on site offered some suitable foraging and sheltering opportunities for hedgehogs. Appropriate mitigation measures are included within the EclA and are to be expanded on in the CEMP.

Invertebrates

5.130 The habitats on site, in particular the embankment of dense bramble scrub in the south of the site, provide limited breeding, foraging, and sheltering opportunities for invertebrates. The proposed development could incorporate enhancement features for insects such as bug hotels/bee bricks.

5.131 In conclusion, the submitted information demonstrates that the impact of development would not result in the loss or deterioration to habitats or species. Subject to the conditions referenced above, compliance with policy PSP19 and the provisions of the NPPF is achieved.

Sustainability

5.132 The proposed development would incorporate onsite and low carbon energy generation, inclusive of air source heat pumps, in addition to solar panels on the Mc Donald's. Four electric vehicle charging provisions would also be provided within the central parking area, with duct work installed to increase the number of points when required. The environmental performance of the building is covered by building regulations, as thus advice from central government is that policy should not be overlapped.

Flooding and Drainage

5.133 The development site is located within Flood Zone 1, this being an area which is least susceptible to flooding. Foul and storm water disposal would be connected to the existing local drainage system.

Environmental Protection

- 5.134 The submitted noise assessment has been reviewed, with the findings and recommendations acceptable. Subject to a condition restricting the noise rating level, no objections are raised. Following review of the odour assessment, no objections are raised. If odour becomes a problem in the future, the council's environmental protection team can be contacted of whom will be able to take appropriate action.
- 5.135 The following reports relevant to the potential for contamination have been submitted with the application:
- GIP Ltd, Phase I Geoenvironmental and Geotechnical Report for a Proposed Commercial Development at Emersons Green, Bristol Ref KCD/28099A, dated 24th May 2019; and
 - GIP Ltd, Phase II Ground Investigation Report for a Proposed Commercial Development at Emersons Green, Bristol Ref KCD/28099B, dated 19th June 2019.
- 5.136 The reports comprise a comprehensive desk study and ground investigation in line with current best practice and guidance and includes an appropriate conceptual model.
- 5.137 No significant contamination of soils or groundwater was identified. The results of ground gas monitoring did identify a potential low risk from carbon dioxide and the report recommends precautionary gas protection measures in line with CS2 (characteristic situation 2). Subject to the condition of a remediation and verification strategy to ensure that the low risk from ground gases at the site and its mediation is suitable for its proposed use and in accordance with policy PSP21, no objections are raised.

Planning Balance

- 5.138 Upon review of the history of the site, it has been established through previous applications that the originally proposed office use of the site is not required, with the site laying unoccupied and development since its original allocation under the 1992 outline consent. Evidence to deviate from the former permitted use was accepted under the 2019 application, granting permission for a public house to occupy the site. This forms a material consideration in recognising that an alternative use, beyond that of an office can be considered acceptable in the location, subject to the relative tests.
- 5.139 The proposed development would provide 2no drive-thru units which would provide hot and cold food and drinks, to be eaten on and off the premises. Whilst it could be argued that the Gregg's is a bakery and the Mc Donald's is a café, thus falling under Class E, due to the drive-thru element, which is at the centre of the proposals, the proposed uses are regarded as Sui Generis. Nonetheless, the use is regarded as a town centre specific use and should be in such a location unless no sequentially preferable sites, are available. Several

errors were highlighted within the applicants' sequential test, however following officer review of the assessment methodology and available sites, the sequential test is passed. This provides significant weight in favour of the proposal.

- 5.140 With regards to its location, the proposed development would mainly be targeting two specific groups. The first would be those working/ visiting the commercial area, of whom it's not unreasonable to assume most journeys would be made by foot. The second group would be from motorists passing close by, and thus would provide a convenient stopping opportunity. Whilst the overall design is geared towards the private car, which is seen as the least sustainable form of transport, in spatial terms given the location of the ring road, it does provide a practical service. A further and more limited group of users would be from the built-up area to the south. Albeit the existing ring road (A4174) does not provide an attractive pedestrian link to the site, forming a busy 5 lane highway on approach to the roundabout – this being the only pedestrian crossing. Taking both these factors into consideration, this attracts a neutral weight in the decision.
- 5.141 With regards to design, and following amendments to the appearance of the Gregg's unit, the appearance of both buildings would complement the neighbouring developments and preserve the character and context of the area. Whilst the choice of ancillary structures could be improved, such as the matching of tables, barriers etc, these elements would not result in significant adverse harm to the development as a whole. This attracts a neutral weight in the decision.
- 5.142 In terms of landscaping and ecological improvements, 22 trees would be provided in addition to 105m of native hedgerow, with new grassed areas, shrub planting, and ecological habitat features. Whilst the comments of the landscape office are noted with regards to the site layout and the dominance of parking in the central areas, a betterment would be gained when viewed against the long-term appearance and absent use of the site. This attracts a moderate weight in favour of the proposal.
- 5.143 The proposed development would provide 34 full-time jobs and 97 part-time jobs, for which are located within a sustainable location. This attracts substantial weight in favour of the proposal.
- 5.144 The proposed operators are stigmatised for providing unhealthy food options. However, it is known that healthy options are also available at the proposed outlets, with consumers available to make their own choice as to their dietary preferences. Notwithstanding this, there are no exclusion zones for this type of development within the council wide area, and as per the appeal referenced in

the above assessment, there is no evidence to demonstrate that the addition of two proposed units would have an adverse effect upon the health and wellbeing of residents. As such, no weight can be afforded to this matter.

5.145 With regards to the amenity impact of the development, it would not result in any harm to highway safety or to the living conditions of the nearest residents. Nor is there any evidence to suggest that the proposed development would attract anti-social behaviour. This bears a neutral weight in the balance.

5.146 In conclusion to the balancing exercise above, the benefits of the proposed development would outweigh those matters which provide a neutral or negative weight. The proposed development would therefore comply with the provisions of the local development and the NPPF, delivering on the environmental, economic, and sustainable objectives which form the main objectives in the presumption of sustainable development.

Consideration of likely impact on Equalities

5.147 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.

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

7. **RECOMMENDATION**

7.1 It is recommended that planning permission is GRANTED 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 development/works hereby permitted shall only be implemented in accordance with the documents/plans as set out in the plans list below.

Plans

- Proposed Master Site Plan, 2111-01 H (Received 19/5/2023)
- Proposed Elevations (Greggs), 2111-05 D (Received 19/5/2023)
- Proposed External Treatments (Greggs), 2111-06 G (Received 19/5/2023)
- Proposed Floor Plans (Greggs), 2111-08 D (Received 19/5/2023)
- Proposed Elevations (McDonalds), 2111-11 D (Received 19/5/2023)
- Proposed Elevations (McDonalds), 2111-12 D (Received 19/5/2023)
- Proposed Sections Plant Equipment, 2111-13 D (Received 19/5/2023)
- Proposed Floor Plans (McDonalds), 2111-14 B (Received 19/5/2023)
- Proposed Floor Plans (McDonalds), 2111-15 C (Received 19/5/2023)
- Proposed Roof Plan (McDonalds), 2111-16 F (Received 19/5/2023)
- Proposed Furniture, Barriers, and External Treatments (McDonalds) 2111-17 F (Received 19/5/2023)
- Proposed Furniture, Barriers, and External Treatments (McDonalds) 2111-18 D (Received 19/5/2023)
- Landscape Layout, EMGrn01 F (Received 19/5/2023)
- Drainage layout 8210938-DR-1200-P5
- External Site Plan Lighting Layout, 020-04-E-01 T4 (Received 19/5/2023)
- Roof Solar PV Panels Layout, 8984 M 1010A (Received 19/5/2023)
- Standard Patio Area Supporting Specification Document (Received 10/2/2023)
- Goal Post Height restrictor and COD/ Canopy Document (Received 10/2/2023)
- Play Frame, E11-003 (Received 10/2/2023)
- Greggs Plant
- McDonalds Plant
- Site Location Plan 2111-00 D (Received 16/2/2023)

Documents

- Ecological Impact Assessment V2 03/05/2022 (Received 13/2/2023)
- Energy Statement (May 2023) Rev 3 04/05/2023 (Received 19/5/2023)

- Climate Resilience and Overheating Note 6874/03/CF 04/05/2023 (Received 19/5/2023)
- Flood Risk Assessment 005_8210938_BW Issue 5 27 January 2023 (Received 10/2/2023)
- Phase I Geo-Environmental and Geotechnical Report KCD/28099A 24/05/2019 (Received 13/2/2023)
- Phase II Ground Investigation Report KCD/28099B 19/06/2019 (Received 13/2/2023)
- Environmental Noise Impact Assessment Report February 2022 (Received 13/2/2023) (Received 10/2/2023)
- Odour Control Assessment (March 2022) Rev 00 (Received 10/2/2023)
- Transport Statement (November 2022) 2022/6584/TS01 (Received 10/2/2023)
- Framework Travel Plan (May 2023) 2022/6584/FTP01 (Received 19/5/2023)
- Light Spillage Report 020-04 17/03/23 (Received 19/5/2023)

Reason

To define the terms and extent of the permission.

3. No development shall take place, including any works of demolition, until a Construction Management Plan (CMP) has been submitted to, and approved by the local planning authority. The approved CMP shall be adhered to throughout the construction period for the development and shall provide for: i) the parking of vehicles of site operatives and visitors; ii) routes for construction traffic; iii) hours of operation; iv) measures for the protection of pedestrians and cyclists; v) arrangements for turning vehicles; vi) temporary traffic restrictions; and vii) measures to prevent mud being carried onto the highway.

Reason

To ensure the free flow of the surrounding highway networks in accordance with PSP11 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) 2017.

4. Notwithstanding any annotations on the approved plans, sample panels of all the external materials and finishes to the buildings (demonstrating coursing, jointing and pointing to the masonry), hard paved surfaces, and all other external surfacing materials, shall be erected on site and approved in writing by the local planning authority before the relevant parts of the work are commenced, unless otherwise agreed by the local planning authority. The development shall be completed in accordance with the approved details.

Reason

To prevent remedial action and to ensure the outcome is representative of the highest standards of design in accordance with policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted); 2013 and the National Planning Policy Framework.

5. A) Remediation Strategy - The GIP Ground Investigation report dated June 2019 identified a low risk from ground gases and recommended precautionary gas protection measures equivalent to CS2. Prior to commencement of development, details of the proposed gas protection measures shall be confirmed and agreed by the local planning authority. The program of the works to be undertaken should be described in detail and the methodology that will be applied to verify the works have

been satisfactorily completed. The approved remediation scheme shall then be carried out prior to first occupation.

B) Verification Strategy - Prior to first occupation of the approved development, where works have been required to mitigate contaminants (under part A) a report providing details of the verification demonstrating that all necessary remediation works have been completed satisfactorily shall be submitted to and agreed by the Local Planning Authority.

C) Any contamination found during the course of construction that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found additional remediation and verification schemes shall be submitted to and approved the local planning authority. These approved schemes shall be carried out prior to first occupation.

Reason

To prevent remedial action and in order to ensure that the low risk from ground gases at the site and its mediation is suitable for its proposed use and in accordance with policy PSP21 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan Adopted November 2017 and the National Planning Policy Framework.

6. No individual unit hereby permitted shall be occupied or the use hereby permitted commenced until the refuse store, and area/facilities allocated for storing of recyclable materials have been completed in accordance with the approved plans. Thereafter, all refuse and recyclable materials associated with the development shall either be stored within this dedicated store/area as shown on the approved plans or internally within the building. No refuse or recycling material shall be stored or placed for collection on the public highway or pavement, except on the day of collection.

Reason

In the interests of public health, highway safety, visual amenity, to comply with policies PSP1 and PSP11 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) 2017, policies CS1 and CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) 2013, and the provisions of the NPPF.

7. No individual unit hereby permitted shall be occupied or the use hereby permitted commenced until the vehicle parking and servicing areas have been completed in accordance with the approved plans; and thereafter these areas shall be kept free of obstruction and available for the parking of vehicles and/or servicing associated with the development.

Reason

To ensure sufficient levels of parking and in the interests of highway safety, to comply with policies PSP11 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) 2017 and policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) 2013, and the provisions of the NPPF.

8. No individual unit hereby permitted shall be occupied or the use hereby permitted commenced until the cycle parking provision shown on the approved plans has been

completed; and the cycle provision shall be available for the parking of cycles thereafter.

Reason

To ensure sufficient levels of cycle parking is provided and to comply with policies PSP11 and PSP16 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) 2017, policies CS1 and CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) 2013, and the provisions of the NPPF.

9. The approved scheme shall be implemented so that planting is carried out no later than the first planting season following the occupation of the building, commencement of use or the completion of the development whichever is the sooner. All planted materials shall be maintained for five years and any trees, plants or shrubs removed, dying, damaged or diseased within that period shall be replaced in the next planting season with others of similar size and species to those originally required to be planted unless the local planning authority gives consent to any variation.

Reason

To ensure a high quality of landscaping, to comply with policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) 2013, policies PSP1, PSP2, PSP3 and PSP19 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) 2017, and the provisions of the NPPF.

10. Prior to the formation of the central parking area and tree pits, details of the central tree pits must be submitted to the council for approval. The soil rooting volume must be a minimum of 20m³ per tree (note: the best way to achieve this is using a cellular soil system under the hard surfacing). The proposal must then be implemented in strict accordance with the approved details.

Reason

To ensure a high quality of landscaping, to comply with policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) 2013, policies PSP1, PSP2, PSP3 and PSP19 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) 2017, and the provisions of the NPPF.

11. The use hereby permitted shall not commence until a Management Plan providing details of how litter, antisocial behaviour and use of external areas shall be managed has been submitted to and approved by the local planning authority. The development shall thereafter only be operated in accordance with the approved Management Plan.

Reason

To ensure a high quality environment, safe and welcoming environment, to comply with policies PSP1, PSP8 and PSP21 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) 2017, policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) 2013, and the provisions of the NPPF.

12. The Rating Noise Level from the plant shall not exceed the pre-existing LA90 Background, when measured and assessed in accordance with the BS 4142 as amended.

Reason

To ensure a high quality environment, safe and welcoming environment, to comply with policies PSP1, PSP8 and PSP21 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) 2017, policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) 2013, and the provisions of the NPPF.

13. The development shall proceed in strict accordance with the Mitigation Measures provided in the Ecological Impact Assessment report (The Environment Partnership, May 2022)

Reason

To ensure the works are carried out in an appropriate manner and in the interests of wider biodiversity. To accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and Policy PSP19 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted (2017) and the National Planning Policy Framework. With further regard to the species protected under the Conservation of Habitats & Species Regulations 2017 ('European Protected Species) and Wildlife & Countryside Act 1981 (as amended).

14. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall be written in accordance with BS42020, including mitigation details on bats, birds, reptiles, hedgehog, badger and amphibians (including a precautionary working measures method statement (PWMMS) for great crested newts), as well as any pollution prevention measures. The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed by the local planning authority.

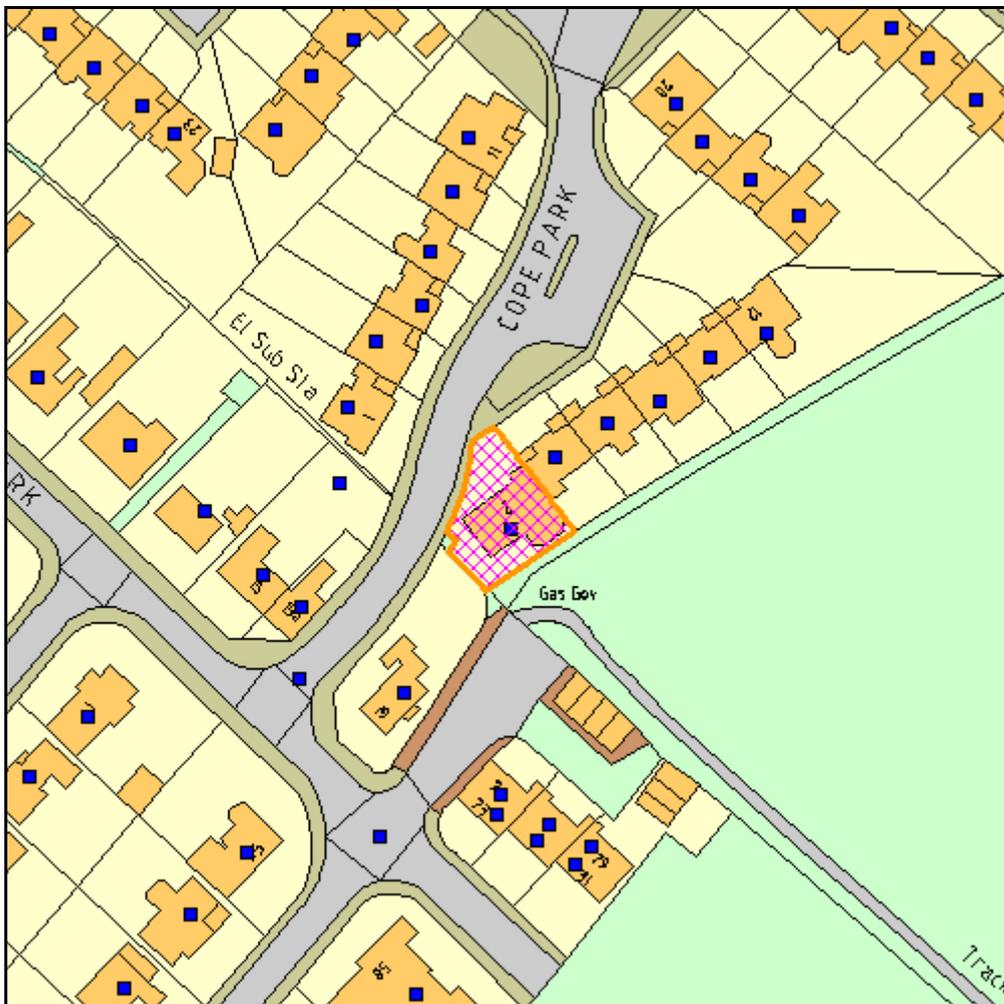
Reason

To ensure the works are carried out in an appropriate manner and in the interests of wider biodiversity, and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and Policy PSP19 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted (2017) and the National Planning Policy Framework. With further regard to the species protected under the Conservation of Habitats & Species Regulations 2017 ('European Protected Species) and Wildlife & Countryside Act 1981 (as amended).

Case Officer: Thomas Smith
Authorising Officer: Suzanne D'Arcy

CIRCULATED SCHEDULE NO. 25/23 -23rd June 2023

App No.:	P23/00596/F	Applicant:	Mrs Gay
Site:	2 Cope Park Almondsbury South Gloucestershire BS32 4EZ	Date Reg:	2nd March 2023
Proposal:	Sub-division of existing dwelling to form 2 no. dwellings with vehicle and cycle parking, bins stores and associated works.	Parish:	Almondsbury Parish Council
Map Ref:	361143 184251	Ward:	Severn Vale
Application Category:	Minor	Target Date:	26th April 2023



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P23/00596/F

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

REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

The application appears on the Circulated schedule because a response has been received from the Parish Council which, whilst not explicitly objecting to the proposals, could reasonably be construed as being contrary to the officer recommendation and findings of this report.

1. THE PROPOSAL

- 1.1 Planning permission is sought for the sub-division of existing dwelling to form 2no. dwellings with parking, bin stores and associated works.
- 1.2 The application site is a previously extended residential dwelling within the Almondsbury settlement boundary, which is 'washed over' by the Bristol/Bath Green Belt.
- 1.3 During consideration, revised plans have been accepted to adjust the layout in response to officer concerns and comments of the highways officers. Changes include rationalising the amenity space layout and amending the rear fenestration.

2. POLICY CONTEXT

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

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

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

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

PSP1	Local Distinctiveness
PSP7	Development in the Green Belt
PSP8	Residential Amenity
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP20	Flood Risk, Surface Water, and Watercourse Management

PSP38	Development within Existing Residential Curtilages
PSP39	Residential Conversions, Subdivision, and HMOs
PSP43	Private Amenity Space Standards

- 2.3 Supplementary Planning Guidance
 Development in the Green Belt SPD (Adopted) June 2007
 Design Checklist SPD (Adopted) August 2007
 Residential Parking Standard SPD (Adopted) December 2013
 CIL and S106 SPD (Adopted) March 2015
 Waste Collection SPD (Adopted) January 2015 (updated March 2017)

3. RELEVANT PLANNING HISTORY

- 3.1 PT11/1233/F (permitted development 14/06/2011):
 Conversion of part of garage to create ancillary residential annexe.
- 3.2 PT04/3504/F (approved 09/12/2004):
 Erection of two storey side extension to form double garage with additional bedroom and en-suite facilities over.
- 3.3 PT01/2620/PDR (no objection 18/10/2001):
 Erection of rear conservatory.
- 3.4 P95/0741/D (permitted development 17/11/1995):
 Change garage into living space.

4. CONSULTATION RESPONSES

- 4.1 Almondsbury Parish Council
 Parish Council has concerns over the overdevelopment of the area/site. Note transport officer comments.
- 4.2 Transport
 Conditions recommended. Suggest re-locating the cycle store for the new dwelling so that it can be used when the parking space is in use.
- 4.3 Highway Structures
 No comments have been received.
- 4.4 Drainage (LLFA)
 No objection.
- 4.5 Local Residents
 1no. general comment has been received:

No issues with the application however must register concern over parking given consent has been given to separation of nearby homes along with new household being created at beginning of Cope Park that has resulted in increased roadside parking at the junction of Cope & Florence Park that has resulted in increased pavement parking at or around the junction. Would also want to understand where the dropped

kerbing would begin and end to facilitate the parking so as not to impinge on neighbouring driveway.

5. ANALYSIS OF PROPOSAL

- 5.1 Planning permission is sought for the sub-division of existing dwelling to form 2no. Dwellings with parking, bin stores and associated works.

Principle of Development

- 5.2 The application site is within a designated settlement boundary. Policy CS5 directs new development to urban areas and settlements as designated by the policies map. Given the location, the development proposed accords fully with the spatial strategy set out in CS5.

- 5.3 The application relates to the subdivision of an existing residential dwelling, and so PSP39 is also relevant. PSP39 is supportive of the conversion or subdivision of existing residential buildings into smaller units provided that they:

- *Do not harm the character or amenity of the area*
- *Do not prejudice the amenity of neighbours*
- *Provide adequate amenity space*
- *Provide parking in accordance with the Council's standards.*

- 5.4 The site falls within the Green Belt, which is an area within the district where development is strictly controlled. As set out in the NPPF (para. 137), the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Local plan policy CS34 instructs that the designated Green Belt should be protected from inappropriate development. As noted by the NPPF, Inappropriate development is, by definition, harmful to the Green Belt, and should be approved unless very special circumstances can be demonstrated.

- 5.5 Paragraph 149 of the NPPF sets out that new buildings should be regarded as inappropriate in the Green Belt, save for in a limited number of exceptions. Para. 149 sets out a closed list of development that is appropriate, some of which are qualified exceptions, and some are unqualified. The development relates to the alteration of an existing dwelling through subdivision, and so would fall under para.149 (c) which permits extensions or alterations, provided they do not result in disproportionate additions. The development would not add any built volume to the site and instead relates to internal alteration and subdivision of the site. This would not result in any disproportionality and so the development would be appropriate in the Green Belt.

- 5.6 As above, the development is acceptable in principle, subject to the following consideration.

5.7 Design and Visual Amenity

The host dwelling has been extended in the past with a substantial two storey side extension which follows the existing ridge and eaves line, giving the impression of a continuation of the building Westward. The proposed

- development would see a new front door added to the existing extension, to facilitate the formation of two dwellings. This would require re-configuration of the site to the rear to remove an existing conservatory and provide amenity space for both dwellings. The existing would retain a section to the rear, whilst the new (second) dwelling (2A) would have its amenity space wrap around the rear/side.
- 5.8 Overall, the changes are modest and do not appear out of character with the area. The development would result in a semi-detached pair which is different to the existing link detached arrangement that characterises this part of Cope Park, however semi-detached and terraced dwellings are not alien to the immediate locality. Overall, there are no design or visual objections and the development accords with CS1, PSP1 and PSP39 in regards to impacts on the character and amenity of the area.
- 5.9 Residential Amenity
PSP8 permits development where it does not prejudice the residential amenity of both occupiers of the development and of neighbouring dwellings through the creation of unacceptable impacts. Such unacceptable impacts include loss of privacy, overlooking, loss of light, loss of outlook and overbearing/dominant impacts.
- 5.10 As there would be no built additions, there would be no physical impacts to consider with regards to neighbouring occupiers. Internally, both dwellings broadly accord with the nationally described space standards for their respective size, although it is noted that bed 3 for the existing dwelling (no.2) would fall just over 1sqm below the required standard for a single bedroom. Needless to say, this alone would not justify a refusal on amenity grounds. All primary habitable rooms would be provided with sufficient light and outlook through front and rear openings.
- 5.11 In terms of private amenity space, PSP43 sets out guidance for private amenity space at 60sqm for a 3-bed dwelling and 50sqm for a 2-bed dwelling. Consideration is also required as to the quality and usability of the amenity space. The new dwelling (2A) would be provided with 60sqm, which exceeds the PSP43 guide. The amenity space for 2A would be located to the side and rear and, having regard to the layout and boundary treatment, would be sufficiently private and useable/enjoyable for future occupants. The amenity space for the new dwelling at 47sqm falls below the 60sqm guide set out in PSP43 (12 sq. meter shortfall). Originally this was not the case, however the amenity space layout appeared contrived and would not be sufficiently private. Officers have therefore considered a pragmatic approach where a more natural boundary alignment is created and so whilst there would be some shortfall in quantum, the private amenity space provided would be of good quality and would be sufficiently useable/enjoyable for future occupants. The rear first floor window for no.2A would partially overlook the amenity space of no.2, and so this is to be obscured which can be secured by condition. As a secondary window to the main bedroom, this would not result in any amenity concerns in itself. The large conservatory would need to be removed as shown on the plans to ensure that the new amenity space for no.2 is provided, and this (and the above obscure glazing) should be ensured by condition, should permission be

- granted. Having regard to the fact there is an amenity space shortfall, it would also be prudent to remove permitted development rights for no.2 and 2A to ensure a continued provision of acceptable amenity space. This is the same approach taken at the nearby 56 Cope Park (ref. P21/02648/F), which has consent to be subdivided to form 2no. Dwellings.
- 5.12 Subject to the above, there are no objections to the development on grounds of residential amenity.
- 5.13 Transport
The site is located within a settlement boundary and so can be regarded as being within an appropriately sustainable location, in terms of relationship to key services and facilities by means other than the private car.
- 5.14 No.2 would require 2no. spaces as a three bed dwelling whilst no.2A would require 1no. space to accord with PSP16. Both dwellings are correctly provided with this level of parking, as noted by the highways officer. No objection has been raised to the parking arrangements, and the location of the cycle store has been re-located in line with highways officer comments to ensure that it is useable when the parking space is in use. Further to the above, the development is acceptable in parking and highways terms. Should permission be granted, conditions would be required to ensure the provision of the parking arrangements (inc. the use of consolidated material for the surface) and to ensure that the crossover is revised to serve both parking spaces with redundant crossover re-instated to a full height kerb. It is noted that a condition is recommended to secure an electric vehicle charging point. However, as this is covered by building regulations and in line with the approach taken by Inspectors recently, such a condition would not be necessary.
- 5.15 A comment is noted regarding parking concerns and increased on street parking. As the development meets its own needs and accords with parking standards, there would be no sustainable grounds on which to resist the development. The location of dropped kerbing would need to be located in front of the proposed parking areas, and final details of this would be addressed through the required application to the local highway authority (SGC Street Care).

Impact on Equalities

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

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

6. **CONCLUSION**

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

6.2 The recommendation to **grant** permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017 set out above, and to all the relevant material considerations set out in the report.

7. **RECOMMENDATION**

7.1 It is recommended that permission is **GRANTED** subject to the following conditions:

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 new dwellings shall not be occupied until the vehicle and cycle parking arrangements as detailed on plan 22/0419/011-D (proposed plans, as received 20th June 2023) have been provided in full, and shall be retained thereafter. For the avoidance of doubt, the parking spaces for both no.2 and 2A Cope Park shall at all times be surfaced in a consolidated material with no loose surface (e.g., chippings or gravel).

Reason 1

To ensure a satisfactory level of parking is provided in accordance with PSP16 of the South Gloucestershire Local Plan: Policies Sites and Places Plan (Adopted) November 2017.

Reason 2

To prevent loose material being tracked onto the highway, in the interest of highway safety and to accord with PSP11 of the South Gloucestershire Local Plan: Policies Sites and Places Plan (Adopted) November 2017.

3. The new dwelling hereby approved (no.2A) shall not be occupied until the existing vehicle crossover (dropped kerbs) have been revised to provide access into the parking spaces for no.2 and 2A. This shall be by means of two separate crossovers, and any redundant crossover shall be reinstated to a full height kerb.

Reason

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

4. The new dwelling (2A) shall not be occupied as such until the first floor window serving the 'study' area and as indicated on the proposed elevations (22/0419/012D, as received 20th June 2023) has been fitted with obscure glazing to Pilkington level 3 or above, with any opening part being at least 1.7 metres above the finished floor level from the room in which it is fitted. The obscure glazing shall be retained thereafter.

Reason

To ensure that the private amenity space for 2A is sufficiently private and to accord with PSP8 and PSP43 of the South Gloucestershire Local Plan: Policies Sites and Places Plan (Adopted) November 2017.

5. The new dwelling (2A) shall not be occupied as such until the existing conservatory at no.2 has been removed and shall remain removed in perpetuity.

Reason

To ensure that sufficient private amenity space for no.2 is provided in accordance with PSP43 and PSP39 of the South Gloucestershire Local Plan: Policies Sites and Places Plan (Adopted) November 2017.

6. Notwithstanding the provisions of Schedule 2 of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no development as specified in Part 1 (Classes A, AA, B and E), other than such development or operations indicated on the plans hereby approved, shall be carried out to either dwelling without the prior written consent of the Local Planning Authority.

Reason

In light of the constrained nature of the plot(s), this condition is necessary in the interest of visual amenity and to ensure that both dwellings retain an appropriate level of private amenity space in accordance with PSP43 and PSP39 of the South Gloucestershire Local Plan: Policies Sites and Places Plan (Adopted) November 2017.

7. Development shall be implemented in accordance with the following plans:

22/0419/002 - existing floor plans

22/0419/003 - existing elevations

As received 13th February 2023

22/0419/001A - existing site location and block plan

22/0419/010A - proposed block plan

As received 1st March 2023

22/0419/012D - proposed elevations

22/0419/011D - proposed plans

As received 20th June 2023

Reason

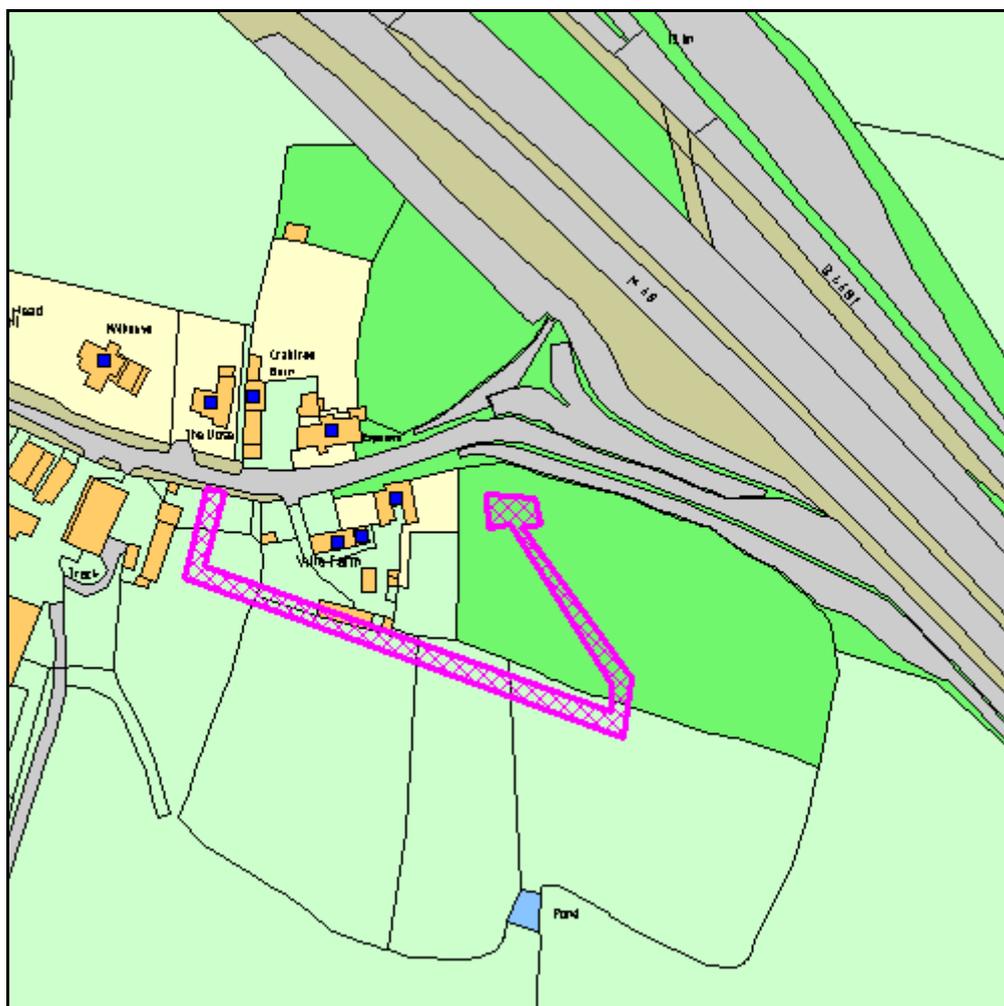
To define the exact terms of the permission.

Case Officer: Alex Hemming

Authorising Officer: Suzanne D'Arcy

CIRCULATED SCHEDULE NO. 25/23 -23rd June 2023

App No.:	P23/01326/F	Applicant:	Mr D. Sheasby
Site:	Land At Villa Farm Main Road Aust South Gloucestershire BS35 4AX	Date Reg:	13th April 2023
Proposal:	Erection of 1 no. agricultural building for the storage of fodder and machinery.	Parish:	Aust Parish Council
Map Ref:	357675 188902	Ward:	Severn Vale
Application Category:	Minor	Target Date:	7th July 2023



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P23/01326/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 an objection from the parish council, contrary of the officer recommendation detailed below.

1. THE PROPOSAL

- 1.1 The application seeks planning permission for the erection of 1 no. agricultural building at Villa Farm, Aust (Agricultural Holding no. CPH34/489/0124). The proposed barn would measure 18m x 12m in area, 5.1m to ridge and 3.7m to eaves. It would be used for the storage of fodder (up to 85 bales per annum), machinery and ancillary equipment relating to the enterprise.
- 1.2 The application site is located within a rural location and is washed over by the Bristol and Bath Green Belt, and is within close location to a Grade II listed farmhouse.
- 1.3 This application forms a resubmission of the withdrawn application ref. P22/03957/PNA. The reason for withdrawal followed that the area of land was found to be 4.9ha, 0.1ha below the minimum threshold. In addition the required ecological and archaeological conditions could not be attached due to the application type.
- 1.4 Following officer discussions with the applicant, the eaves have been reduced to a height of 3m, and the ridge reduced to a height of 4.6m.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework
- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013
CS1 High Quality Design

CS5	Location of Development
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
PSP7	Development in the Green Belt
PSP17	Heritage Assets and the Historic Environment
PSP20	Flood Risk Management
PSP29	Agricultural Development

2.3 Supplementary Planning Guidance
Design Checklist SPD (Adopted)

3. RELEVANT PLANNING HISTORY

- 3.1 P22/03957/PNA. Withdrawn, 6/1/2023
Prior notification of the intention to erect 1 no. agricultural building for the storage of fodder and machinery.
- 3.2 Further planning history exists for the site, however it is not considered relevant to the assessment of this application.

4. CONSULTATION RESPONSES

- 4.1 Aust Parish Council
Objection.

“The proposed building is still sited on the hill and will be visually intrusive. The council also believe that the size of the proposed building is excessive in relation to the size of the smallholding.”

Other Consultees

- 4.2 Sustainable Transport
No objection.

4.3 Lead Local Flood Authority

No objection.

4.4 Ecology

No objection.

4.5 Tree Officer

No objection subject to Arboricultural Report and Tree Protection Plan.

4.6 Archaeological Officer

No objection, Archaeological Watching Brief required.

4.7 Conservation Officer

Concern regarding grouping away from the association farm complex.

Other Representations

4.8 Local Residents

One letter of objection has been received, the key points are summarised below:

- History of flooding and run-off;
- Previous drainage works not implemented;
- Earth works have been undertaken behind Villa Farm, with the spoil deposited on the application site;
- Unstable bank to the rear of the site;
- Barn too large for the holding size;
- Inaccuracies in the scale of the barn in the PEA;
- Change the setting of the village;
- Site has been disturbed from new spoil – why has archaeological monitoring been proposed?; and
- Harm to Green Belt.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

This application seeks retrospective planning permission for the erection of an agricultural barn. The principle of development rests on compliance with Green Belt policy, in addition to the related agricultural and ecological policies

contained within the local development plan. Other material considerations include that of design, amenity, landscaping and flood risk.

Location

- 5.2 Paragraphs 145 and 146 of the NPPF restrict development within the Green Belt, however buildings for agricultural are regarded as appropriate forms of construction.
- 5.3 Policy PSP29 also allows for agricultural development, provided that there are no existing, underused buildings reasonably available, and that the proposal is reasonably necessary for the purposes of the use and is designed as such.
- 5.4 The first limb of policy PSP29 is met as there are no existing buildings for such a use on site. From visiting the site, it was clear that there were no existing buildings capable of supporting the growing enterprise and that a new building is reasonably necessary.
- 5.5 Regarding the second test, the proposal must be reasonably necessary and designed for such purpose. The holding is undertaking a breeding programme of rare South African sheep and pygmy goats. The sheep numbers are due to increase on a seasonal basis to keep up with demand. Currently there are around 60 animals in total, expected to increase to around 90 at the end of the year, with increases over the following years. The animals are sold on, with the goats also used for well-being therapy programmes with individuals and charity organisations.
- 5.6 At the present time, the fields which are not used for grazing are cut by a local contractor, with the hay stored in a separate location and transported to the holding when required. The amount of hay cut is said to be up to 85 bales (2cu m) per annum. Due to the current lack of storage facilities, the applicant has stated that hay bales are brought in one at a time, for which is seen as being an unsustainable practice. Officers have no evidence to believe this is not the case.
- 5.7 In addition to using the barn for the storage of hay (allowing quantities to be stored in bulk), space would also be allocated for the storage of necessary equipment for land maintenance. The applicant has provided the following list of items requiring such storage, including: tractor, flail mower, roller, harrow, tipping trailer, animal trailer, loader with bucket, bale spikes, pallet forks, sheep hurdles, hard feed and electric fencing. An area of the barn would also be used

for lambing and as shelter during times of adverse weather conditions. With regards to the design, the barn is clearly designed for agricultural use. Whilst it is understood that the small scale of the land acts as a barrier and caps the overall productivity, the business case provided is logical in demonstrating that proposed barn is reasonably necessary in allowing, or at a minimum, attempting to assist, a commercially viable agricultural operation.

5.8 Subject to a building removal condition to ensure the future protection of the countryside, in addition to a condition to ensure the building remains part of the farming unit, so it cannot be sold-off/ rented as a separate entity, thus preventing cumulative harm to the character of the rural location, on balance, no objections are raised to the proposal.

5.9 Design in the landscape/Visual Impact

Policy CS1 of the Core Strategy seeks to ensure that development proposals are of the highest possible standards and design. This means that developments should have appropriate: siting, form, scale, height, massing, detailing, colour and materials which are informed by, respect, and enhance the character, distinctiveness and amenity of both the site and its context. Policy CS1 is fully compliant with design guidance in the NPPF. Policy PSP2 and CS34 seek to protect and enhance the landscape.

5.10 In terms of siting, the barn would be located within the field behind the farm complex. This forms a logical approach as it retains the scene of grouping of structures within the Green Belt, thus reducing the amount of sprawl for which policy seeks to prevent. Nonetheless, the main assessment is the visual impact at ground level. Officers have visited the site, and whilst the location is raised on a hill side, the land was not visible on approach through the village. On a highly localised level, the area was well concealed from outside views. Whilst the visit was undertaken during the summertime period, the boundary vegetation was substantially mature and would likely remain as such throughout the year. As the height of the structure has now been reduced, this would further lessen any possible impact to the surrounding landscape. With the proposal being outside of the root protection zone, no objections are raised in principle – however they would still require protection during the construction. As such, subject to the incorporation of tree protection in accordance with BS5837:2012, no objections are raised. The proposed development is therefore acceptable subject to conditions.

Impact to heritage asset

- 5.11 The proposed site for the structure is located to the east of the grade II listed Villa Farmhouse. The application site can also be considered to form part of the wider rural setting of the listed farmhouse. The grade II listed Esperanza is located to the north-west.
- 5.12 In the identification of the designated and/or non-designated heritage assets which are affected, or have the potential to be affected by the application proposal, the South Gloucestershire Historic Environment Record (HER) has been viewed. Where heritage assets are identified as affected, or have the potential to be affected, the information contained on the HER has been used in an assessment of their significance and consideration of the impact on that significance.
- 5.13 As can be seen in its current configuration, historically Villa Farmhouse benefited by a range of outbuildings to its immediate south/ south-west. These however have been sold off with the land subdivided.
- 5.14 The subdivision has also seen a new access road from the north (front), running along the western edge boundary before returning east to access the curtilage to the immediate south of the main farmhouse. With the former associated farmstead now being converted for residential use, the historic character of the setting of the farmhouse has changed significantly. The relevance of this for this application is that in light of the existing and potential further cumulative impact of any further development on the historic character and setting of the listed farmhouse, the case will need to be made to ensure that in light of paragraph 200 of the NPPF, there is “clear and convincing justification” for any potential harm as a result of the proposed scheme.
- 5.15 The historic farm land benefits from longstanding agricultural use, with an agricultural holding number provided to demonstrate as such. The track as previously proposed in the prior-approval application has now been removed, for which alleviates concern. With the building now moved to the western boundary of the field as previously advised, it would form part of grouping which is beneficial to the landscape setting. Whilst the structure is modern in its appearance, the impact is reduced by its lowered scale and screening for outside the site peripheries. Furthermore, it is not unusual to have modern agricultural close to a historic farmstead. With there being little to no indivisibility between the proposed barn and historic group of buildings, the

harm is considered to be less than significant, to the lower end of the spectrum. As harm has been identified, public benefits are required as directed by paragraph 202 of the framework, for which a clear and convincing justification must be provided.

5.16 In this instance, the proposed development would enable the progression of an agricultural enterprise, for which stems local economic benefits through the sale and breeding of livestock. Social public benefits would also arise through the goats being, in part, used for therapy and wellbeing purposes individuals and charity organisations. In undertaking the balancing exercise, the benefits stemming from the proposal are considered to outweigh the identified harm above.

5.17 With regards to archaeological remains, it's noted that spoil has been deposited on the site area. Nonetheless, this does not discount the potential for archaeological remains or artefacts to be discovered during the construction phase. As such, it is not unreasonable to condition the submission of an archaeological watching brief.

5.18 Residential Amenity

The application site is located away from any neighbouring residential properties and thus would not result in any unreasonable harm.

5.19 Transport

The proposed development would not result in a severe or unacceptable impact to highway safety.

5.20 Flooding and Drainage

The comments from the neighbour regarding run-off from the site are noted, however as a dedicated soakaway for the proposed barn would be provided, run-off from other areas of the site does not form a material consideration. Should matters of drainage be outstanding from other areas/ applications, this does not impact the matters of consideration for the proposal in hand. Comments regarding the land slips to the rear of the site are also noted, however following an officer visit, these were not visible and nor is there any evidence to demonstrate this is an impact from the existing activities on site.

5.21 Ecology

A Preliminary Ecological Appraisal (IES Consulting, March 2023) has been submitted. The site is very small and of low ecological value. Precautionary measures to protect off site habitats and species during the construction phase has been included within the report and should be adhered to. Inclusion of a bird box as an enhancement is welcomed.

5.22 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.

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

6. CONCLUSION

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

6.2 The recommendation to **Grant** permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

7.1 That planning permission is granted subject to conditions.

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.

Received by the council on 18th June 2023: Plans and Elevations (Revised).
Received by the council on 26th April 2023: Site Location Plan (Revised). Received by the council on 12th April 2023: Proposed Block Plan.

Reason

To define the terms and extent of the permission.

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

Reason

In 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.

4. Prior to the commencement of development and during the entire period of construction, the trees surrounding the site must be protected in accordance BS5837:2012. Should any trees, plants or shrubs be removed, die, become damaged or diseased within five years from the competition or first use of the development (whichever comes first) they shall be replaced in the next planting season with others of similar size and species as approved by the local planning authority.

Reason

To ensure a high quality of landscaping and the protection of trees, to comply with policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) 2013, policies PSP1, PSP2, PSP3 and PSP19 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) 2017, and the provisions of the NPPF.

5. Should the use of the building for agricultural purposes permanently cease, and if planning permission has not been granted, or has not deemed to be granted, for an alternative use, and there is no outstanding appeal, the building shall be dismantled and the materials shall be removed from the land. The land, so far as is practicable, must be restored to its former condition before development took place, or to such a condition as otherwise agreed by the Local Planning Authority.

Reason

To prevent unsustainable development, and to protect the character and appearance of the area and the rural location to accord with Policies CS1, and CS34, of the South Gloucestershire Local Plan: Core Strategy (Adopted) 2013; PSP1 and PSP2 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (adopted) 2017.

6. The building hereby granted permission, must only be used for agricultural uses in association with the land associated with Villa Farm, contained within the red and blue line of the site location plan. The building must not be let, sold, divided, or used as an independent unit away from Villa Farm and the associated land holding as indicated on the site location plan.

Reason

To prevent unsustainable and unnecessary cumulative development, to protect the character and appearance of the area and the Rural Location to accord with Policies CS1 and CS34, of the South Gloucestershire Local Plan: Core Strategy (Adopted) 2013; PSP1 and PSP2 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (adopted) 2017.

Case Officer: Thomas Smith
Authorising Officer: Marie Bath