

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. 09/19

Date to Members: 01/03/2019

Member's Deadline: 07/03/2019 (5.00pm)

The reports listed over the page form the 'Circulated Schedule' a procedure agreed by Council in July 2018. 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.

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 request in writing must be made in writing by at least two or more Members, not being Members of the same ward
- d) In addition, the request in writing must have the written support of at least one of the Development Management Committee Chair and Spokes Members
- e) 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
- f) Indicate whether you have discussed the application(s) with the Case Officer and/or Development Manager
- g) Indicate whether you have discussed the application(s) with ward Member(s) if the site is outside of your ward

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

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

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

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

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

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

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

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

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

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

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

c. All applications for non-material amendments

d. All applications to discharge planning conditions

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

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

Additional guidance for Members

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

When emailing your circulated referral request, please ensure you attach the written confirmation from the Supporting Member(s) and Supporting Chair or Spokes

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?

a) Referring Member:

b) Details of Supporting Member(s) (cannot be same ward as Referring Member)

c) Details of Supporting Chair or Spokes Member of the Development Management Committee

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:

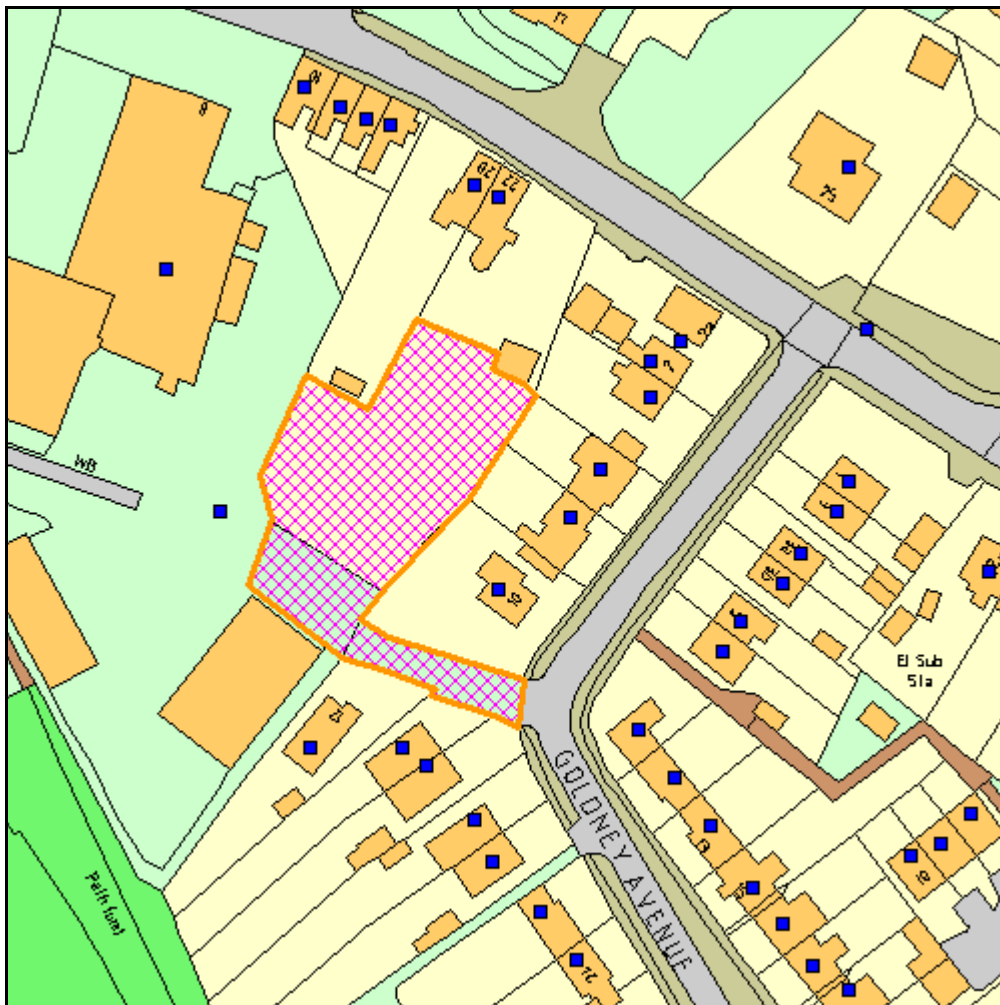
To be emailed to MemberReferral@southglos.gov.uk

CIRCULATED SCHEDULE - 01 March 2019

ITEM NO.	APPLICATION NO.	RECOMMENDATION	LOCATION	WARD	PARISH
1	P19/0229/F	Approve with Conditions	22 London Road Warmley South Gloucestershire BS30 5JB	Siston	Siston Parish Council
2	P19/0302/CLP	Approve with Conditions	Frogmore House Sheepfair Lane Marshfield South Gloucestershire SN14 8NA	Boyd Valley	Marshfield Parish Council
3	P19/0376/F	Approve with Conditions	2 Exley Close North Common South Gloucestershire BS30 8YD	Oldland	Bitton Parish Council
4	PT18/5299/F	Refusal	Merry Heaven Farm Old Gloucester Road Alveston South Gloucestershire BS35 3LQ	Thornbury South And Alveston	Alveston Parish Council

CIRCULATED SCHEDULE NO. 09/19 – 1 MARCH 2019

App No.:	P19/0229/F	Applicant:	Mr Trent
Site:	22 London Road Warmley Bristol South Gloucestershire BS30 5JB	Date Reg:	8th January 2019
Proposal:	Erection of 4 no. dwellings with associated works (Resubmission of PK18/5223/F).	Parish:	Siston Parish Council
Map Ref:	367311 173437	Ward:	Siston
Application Category:	Minor	Target Date:	4th March 2019



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 100023410, 2008. **N.T.S.** **P19/0229/F**

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

CIRCULATED SCHEDULE

This report appears on the Circulated Schedule following objection comments from the Parish Council and local residents.

1. THE PROPOSAL

- 1.1 The applicant seeks full planning permission for the erection of 4 no. dwellings with associated works. This is a resubmission of a withdrawn scheme for 6 houses on this site. f
- 1.2 The application site is land at 22 London Road, Warmley. It is therefore in the settlement boundary. The site borders part of an existing industrial estate. The main access into this industrial estate is off London Road but there is a secondary access to the rear of the site which is connected to Goldney Avenue. The proposed development would use this as its main access and its link to the industrial estate would be permanently blocked off.
- 1.3 Reference is made in the comments received from local residents to a scheme off Goldney Avenue (P19/0222/O). This scheme has been withdrawn.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework July 2018
National Planning 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
CS10	Minerals
CS12	Safeguarded Areas for Economic Development
CS13	Non-Safeguarded Economic Development Sites
CS15	Distribution of Housing
CS16	Housing Density
CS17	Housing Diversity
CS29	Communities of the East Fringe of Bristol

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

PSP1	Local Distinctiveness
PSP8	Residential Amenity

PSP9	Health Impact Assessments
PSP10	Active Travel Routes
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP21	Environmental Pollution and Impacts
PSP43	Private Amenity Space Standards

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted) 2007)

South Gloucestershire SPD: Residential Parking Standards (Adopted) 2013

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 | PK18/5223/F | Erection of 6no dwellings with parking and associated works.
Withdrawn | 19.12.18 |
| 3.2 | PK03/3777/F | Erection of 1no. detached dwelling. Constuction of new vehicular access
Refused | 28.1.04 |

Reason 1:

The proposal represents an unsatisfactory piecemeal form of backland development, tandem in character without proper road frontage and bearing no relation to the established pattern of development in the locality. The proposal is therefore considered to be contrary to Policy KLP67 of the adopted Kingswood Local Plan and Policies D1(A) and H4(A) of the South Gloucestershire Local Plan (Revised Deposit Draft).

Reason 2:

The development would lead to the creation of a substandard access by reasons of insufficient visibility onto London Road. The proposed new dwelling would lead to increased turning movements to and from a substandard access at a location where visibility is restricted and would thereby interfere with the safe and free flow of traffic on the A420 London Road, a classified road, all to the detriment of highway safety. This is contrary to Policies T12, H2 and H4 of the South Gloucestershire Council Local Plan (Revised Deposit Draft) and Policy KLP69 of the adopted Kingswood Local Plan.

Reason 3:

The site lies adjacent to A.Nicholls (Cow Mills) Ltd. an active commercial unit with associated car park. Insufficient information has been submitted to assess the impact of noise disturbance, air pollution, smell, dust or contamination, emanating from this site, on future occupiers of the proposed dwelling, in accordance with Policy KLP78 of the Kingswood Local Plan and Policies H2 and EP4 of the South Gloucestershire Local Plan (Revised Deposit Draft).

- 3.3 K691 Outline planning application for the erection of a pair of semi-detached dwelling houses with 4 garages on approx. 0.4 acres, construction of new vehicular and pedestrian access.
Refused 12.6.75
- 3.4 Other schemes referenced in the course of this application:
P19/0222/O Demolition of garages and erection of 7no. dwellings (outline) with access, appearance, layout and scale to be determined. All other matters reserved (resubmission of PK18/4221/O).
Withdrawn 21.2.19

4. CONSULTATION RESPONSES

4.1 Siston Parish Council

Objection:

Members are particularly concerned at issues raised by the proposal for a second site generating yet more vehicle movement on to a heavily congested part of Goldney Avenue.

It is felt such demands from four large family homes will seriously exacerbate problems regularly experienced by nearby householders.

It is considered the position and width of this private access road is seriously substandard and certainly not adequate to serve such a development. Your records should show that use of this route was conditioned for use by occasional vehicles exiting the industrial site only, due mainly to its position in Goldney Avenue and the effect on householders or other road users. Those few householders currently served by it will face new daily dangers by any permanent extension of such use.

All drivers turning left out of this site face much reduced turning space due to vehicles almost always being parked to the front of homes here, with this fact suggesting that special consideration be given to same.

Internal Consultees

4.2 Environmental Protection

No objection subject to a condition regarding contamination

4.3 Highway Structures

No comment

Statutory / External Consultees

4.4 Drainage

The application form states that surface water disposal will be dealt with via 'mains' which would be acceptable to us. However the 'Proposed site plan DRAINAGE' suggest that soakaways are going to be used? Therefore the confirmed method of surface water disposal is queried and clarity and confirmation on this matter is required.

If it is intended that the proposal's surface water disposable is to remain as one jointly shared soakaway for the two dwellings in plots 3 and 4 rather than individual soakaways for each dwelling, then it is requested that the submission

of an industry standard legally binding document which sets out how each dwelling owner will be made aware of the extent of its shared responsibility in relation to ownership and maintenance of the soakaway and its components for the lifetime of the development.

The document should also consider any future sale scenarios and how tentative purchasers will also be made aware of their jointly vested drainage asset.

Details of the maintenance regime should also be outlined within the document

Updated comments:

Following discussions with officers, SUDS details can be covered by condition

4.5 Sustainable Transport

No objection subject to conditions regarding the permanent stopping up of access into the industrial estate and the provision of on-site cycle and vehicle parking.

Other Representations

4.6 Local Residents

Letters from 17 local residents have been received. The points raised are summarised as:

Traffic:

- Volume of traffic using Goldney Avenue which is only 4.8 metres wide
- Non-residents already park here
- Estimate another 40-50 car movements
- No visitor spaces
- No room for refuse or emergency vehicles
- Pedestrian access and safety issues
- Too much traffic
- Will road be adopted by a private company and if this goes into liquidation who will be responsible for maintaining the road?
- Goldney Avenue is unfit for large vehicles
- 12 parking spaces for 4 houses is not within Government's parking standards
- All site traffic should use the Cow Mills access and not Goldney Avenue
- Proposed access is not wide enough to permit safe movement for 2 way traffic and provide safe pedestrian access

Design:

- Plans do not clearly show adjacent properties
- No soft landscaping or boundary fencing

Other matters

- Air quality – this is a SGC red zone
- Development is on a coalfield – more risk assessments should be carried out regarding shallow seams and entrances

- Site is an industrial site, currently operational – further investigation needs to be carried out for hazardous chemicals which may be disturbed during development
- Trees felled before application made
- This development will not help people get on the housing market – will be out of price range
- Clause/condition should ensure no buy to let as this does not help the housing shortage
- Believe this is only phase 1 of the planned redevelopment of the Cow Mills site – revised plans clearly show a roadway access point to permit future housing development
- Footpath adjacent to 14 and 16 Goldney Avenue is privately owned – not a public footpath

5. **ANALYSIS OF PROPOSAL**

5.1 The application is for the erection of 4 new dwellings and associated works.

5.2 Principle of Development

The application site is within the established settlement boundary where both local and national policy is supportive of new development in existing urban areas. This is however, dependent on the scheme being of high quality design, not having an adverse impact on the residential amenity of existing neighbours or future occupants, providing sufficient amenity space and on-site parking and not having a negative effect on highway safety.

5.3 The proposal is considered to accord with the principle of development and this is discussed in more detail below.

5.4 Character of the area:

The application site lies south of the A420 within the established boundary of Warmley. The Bristol/Bath Green Belt lies to the north of this main road. The application site itself until recently comprised an area of trees and shrubs but it is noted that the site has been cleared of vegetation. The site borders the A Nicholls (Cow Mills) Ltd to the east and south where there are a number of large industrial/ business units. The plot of land is therefore to the south and west of residential properties on London Road and Goldney Avenue respectively. Residential development continues to the east in the form of Goldney Avenue. This road is a mixture of style of two-storey semi-detached houses with the occasional detached property. The road is characterised by having a small grass verge separating the pavement from the highway. A small number of properties currently use a roughly made up road to gain access to their houses. Locked gates prevent access into the industrial estate beyond.

5.5 Design and Access

The application is for the erection of 4no. new detached houses. Each would have 4 bedrooms at first floor and a lounge and family kitchen/dining room at ground floor. Each house would occupy a footprint of around 9 metres by 7 metres with plots 1 and 2 of the same design and plots 3 and 4 having a slightly different design. Details included with the application state the exterior will be finished in render and have a roof of Redland Breckland Brown tiles.

The design, scale and massing along with the proposed materials are considered to be appropriate for the location and to accord with adopted policy. On this basis the proposal can be recommended for approval.

5.6 Residential Amenity:

With regards to garden space, adopted policy requires that 4 bed dwellings should have a minimum of 70 square metres of functional, private amenity space. Paths around houses and front gardens are not included in this calculation. In this particular instance, and despite the figures written on the submitted plans, it is considered that three of the proposed new dwellings would have sufficient amenity space to meet the standards. The fourth house would fall slightly below the required figure. However, a pragmatic approach should be taken as the short fall is less than 5 square metres and the garden is of an acceptable shape to allow it to be used as a successful family space. Gardens would be separated by 1.8 metre high fencing which is a typical boundary treatment in the immediate area.

5.7 Moving on to impact on the amenity of nearby houses. Plot 3 would be around 18 metres from the house to the north fronting onto London Road. The property to the furthest east (labelled Plot 4) would be around 15 metres from the closest property on Goldney Avenue but it is noted there would be no openings in the opposing elevation of the new house. Plot 2 would be around 18 metres from the rear of No. 10 Goldney Avenue. The distances between existing and proposed houses are therefore considered to be acceptable and not unusual in built up urban areas. On this basis there would be no unacceptable issues of overlooking or inter-visibility resulting from this scheme. The proposal therefore accords with adopted policy.

5.8 Sustainable Transport:

This is resubmission of the previous application (PK18/5223/F) which was withdrawn earlier in 2018. The site comprises No. 22 London Road which currently has access off London Road to an existing drive alongside the house, leading to a detached garage to the rear. This access for No. 22 London Road will remain and will not be affected by the proposal. The property has an extensive rear garden which backs onto the access drive serving the industrial estate. This is behind Nos. 10 – 22 and extends up to the Midland Spinner public house. The industrial estate has its main access onto London Road.

5.9 This application follows a previous application to which a number of issues were raised on transportation grounds, by Officers, the Parish Council and local residents. In response to some of these concerns a number of amendments have been made to the scheme and additional plans submitted. It is also noted that the Council has received a number of objections to this scheme on the basis of traffic, access and road safety.

5.10 Access – The proposed means of access for the new development will be via the existing [private] drive off Goldney Avenue which currently also acts as a secondary/emergency access to the industrial estate – the access also serves Nos. 12 and 14 Goldney Avenue.

- 5.11 The access lane varies in width from 4.8m at the entrance to 4.2m wide within the main part of the site. As part of development it is proposed to stop up the access to the industrial estate hence avoiding potential conflict between residential and commercial traffic. Permanent closure of the access to the industrial estate from this location would be a highway [safety] gain. Subject to planning, a suitable planning condition will be imposed to achieve such closure of this access to the industrial estate from this location.
- 5.12 Access for the new development onto the public highway will be via Goldney Avenue. This is a cul-de-sac primarily serving residential properties. Visibility splays between the site access and the public highway is good and as such the access is considered to be safe. The internal site layout includes provision of a turning head in front of plots 3 to 4 which will allow delivery vans and fire appliances to enter and exit in forward gear and the scheme provides for a drop off point by plot 1 for ease of access on bin collection day.
- 5.13 With regards to the amount of traffic – it is noted that some local residents as well as the Parish Council have expressed concerns about the increased traffic from the development. In response, total daily traffic generation associated with a new house at this location is expected to be around 5 / 6 movements per day. It is estimated the traffic impact from this development during AM peak hour to be about 3 cars movements - likewise, during PM peak, a similar number of car movements in reverse are expected from this development.
- 5.14 Given low level of traffic from this proposed development, transportation officers consider that refusal of this on traffic grounds alone is unreasonable and more importantly such a refusal reason could not be substantiated in an appeal situation particularly that as there are no road capacity issues at this location.
- 5.15 Parking - The proposal will allow 2no. car parking spaces to each of the proposed houses, each of 2.4m x 4.8m, with 6.0m manoeuvring and turning space. A total of 8no. parking spaces are shown on the submitted plan. Additional to this, and following discussions with the applicant, the agent has now made further amendments to the scheme to show two visitors' parking on site.
- 5.16 The level of parking proposed therefore meets South Gloucestershire Council's parking standards. Provision of visitors' parking on site (as shown on Proposed Site Plan: Ground Floor – drawing no 3079/2 Revision C) will ensure that there will be no overspill of parking from this on to the public highway. In view of this therefore, there can be no objection to this application on parking ground.
- 5.17 In view of all above-mentioned therefore, there is no transportation or highway objection to this application subject to conditions to provide parking, cycle storage, turning and the permanent closure of the access between the development site and the industrial estate.
- 5.18 Conditions:
The applicant has agreed to the following conditions being pre-commencement conditions:

- Drainage
- Contamination

5.19 Impact on Equalities

The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society. As a result of that Act the public sector Equality Duty came into force. Among other things, the Equality Duty requires that public bodies to have due regard to the need to: eliminate discrimination; advance equality of opportunity; and, foster good relations between different groups when carrying out their activities.

5.20 Under the Equality Duty, public organisations must consider how they could positively contribute to the advancement of equality and good relations. This should be reflected in the policies of that organisation and the services it delivers.

5.21 The local planning authority is statutorily required to apply the Equality Duty to its decision taking. With regards to the Duty, the development contained within this planning application is considered to have neutral impact.

5.22 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.

5.23 Coal mine:

Council records indicate this site is not identified as being part of the coal mining legacy although it is noted that other parts of the industrial estate do fall within this category. The LPA is therefore satisfied that it has dealt with this matter correctly.

5.24 Air quality:

The site lies outside the air quality testing area – this is limited to properties directly on London Road.

5.25 Tenure and first phase of more development:

It has been stated that these new houses should not be buy to let and the site will be part of a wider scheme to develop the rest of the site for housing. It is assumed the houses will be on the open market. Planning has no control over who they should be sold to or what the future owners intend to do with them. Furthermore, the assessment can only relate to what has been applied for and cannot speculate on what might happen to the rest of the site in the future.

5.26 Former industrial site:

Environmental Protection Officers have examined the application. There is information to suggest historic filled ground and an old coal pit existed within 250m of the site which could give rise to unacceptable risks to the proposed development. However, no objection to the scheme has been raised provided a condition related to the investigating of potential land contamination is attached to the decision notice.

5.27 Ownership of private drive:

The agent has confirmed to the Officer that the applicant owns the private drive. Standard informatives will be attached to the decision notice which states that *This permission shall not be construed as granting rights to carry out works on, or over, land not within the ownership, or control, of the applicant.*

Articles 13 and 14 of the Town & Country Planning (Development Management) Procedure Order 2015 imposes a requirement that all applications for planning permission must be accompanied by a certificate (sometimes called an 'article 13 certificate') confirming that either the applicant is the sole owner of the land to which the application relates or that the appropriate notice has been served on any person who is an owner of the land or a tenant. Section 65(5) of the Town & Country Planning Act 1990 says that a local planning authority shall not "entertain" any application for planning permission where these requirements have not been satisfied.

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 the application be **APPROVED** subject to the conditions written on the decision notice.

Contact Officer: Anne Joseph
Tel. No. 01454 863788

CONDITIONS

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

Reason

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

2. The development shall proceed in accordance with the following approved plans:

As received by the Council on 7.1.19:

Existing site plan - 3079/1
Proposed floor plans and elevations plots 1 and 2 - 3079/3
Proposed floor plans and elevations plots 3 and 4 - 3079/4
The location plan - 3079/5
Proposed site plan - drainage - 3079/6

As received on 6.2.19:
Propose site plan: ground floor - 3079/2 rev C

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.

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

Monday - Friday.....7:30am - 6:00pm
Saturday.....8:00am - 1:00pm
No working shall take place on Sundays or Public Holidays

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

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy PSP8 of the South Gloucestershire Policies Sites and Places Plan (Adopted) 2017; and the provisions of the National Planning Policy Framework.

4. 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 and shall be maintained thereafter.

A detailed development layout showing the location of surface water proposals is required along with results of percolation tests and infiltration calculations to demonstrate that the proposal is suitable for this site.

No public surface water sewer is available.

For the avoidance of doubt we would expect to see the following details when discharging the above conditions:

- o A clearly labelled drainage layout plan showing the exact location of any soakaways.
- o Evidence is required to confirm that the ground is suitable for soakaways. Percolation / Soakage test results in accordance with BRE Digest 365 and as described in Building Regs H - Drainage and Waste Disposal
- o Evidence that the soakaway is appropriately sized in accordance with BRE Digest 365 Soakaway Design.

- o Sp. Note; - Soakaways must be located 5 Metres from any structure including the Public Highway
- o Sp. Note: - No surface water discharge will be permitted to an existing foul sewer without the expressed approval of the sewage undertaker.
- o If it is intended that the proposal's surface water disposable is to remain as one jointly shared soakaway for the two dwellings rather than individual soakaways for each dwelling, then we request the submission of an industry standard legally binding document which sets out how each dwelling owner will be made aware of the extents of its shared responsibility in relation to ownership and maintenance of the soakaway and its components for the lifetime of the development.
- o The document should also consider any future sale scenarios and how tentative purchasers will also be made aware of their jointly vested drainage asset.
- o Details of the maintenance regime should also be outlined within the document.

Reason

This is a pre-commencement condition to avoid any unnecessary remedial action in future and 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.

5. A) Desk Study - Previous historic uses(s) of the site and/or land within 250m of the site may have given rise to contamination. No development shall commence until an assessment of the risks posed by any contamination shall have been carried out and submitted to and approved in writing by the local planning authority. This assessment must be undertaken by a suitably qualified contaminated land practitioner, in accordance with British Standard BS 10175 Investigation of potentially contaminated sites and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), and shall assess any contamination on the site, whether or not it originates on the site.

B) Intrusive Investigation/Remediation Strategy - Where following the risk assessment referred to in (A), land affected by contamination is found which could pose unacceptable risks, no development shall take place until detailed site investigations of the areas affected have been carried out. The investigation shall include surveys/sampling and/or monitoring, to identify the extent, scale and nature of contamination. A report shall be submitted for the written approval of the local planning authority and include a conceptual model of the potential risks to human health; property/buildings and service pipes; adjoining land; ground waters and surface waters; and ecological systems.

Where unacceptable risks are identified, the report submitted shall include an appraisal of available remediation options; the proposed remediation objectives or criteria and identification of the preferred remediation option(s). The programme 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 be carried out before the development (or relevant phase of development) is occupied.

C) Verification Strategy - Prior to first occupation, where works have been required to mitigate contaminants (under condition B) a report providing details of the verification demonstrating that all necessary remediation works have been completed satisfactorily shall be submitted to and agreed in writing by the Local Planning Authority.

Any contamination found during the course of construction of the development 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 in writing by the local planning authority. These approved schemes shall be carried out before the development (or relevant phase of development) is resumed or continued.

Reason

This is a pre-commencement condition to avoid any unnecessary remedial action in future and 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.

6. Prior to occupation of any dwelling on this site, the cycle storage, car parking and turning area on site shall be provided in accordance with the submitted and approved plan Proposed site Plan: Ground floor - 3079/2 Rev C. The cycle storage, car parking area and turning area shall be maintained as such thereafter.

Reason

To ensure the satisfactory provision of parking facilities and in the interest of highway safety and the amenity of the area, and to encourage means of transportation other than the private car, 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.

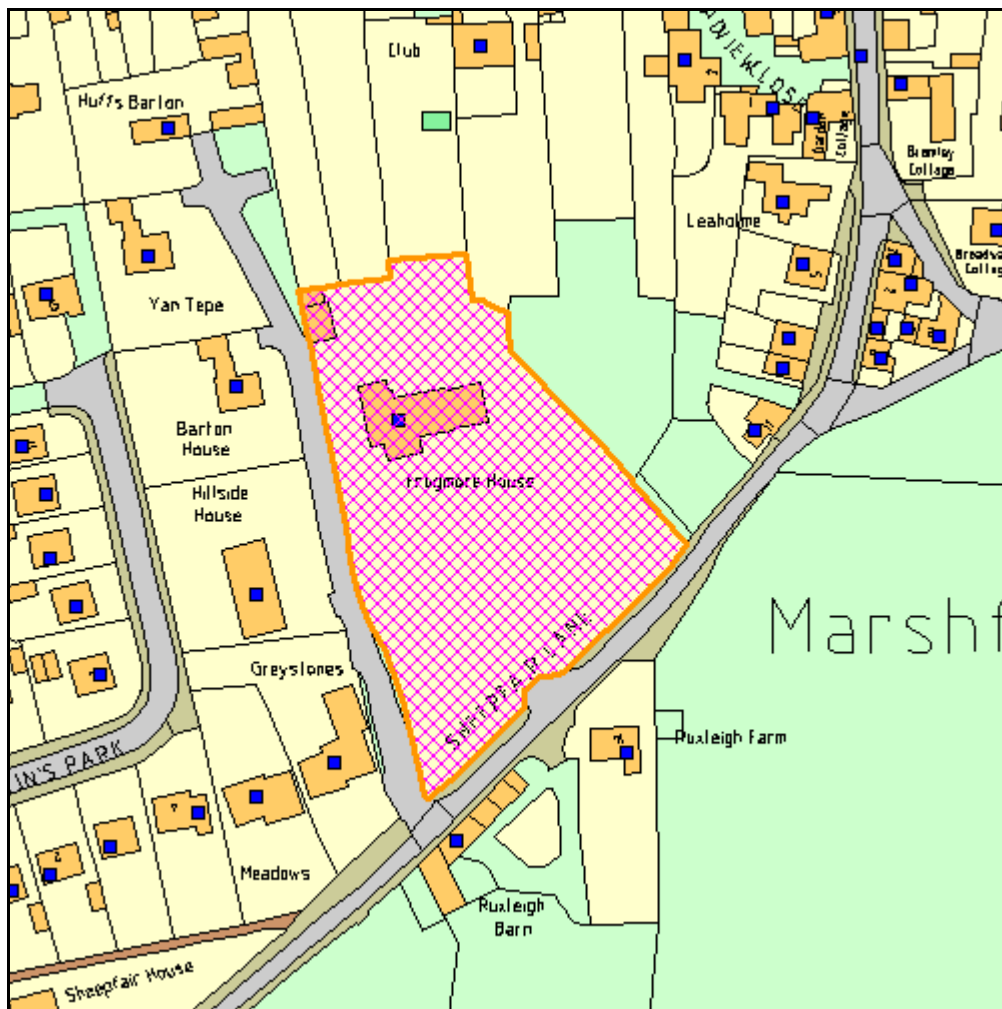
7. Prior to occupation of the site, full details including plans shall be provided for written approval by the Planning Authority on the permanent closure of the access between the development site with the neighbouring industrial estate. The closure of this access shall be maintained thereafter.

Reason

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

CIRCULATED SCHEDULE NO. 09/19 – 1 MARCH 2019

App No.:	P19/0302/CLP	Applicant:	Timothy Rudge
Site:	Frogmore House Sheepfair Lane Marshfield South Gloucestershire SN14 8NA	Date Reg:	10th January 2019
Proposal:	Erection of 1.8m high steel wire fence to facilitate the keeping of wallabies.	Parish:	Marshfield Parish Council
Map Ref:	377754 173626	Ward:	Boyd Valley
Application Category:	Certificate of Lawfulness	Target Date:	6th March 2019



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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.

1. THE PROPOSAL

- 1.1 The applicant is seeking a formal decision as to whether the proposed Erection of 1.8m high steel wire fence at Frogmore House, Sheepfair Lane, Marshfield, would be lawful.
- 1.2 The application is a formal way of establishing whether the proposal requires planning permission or not. Accordingly there is no consideration of planning merit, the decision is based solely on the facts presented.

2. POLICY CONTEXT

- 2.1 National Guidance
Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Part 2, Class A.

The submission is not a planning application thus the Development Plan is not of relevance to the determination of this application; the decision rests upon the evidence that has been submitted. If the evidence submitted demonstrates that the proposed use is lawful on the balance of probabilities, the Local Planning Authority must grant a Certificate confirming that the proposed development is lawful.

3. RELEVANT PLANNING HISTORY

- 3.1 PK18/0391/F – Approved- 03.04.2018
Erection of rear garden room.
- 3.2 PK16/5327/TCA – No objections - 01.11.2016
Works to fell 2no. Larch trees situated in the Marshfield Conservation Area.
- 3.3 PK14/2694/LB – Approved - 02.09.2014
Partial demolition and erection of replacement stone wall, maximum height 2.4metres.
- 3.4 PK14/2693/F – Approved - 02.09.2014
Erection of detached indoor swimming pool. Partial demolition and erection of replacement stone wall to a maximum height of 2.4metres.
- 3.5 PK13/4697/LB – Approved - 10.02.2014
Erection of single storey building to form indoor swimming pool attached to Listed Building wall which is to be reinstated.
- 3.6 PK13/4696/F – Approved - 10.02.2014
Erection of a single storey building to provide a swimming pool, toilet and changing room attached to boundary wall which is to be reinstated.

- 3.7 PK13/3598/NMA – no objection - 15.10.2013
Non-material amendment to PK12/0840/F to insert window in rear basement wall.
- 3.8 PK13/1635/LB – Refusal - 24.06.2013
Demolition of a section of wall within the property of Frogmore House
- 3.9 PK13/1169/TCA – No objection - 08.05.2013
Works to remove 1 no. Larch tree situated within the Marshfield Conservation Area.
- 3.10 PK12/0841/CA – Approval - 02.05.2012
Demolition of existing bungalow to facilitate erection of 1 no detached dwelling and associated works.
- 3.11 PK12/0840/F – Approval - 02.05.2012
Erection of 1 no detached dwelling and associated works.
- 3.12 PK11/3754/F – Approved - 23.01.2012
Erection of front conservatory and side extension to provide additional living accommodation. Roof conversion to facilitate first floor extension to provide further living accommodation.
- 3.13 PK11/2615/F – Approved - 05.10.2011
Erection of front conservatory and side extension to provide additional living accommodation. Roof conversion to facilitate first floor extension to provide further living accommodation.
- 3.14 PK11/0404/CA – Refusal - 30.03.2011
Demolition of part of stone boundary wall. (Resubmission of PK10/2158/CA).
- 3.15 PK11/0403/F – Refusal - 30.03.2011
Erection of 2no. semi-detached dwellings with access and parking. Re-building of parts of boundary wall to a maximum height of 1.35 metres. (Resubmission of PK10/2127/F).
- 3.16 N401 – Approval - 18.02.1975
Erection of bungalow.

4. CONSULTATION RESPONSES

- 4.1 Local Councillor
No comments received

Marshfield Parish Council

Marshfield Parish Council objects to this application on the grounds of being visually intrusive. The grounds are in the Local Protected Open Space within the AONB and would have a detrimental impact on the Conservation Area.

Other Representations

4.2 Local Residents

This application has received a total of 12 objection comments and 7 support comments. These are outlined below.

Objection

- The proposal is obstructive and inappropriate
- The proposal is visually intrusive
- The proposal is out of keeping and harmful to the character of the AONB
- The keeping of wallabies is inappropriate and bad for animal welfare

Support

- The fence will not be overly visible, this is not detrimental to the area
- Would be great to see wallabies in the village
- The proposal offers no negative impact

5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

- 5.1 Block Plan
Proposed Block Plan
Site Location Plan

(Received by Local Authority 09th January 2019)

6. ANALYSIS OF PROPOSAL

6.1 Principle of Development

The application for a Certificate of Lawfulness is purely an evidential test and is a formal way of establishing whether or not the proposed development can be implemented lawfully without the need for planning permission. Accordingly there is no consideration of planning merit, the application is based on the facts presented. The submission is not an application for planning permission and as such the development plan is not of relevance to the determination of this application; the decision rests upon the evidence that has been submitted. If the evidence submitted demonstrates that the proposed use is lawful, on the balance of probabilities, the Local Planning Authority must grant a certificate confirming that the proposed development is lawful.

- 6.2 The key issue is to determine whether the proposal falls within the permitted development rights afforded to householders under Schedule 2, Part 2 of the GPDO 2015. It should be noted that there is no restriction on permitted development rights at the subject property. As such permitted development rights are intact and exercisable.

- 6.3 The proposed development consists of the erection of a 1.8m high steel wire fence. This development would fall within Schedule 2, Part 2, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015, which permits the erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure, subject to the following:

A.1 Development not permitted -

- (a) **the height of any gate, fence, wall or means of enclosure erected or constructed adjacent to a highway used by vehicular traffic would, after the carrying out of the development, exceed— (i)for a school, 2 metres above ground level, provided that any part of the gate, fence, wall or means of enclosure which is more than 1 metre above ground level does not create an obstruction to the view of persons using the highway as to be likely to cause danger to such persons;(ii) in any other case, 1 metre above ground level;**

The proposal would not be erected adjacent to any highway.

- (b) **The height of any other gate, fence, wall or means of enclosure erected or constructed would exceed 2 metres above ground level;**

The maximum height of the proposal would not exceed 2 metres above ground level.

- (c) **the height of any gate, fence, wall or other means of enclosure maintained, improved or altered would, as a result of the development, exceed its former height or the height referred to in paragraph (a) or (b) as the height appropriate to it if erected or constructed, whichever is the greater; or**

Not applicable

- (d) **It would involve development within the curtilage of, or to a gate, fence, wall or other means of enclosure surrounding, a listed building.**

Not applicable

7. RECOMMENDATION

- 7.1 That a certificate of Lawfulness for Proposed Development is **granted** for the reasons listed below:

Evidence has been provided to demonstrate that on the balance of probabilities the proposed erection of a 1.8m high fence would fall within the permitted rights afforded to householders under Schedule 2, Part 2, Class A of the Town and Country Planning General Permitted Development Order 2015.

Contact Officer: Westley Little
Tel. No. 01454 862217

CIRCULATED SCHEDULE NO. 09/19 – 1 MARCH 2019

App No.:	P19/0376/F	Applicant:	Mr And Mrs Page
Site:	2 Exley Close North Common Bristol South Gloucestershire BS30 8YD	Date Reg:	16th January 2019
Proposal:	Demolition of existing garage. Erection of a two storey side extension and single storey rear extension to form additional living accommodation.	Parish:	Bitton Parish Council
Map Ref:	367559 172214	Ward:	Oldland Common
Application Category:	Householder	Target Date:	11th March 2019



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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 CIRCULATED SCHEDULE

This application has been referred to the circulated schedule as comments of objection from the local parish council have been received. These are contrary to the officer recommendation and according to the current scheme of delegation, is required to be taken forward under the Circulated Schedule procedure.

1. THE PROPOSAL

- 1.1 The application seeks full planning permission for the demolition of an existing garage and the erection of a two storey side extension and single storey rear extension to form additional living accommodation at 2 Exley Close, North Common.
- 1.2 The application site relates to a two storey, semi-detached property which is located within a residential area of North Common.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework
National Planning Policy Guidance

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy (Adopted) December 2013

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

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

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

2.3 Supplementary Planning Guidance

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

3. RELEVANT PLANNING HISTORY

- 3.1 K3351 – Approved - 27.08.1980

ERECTION OF DETACHED SINGLE GARAGE (Previous ID: K3351)

- 3.2 K670/11 – Approved - 31.10.1979
ERECTION OF 9 DETACHED HOUSES AND 36 SEMI DETACHED HOUSES, ASSOCIATED GARAGES AND CAR PORTS, CONSTRUCTION OF ESTATE ROADS AND FOOTPATHS AND LANDSCAPING SCHEME (Previous ID: K670/11)
- 3.3 K670/10 – Approved - 21.12.1978
ERECTION OF 314 DWELLINGHOUSES ON APPROXIMATELY 34.5 ACRES. CONSTRUCTION OF ASSOCIATED ROADS & FOOTPATHS & LAYOUT OF ASSOCIATED OPEN SPACE. ERECTION OF ASSOCIATED GARAGES & CAR PORTS. (Previous ID: K670/10)
- 3.4 K670/7 – Approved - 08.03.1977
OUTLINE APPLICATION FOR THE ERECTION OF HOUSING ON APPROXIMATELY 11.4 HECTARES. CONSTRUCTION OF NEW SPINE ROAD. (Previous ID: K670/7)

4. **CONSULTATION RESPONSES**

- 4.1 Bitton Parish Council
No objection to the rear extension. Councillors objected to the side extension which they felt would overshadow the front of the adjacent property.

Sustainable Transport

The plans submitted show that vehicular parking from the existing garage will be removed to facilitate the erection of an extension to provide additional living accommodation. The block plan submitted shows that the whole frontage of the site is provided as vehicular parking and there is no proposal to change this. There is sufficient space available to provide the required level of vehicular parking to comply with South Gloucestershire Council's residential parking standards.

On that basis, there is no transportation objection raised.

Other Representations

- 4.2 Local Residents
No comments received

5. **ANALYSIS OF PROPOSAL**

- 5.1 Principle of Development
Policy PSP38 of the PSP Plan (November 2017) allows the principle of development within residential curtilages, subject to considerations of visual amenity, residential amenity and highway safety. Furthermore, Policy CS1 of the Core Strategy seeks that the siting, form, scale, height, massing, detailing, colour and materials are informed by, respect and enhance the character, distinctiveness and amenity of both the application site and its context.

The proposal accords with the principle of development subject to the consideration below.

5.2 Design and Visual Amenity

The application seeks full planning permission for the demolition of an existing garage and the erection of a two storey side extension and single storey rear extension.

Two storey side

- 5.3 The two storey side extension will have a maximum height of 6.5metres, a total width of 2.5metres and a depth of approximately 4.7metres. The proposal will introduce 1.no door and 1.no window to the principal elevation and 1no window to the rear elevation. A gabled roof is proposed with the ridge height set slightly lower than the existing built form and both the ground and first floor levels will be set back approximately 3.2metres from the principal elevation, this is seen to increase the levels of subservience between the proposed extension and the host dwelling.

5.4 *Single storey rear*

The proposed single storey rear extension will have a maximum height of 3.5metres, extend approximately 3.5metres from the existing rear wall and have a width of approximately 7.7metres. The proposal will feature a hipped roof with 2no roof lights, 1.no door and bi-fold doors to the rear elevation.

- 5.5 The case officer considers the proposal to be in keeping with the domestic character of the building and believes it will be a modest addition to the dwellinghouse.

5.6 Residential Amenity

Policy PSP38 of the PSP Plan (November 2017) sets out that development within existing residential curtilages should not prejudice residential amenity through overbearing; loss of light; and loss of privacy of neighbouring occupiers.

- 5.7 The concerns raised regarding the side element overshadowing the neighbouring property (no.3) have been taken in to account. The proposed two storey side extension is located approximately 1metre from no.3 Exley Close and will be tucked up adjacent the existing built form, extending a modest 1.1metres from the existing principal elevation. Whilst there would be a small degree of harm to residential amenity, due to the minor scale and siting of the proposal, it is not considered that the identified harm would be of such severity as to substantiate a reason for refusing the application. Furthermore, due to the overall site layout, this relationship already exists on the majority of properties located on Exley Close.

- 5.8 The proposal will occupy additional floor space, however sufficient private amenity space will remain following development and there is no objection with regard to this.

5.9 The subject property is located within a built up residential area and given the scale and location of the proposed development, the proposal will not result in an unacceptable impact on the residential amenity of its neighbouring occupiers. Therefore, the development is not considered to be detrimental to residential amenity and is deemed to comply with Policy PSP38 of the PSP Plan (November 2017).

5.10 Sustainable Transport and Parking Provision

As a result of the proposed development, the number of bedrooms within the property would increase from a total of 2 to 3. South Gloucestershire Residential Parking Standards SPD outlines that properties with 3 bedrooms must make provision for the parking of a minimum of 2 vehicles, with each parking space measuring a minimum of 2.4m x 4.8m.

5.11 It is noted that as part of the proposal the existing attached garage will be demolished. Notwithstanding this, the dimension of the current garage is insufficient to meet adopted standards. However, during a site visit it was noted that the existing driveway is of sufficient size as to provide 3 parking spaces. On this basis, it is considered that the minimum parking provision for a 3-bed property can be provided on-site.

5.12 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 That the application be **APPROVED** subject to the conditions included on the decision notice.

Contact Officer: Westley Little
Tel. No. 01454 862217

CONDITIONS

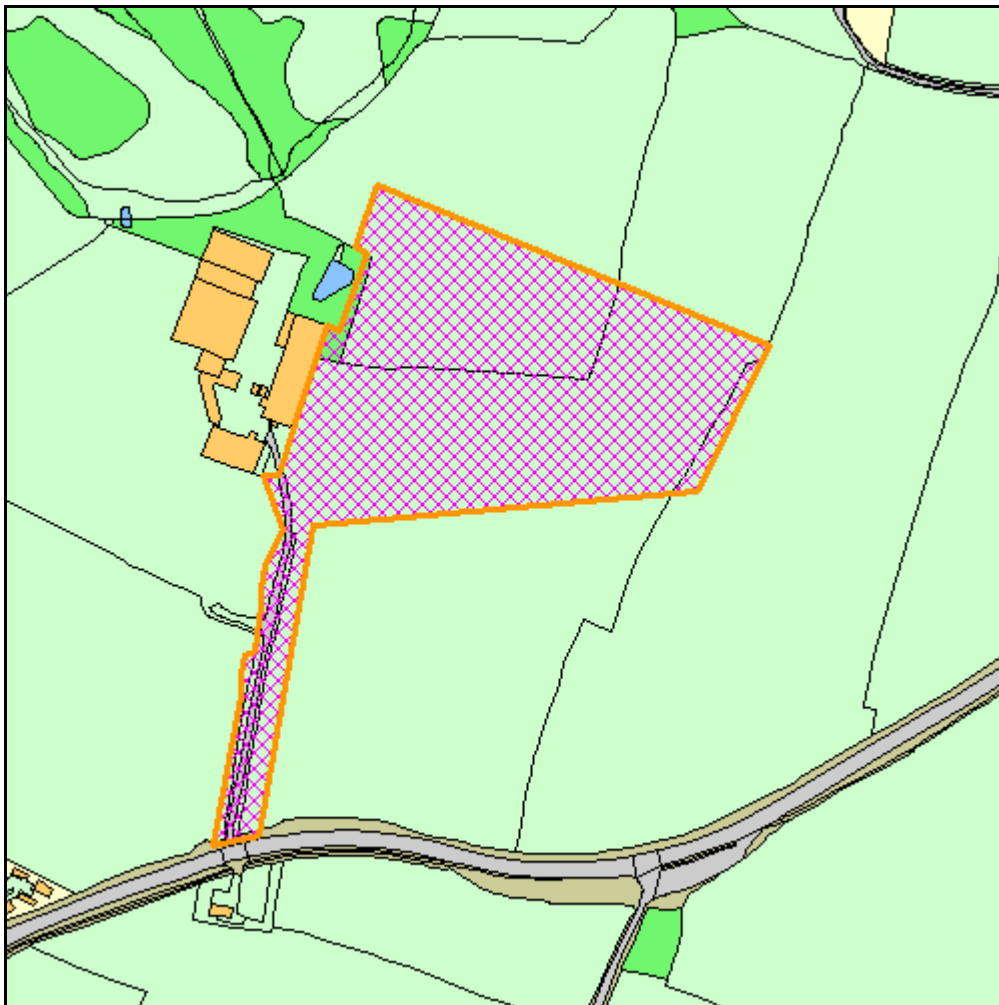
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

CIRCULATED SCHEDULE NO. 09/19 – 1 MARCH 2019

App No.:	PT18/5299/F	Applicant:	Mole Valley Farmers Ltd
Site:	Merry Heaven Farm Old Gloucester Road Alveston South Gloucestershire BS35 3LQ	Date Reg:	10th December 2018
Proposal:	Erection of 1no. building to form animal feed mill of mixed use (Class B2 and Class B8) and erection of 1no. single storey building to form ancillary office. Installation of weighbridge with parking, turning areas, access road, surface water lagoon and associated works.	Parish:	Alveston Parish Council
Map Ref:	363652 188421	Ward:	Thornbury South And Alveston
Application Category:	Major	Target Date:	7th March 2019



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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 circulated as a result of the number of supporting comments which are in conflict with the officer recommendation.

1. THE PROPOSAL

- 1.1 This application is for full planning permission for the erection of a General Industrial Use (Class B2) and Storage or Distribution (Class B8) industrial Feed Mill and separate office building, with the widening of parts of the existing access road, turning area, weighbridge, surface water lagoon and proposed landscape planting mitigation. The proposal also involves the relocation of footpath OAN/4/10 from within to outside the site.
- 1.2 The main building stands some 31.5m to the ridge, and 33m high to the top of the proposed flues, over a total footprint of 43m by 48m. A second seemingly ancillary building stands 6m high with a footprint 18m by 6m.
- 1.3 The site is located within the Bristol Bath Green Belt in open countryside directly between Alveston and Thornbury. The main building and access are to be sited on arable farmland with the other building being located closer to the existing buildings. The existing access is utilised with some alteration, including the creation of a right turn lane off the A38 and a crossing island, from the A38 opposite the electricity substation and close to the parking rest area east of Thornbury.
- 1.4 Whilst a detailed pre-application response was not provided it was made clear to the agent that the new 30m high building for B2 use and the green belt were not a promising combination.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework February 2019
National Planning Practice Guidance

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1	High Quality Design
CS2	Green Infrastructure
CS4A	Presumption in Favour of Sustainable Development
CS5	Location of Development
CS8	Improving Accessibility
CS9	Managing the Environment and Heritage

CS11	Distribution of Economic Development Land
CS12	Safeguarded Areas for Economic Development
CS13	Non-Safeguarded Economic Development Sites
CS14	Town Centres and Retailing
CS34	Rural Areas

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

PSP1	Local Distinctiveness
PSP2	Landscape
PSP3	Trees and Woodland
PSP7	Development in the Green Belt
PSP8	Residential Amenity
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
PSP27	B8 Storage and Distribution Uses
PSP28	Rural Economy
PSP29	Agricultural Development
PSP31	Town Centre Uses

2.3 Supplementary Planning Guidance

Development in the Green Belt SPD (Adopted) June 2007

Design Checklist SPD (Adopted) August 2007

Landscape Character Assessment SPD (Adopted) November 2014 - Severn Ridges Landscape Character Area (area 18)

CIL and S106 SPD (Adopted) March 2015

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

3. RELEVANT PLANNING HISTORY

- 3.1 PT16/6895/CLE Application for a certificate of lawfulness for the existing use of Buildings 1 - 8 as commercial units for the blending and storage of animal feed. (Use Class B2). Approved 24.03.2017. It was granted for the following reason:

Having regard to the above, sufficient evidence has been submitted to prove that, on the balance of probability, the commercial buildings 1-8 subject of this application have been used for the purposes of blending and storage of animal feed for a continuous period in excess of ten years.

It now appears that other car repair and other business is now in situ at the site without further permissions.

- 3.2 PT15/1057/PNA Prior notification of the intention to erect an extension to existing agricultural building. Now built.
- 3.3 P89/1243 Use of land for the stationing of a mobile home for an agricultural worker Refused 05.04.1989
- 3.4 P87/1139 Erection of extensions to existing agricultural building to provide an additional 771 sq. Metres of floorspace (8300 sq. Feet). Approved 11.03.1987

4. CONSULTATION RESPONSES

- 4.1 Alveston Parish Council
Generally supportive of maintaining/increasing local employment through the development of this site. However, we have strong concerns about the safety to local road users and increased vehicle pollution (impact to air quality should be quantified) due to the doubling of heavy goods vehicles using the site.
- 4.2 Thornbury Town Council
No objection, but Council would ask that Officers be aware of concerns that have been raised by a local resident, and which Council fully supports, as follows: - "I would like to ascertain whether the existing processing plant are responsible for the pumping of grey water into the Filnore brook which always coincides with rainfall irrespective of whether there is general water flow or not in the stream. You will be aware that this stream is seasonal, usually dry between May and October although this does vary. My concern is that the pumped effluent is not always as grey as it should be. There may be other 'users' of the Merry Heaven Farm who are responsible but I am not aware of any establishment that would produce such an effluent. Apart from the effect that grey water has on the ecology of this water course the geology of the escarpment is such that the stream water flows into limestone strata where it outcrops on the slopes of the escarpment. Whether this replenishes ground water reservoirs used for drinking water I do not know but feel that the Environment Agency should be consulted.

Internal Consultees

- 4.3 Landscape
Objection. Development would have an adverse impact on the landscape character of the locality.
- 4.4 Environmental Protection
Having read the Design and Access Statement and following Richard Bull's letter dated 2 Jan 2019 and Lynton Seymour's email dated 30 Jan 2019, the Environmental Protection team has no adverse comments to make on the application.
- 4.5 Public Rights Of Way
This application will affect public footpath OAN4 which runs from the A38 up the driveway to the site before veering slightly into the fields to skirt the buildings before joining with footpath OAN3/OTH55 which is a locally promoted path as part of the 'Jubilee Way'. The legal line of the footpath around the

buildings is obstructed but people appear to go through the yard and find a way through.

The portrayal of footpath OAN4 at its southern end is shown incorrectly on plan 23091/014 B. We have no objection to the proposed diversion of the footpath as it will be easier for people to find their way.

We would suggest that the diverted route commences at the A38 to the east of the driveway rather than to the west, whereby people would have to cross the driveway. Commencing on the east side will enable people to cross from the pavement by the electric sub station with visibility around the bend.

We would ask for a 2m width level grass path which must be maintained and never ploughed and the least restrictive option for the entrance from the A38 eg a 1m gap or at the most a pedestrian gate with no pen. Footpaths are safeguarded in the Local PSP10 Plan and their amenity and utility must be taken into account when plans are drawn up and the developer should demonstrate that any alternative route is suitable and of equal or improved quality.

4.6 Sustainable Transport

Insufficient information is submitted. The Brief for the submitted Road Safety Audit should have been agreed with the LHA prior to it being carried out. Unfortunately this did not happen. Speed surveys need to be carried out on the approaches to the access approximately 200m either side and the auditor should comment on the results of the speed survey. The survey should be carried out in accordance with DMRB TA 22/81.

4.7 Highway structures

No comment

4.8 LLFA Drainage -

satisfied with the level of information and detail which have been submitted and therefore we have, No Objection

This application is for an 'Animal Feed Mill, which is interpreted to mean that it was/is a storage and/or manufacturing mill for the production of animal feed and it is taken that the building is not for the housing and/or the holding of cattle during feeding and therefore would not necessarily have a need for foul sewage drainage as there are no indication of such activities on any of their submitted plans.

It is understood from a neighbour that there may be concerns about arrangements for effluent disposal. Ultimately the granting of 'Discharge Consent' for both Industrial and Domestic purposes where there are no public foul sewers falls within the EA's remit.

The application and associated drainage comments are based around surface water runoff from the increased impermeable area to discharge via a 'New' surface water only outfall to an adjacent ordinary watercourse known as 'The Stream' which our comments reflect and have advised that they need to

apply for ordinary watercourse consent "for any Structures, and/or Works to, in or affecting".

4.9 Tree officer

There are no objections in principle to the proposal. The applicant has submitted an Arboricultural survey and tree constraints plan. A Tree Protection Plan and Arboricultural Method Statement has been received during the application and the proposal is acceptable in terms of tree protection. There are 2 trees to be removed and 1 section of hedging. There are no objections to the removals from an arboriculture perspective.

4.10 Arts Officer

No comment

4.11 Ecology Officer

There is an ecological objection to this application as result of unmitigated loss of 110m hedgerow, a habitat of principle importance. As such recommend the planting schedule is adjusted and that more details, perhaps in the form of a management plan, are provided to ensure the long-term development of the proposed tree, hedgerow and scrub planting.

Statutory / External Consultees

4.12 Wessex water

No objection - informatives attached for the applicant in the event of an approval

4.13 Environment agency

No objection but informatives suggested

Other Representations

4.14 Forms supplied by A Nichols (Cow Mills)/ DJ&P/ MoleValley Farmers requesting filling in and drop off to DJ&P or drop off to local Mole Valley Farmers Store – 16 support forms were received from farms, some of which added the following comments:

- ideal site, perfect location
- good for farming community
- Much needed in local and wider area
- All animal farms will need a feed mill
- Good location
- Easy access
- Good idea to have everything in one place
- Many mills have close in the last few years and the added bonus of being able to collect direct from the mill would be welcome
- Offers a wider range of products and cuts down on transport, waste and pollution

4.15 Local Residents

Support

7 separate on line comments were received essentially from farms supporting the scheme for the following reasons

- replaces several older feed mills which are in the centre of towns
- reduces risk to pedestrians and local houses adjoining the sites.
- New location is better linked to the motorways and better serves the Agricultural community with its location
- Writer had been concerned when A Nichols sold their Chipping Sodbury and Warmley sites for urban development. Mole valley now want to balance urban rural needs in a fairly remote and concealed location
- Reduced carbon footprint by having a local mill
- Keep an old firm supplying local and far farming businesses
- Brings employment and monies to the area
- May keep the old employees together and give youngsters a chance as long as they learn some old school motivations.
- Any project to support an improve a struggling farm industry must be helped
- As local arable farmers – supported.

4.16 Object / concern

One resident raised concern regarding the disposal of effluent in to the adjacent Filnore Stream. Writer was unsure from where it comes, perhaps this site or other areas which are adjacent to or within the site. This effluent which is discoloured often forming an orange scum occurs when the stream is in flow or in dry periods after moderate rainfall. Request that this issue be referred to the Environment Agency as a substantial amount of run off disappears into the underlying rock formations as the stream descends the escarpment and flows into Filnore Lane.

5. ANALYSIS OF PROPOSAL

5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 indicate that planning applications stand to be determined in accordance with the development plan unless material considerations indicate otherwise.

5.2 The proposal is for a B2/B8 building in open, albeit, undulating countryside within the Green Belt. The land is currently agricultural land. Standing 31.5m high to its ridge and taller to the proposed top of its flues, the building is shown on elevations to be only 3.5m lower than the electricity pylon located close to the building.

Principle of Development

5.3 Policy CS5 of the Core Strategy directs development to within the urban areas and includes the economic potential of 'Sevenside' as a strategic location for a range of employment uses. Proposals which are also in the Green Belt will need to comply with the provisions of the NPPF or relevant local plan policies.

- There are however no local plan policies which advocate the erection of these buildings for business use in open countryside or Green Belt. Policy CS11 sets out the Councils distribution of economic development land and the site is not in or for that matter adjacent to a safeguarded site.
- 5.4 The proposal is not an agricultural building and as such policy PSP29 is not relevant to the application.
- 5.5 Policy PSP27 deals with storage and distribution only but this is a mixed B2 use and is therefore not directly related to the application. Nevertheless, this policy indicates that B8 storage and distribution uses over 3000 square metres in size are only permissible in identified locations. While this proposal falls under that threshold, PSP27 would still require development to be located in areas safeguarded for economic development.
- 5.6 Policy PSP28 deals with the rural economy and states that sustainable new development which promotes a strong rural economy will be acceptable in rural area in certain circumstances but the policy makes it very clear that development in the Green Belt is inappropriate, in accordance with the NPPF, or where very special circumstances can be demonstrated.
- 5.7 The applicants case is that:
- The proposed feed mill will produce approximately 100,000T of animal feed on an annual basis. The individual ingredients will be delivered to site and processed to produce animal concentrates in the form of pellets and nuts to be distributed to farmers in the locality but also additional capacity to service farmers in the South West, South Wales and Midlands via the motorway network.
 - The siting of the mill will allow local farmers to deliver their own locally produced ingredients to the mill and also allow them to collect it by tractor and trailer.
- 5.8 The need for this new mill arises following the purchase of A Nichols (Cow Mills) Ltd in 2017 by Mole Valley Farmers Ltd and the closure of the animal feed mills at Warmley and Chipping Sodbury town centres, both of which were operated by A Nichols (Cow Mills) Ltd for in excess of 100 years. The combined production from these two mills amounted to approximately 20,000T per annum at their peak. Countrywide in Thornbury has recent closed due to the company entering receivership. Countrywide, sold animal feed and therefore, without this outlet farmers within the locality are unable to purchase feed. This has further increased the need for a feed mill within the area.
- 5.9 In addition, Mole Valley Farmers Ltd lease the mill at Calne which will terminate in 2020. Production from this site is currently estimated at 80,000T per annum. Therefore the total capacity no longer available to Mole Valley Farmers Ltd after 2020 will be 100,000T per annum and hence the requirement for the new mill which will have additional capacity to service farmers in the South West, South Wales and Midlands via the motorway network.

- 5.10 It is advised that the mill will provide employment for at least 6 members of staff and that 15 lorry drivers will operate from the site. The agent considered that this is adequate employment within the local area.
- 5.11 Officers note that whilst a local feed mill would suit local farmers, some of whom have come out in support of the application, this only 20 percent of the production capacity of the mill and that 80 percent of the production is actually destined to service farmers in the South West, South Wales and Midlands via the motorway network. Whilst the proposal will employ 6 members of staff and 15 lorry drivers these could be accommodated on a Safeguarded Employment site, also within South Gloucestershire. It appears that the scale of the enterprise is driving the scale of the building and this in turn, as will be seen below, is harmful under other policy.
- 5.12 It therefore follows that the principle of this development in this location has failed. Development of this kind should be directed, under the spatial strategy, to areas identified for employment uses. These could be within the existing defined settlements and market towns but a rural location is unjustified.

Green Belt

- 5.13 The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Paragraph 134 states that the Green Belt serves five purposes:
- a) to check the unrestricted sprawl of large built-up areas;
 - b) to prevent neighbouring towns merging into one another;
 - c) to assist in safeguarding the countryside from encroachment;
 - d) to preserve the setting and special character of historic towns; and
 - e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 5.14 The NPPF states:
'Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances' (para 143).

When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations (para 144).

A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

- a) buildings for agriculture and forestry;
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the

- openness of the Green Belt and do not conflict with the purposes of including land within it;
- c) 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;
 - d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
 - e) limited infilling in villages;
 - f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
 - g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
 - not have a greater impact on the openness of the Green Belt than the existing development; or
 - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority. (Paragraph 145)

5.15 The proposal is for two new buildings for use as a factory making a product to be used by the farming industry. It is not to be directly used for agriculture and as such does not benefit from any of the exceptions set out in paragraph 145. Furthermore the engineering operations required to construct the access road, parking and manoeuvring areas can also be considered. Paragraph 146 of the NPPF indicates that such works are not inappropriate in the Green Belt provided that they preserve its openness and do not conflict with the purposes of including land within it. Given that the creation of the new access and associated earthworks will (as seen below) have a harmful impact on the appearance of the Green Belt, it is considered that all of the development is contrary to the NPPF and very special circumstances would be required. Very special circumstances can only be found when they outweigh the harm in principle as a result development and any other harm – in this case the identified harm as being harm by reason of loss of openness and harm by loss of visual amenity of the area generally as well as to the setting of the footpaths.

- 5.16 The agent asserts the following matters as being Very Special Circumstances:
- The proposal will create employment in the locality with approximately 6 members of staff operating the plant and a further 15 lorry drivers. The proposal is therefore bringing working into the area.
 - The proposal will allow local products and ingredients to be delivered on site by local farmers rather than importing the ingredients from out of county. This allows locally sourced products to be created and then distributed back to local farmers within the area.
 - If the proposal was situated within Avonmouth, local farmers would not be able to access the plant to deliver or collect products and thus would not suit the business model of the company.

5.17 Officers contend that the business could be located on an appropriate site for the scale of the development and still employ those workers within South Gloucestershire. Whilst the feed mill deliveries have been delivered by individual farmers to the smaller, now closed Mills, this does not justify the scale of operation now sought. The Design and Access Statement suggests the operations at the site will serve the South West of England (80%) and would not just create a locally sourced and recycled product (20%) within the local area/County as set out as a very special circumstance. Whilst the historic means of transporting goods to and from the old smaller mills may be favoured by local businesses no evidence is submitted to suggest that alternative methods could not be achieved for the collection of feed from the farmers of South Gloucestershire and that redistribution of the manufactured product could not be similarly redistributed direct or via a smaller site using existing buildings within or outside the greenbelt. Consideration has been given to paragraph 83 of the NPPF which seeks to support a prosperous rural economy but it is considered that the proposal goes beyond might reasonably be expected of local authorities in their decision making and in any case this application also conflicts with other fundamental aspects of the NPPF in terms of Green Belt and landscape matters.

Landscape consideration

5.18 Site & Location

The proposed site is located on rolling agricultural land, between the settlement edge of Thornbury to the North and Alveston to the South West, at the top of a steep scarp. Merry Heaven Farm is sited on the edge of a plateau, at the top of a steep scarp. The building is set within a combe, with its lowest point being 10-15m below the plateau. The surrounding landscape is gently rolling fields, divided by a close pattern of mature hedgerows with trees.

5.19 Landscape & Visual Amenity.

The site lies within the Green Belt and is located on a prominent plateau of land. There are open views of the site from the surrounding network of public footpaths including the Jubilee way, a promoted recreational route, and the public open space adjacent to Thornbury Leisure Centre and A38, the elevation of the A38 in relation to the site means there are uninterrupted far reaching views. The coombe is currently agricultural land. The landscape character requires that careful consideration be given to the location and design of the development, including vertical structures to ensure the protection of the rural character and appearance of undisturbed rural ridges and skylines. The loss of boundary treatments that contribute to the particular character and biodiversity connectivity and value of the locality should be resisted.

5.20 Assessment of Proposals

Large industrial / commercial buildings within the countryside have the potential to erode the rural character of an area and when also within the Green Belt, need to be justified and accord with policy PSP27: B8 Storage and Distribution Uses, PSP29 Agricultural Development policy requires that particular attention should be paid to the siting, size, massing, form, materials and detailed design of new farm buildings in order to minimise any adverse effect on the character

and diversity of the landscape and the general openness of the countryside. Under PSP2; Landscape, in assessment of the landscape; consideration will be given to the contribution, which various attributes and features associated with the site make to the local and wider environment. Photomontages would show the proposed building in the context of the surrounding landscape.

5.21 The proposed development site is located within an area with an intact rural character. The site occupies a visually prominent position, due to the local topography, with the steep scarp to the north and west, and the ridge line to the south and east, views of the proposed industrial feed mill are seen as far away as 1km. In many places the industrial feed mill will have a significant adverse impact on the local views from the plateau. The existing pylon, adjacent to the proposed development site, is clearly visible above the skyline, with the development being almost the height of the nearby pylon, given the height of the ridgeline of the proposed building at 31.5m high, this height is then further increased by the stacks, which are shown higher than the ridge line,. The proposed building at certain views, may only be 13-14m below the plateau. The surrounding landscape is gently rolling fields, with an extensive landform of abrupt scarps and gentle ridges, with sections of steep scarp in the north, which is typical of the Severn Ridges Landscape Character Area. The Landscape Strategy (SPD) aims to ensure that where new development takes place in rural areas, it is well related to the existing landscape infrastructure that integrates the proposal with the wider landscape. It is considered that the proposed building, access road widening, parking and associated works would have a detrimental impact on the rural character of the setting of the surrounding area. The siting of the building on the combe would emphasise it as an incongruous feature and interrupt views across near and middle distance. The proposed industrial feed mill will be prominent above the distant skyline. Merry Heaven Farm is situated on the edge of a plateau, at the top of a steep scarp. The proposed siting of the building will have significant adverse impact on the views and landscape character of the site and the wider landscape.

5.22 Conclusion to landscape impact

It is considered that the proposed development is incongruous within this ridge landscape and will cause an unacceptable landscape impact. It is considered that the proposals are contrary to policies CS1, PSP2 and the requirements of the LCA SPD and there is a **landscape objection** to the application.

Form and Appearance

5.23 The proposed buildings will be constructed of a steel portal frame with profiled vertical cladding (olive green) under a pitched sheeted roof with double glazed windows, steel doors and steel rainwater goods. The proposed feed mill extends to approximately 2,049m² with the office building extending to approximately 122m². The height to eaves of the feed mill is 30m with the height to ridge of 31.5m. In order for the building to work efficiently, the height to eaves of the building will be 30m. This is due to articulated lorries requiring tipping height of 11m to unload ingredients. The feed will then be stored in the building in storage bins extending to approximately 27m in height. After the feed has been processed HGVs will be loaded directly from the bins which will be raised at a height of 4m above ground level.

Additionally, the applicant proposes to install tanks within the building which will be used for the storage of molasses and fats. The height of the building is governed by the processes that will be carried out, the raw materials and finished product bin storage capacity. The building has been designed to ensure that the Raw Material bins will hold circa 80 Tonnes and with the filling and discharge systems this requires the building to be 30 metres high to eaves. The reason for such a large storage of raw material, is it gives the mill a good buffer stock and the ability to run over weekends and helps throughout the busier periods. This is to ensure that the mill does not run out of material when deliveries are not available, i.e. Bank Holidays etc. It also helps to reduce the number of lorry goods in movements as they will not be as frequent as they would, if smaller capacity bins were used in the mill, as they would require topping up more frequently.

- 5.24 Nevertheless the scale of the building is not appropriate to the location and is shown to cause harm to the Green Belt and countryside landscape generally

Transportation

- 5.25 Parking provisions have been included within the application and are as follows:

- Cycle – 12 cycle parking spaces
- Cars – 8 parking spaces
- HGV's – 15 Spaces

There is no reason to assume that this would be insufficient for the proposal given the distance from the highway and the potential to park additional staff cars at the site if necessary.

However insufficient information has been provided with the application so as to ensure that the proposal provides a safe access through its proposed right turn lane off the A38 and pedestrian crossing point serving the footpath. Further details of this were not requested as there is an in principle objection to the scheme.

With regard to the public right of way the relocation is not necessarily a concern and whilst the PROW officer would like to see the pedestrian crossing inserted on the east of the access road it is clear that any attempt to create a right hand turn would prevent this from being a safe crossing point. Should the development proceed a condition can adequately secure the diversion to adequate standards prior to obstruction of the route by the development.

Ecology

- 5.26 The development will result in the loss of 110m of hedgerow, a habitat of principle importance, and information showing how this can be adequately mitigated for has not been provided.

Drainage

5.27 The agent provided a contamination survey has been completed by Groundsure. The report identifies that a pollution incident occurred in 2002. The landowner has confirmed that this was in relation to run off from the yard into a bitumen lagoon which leaked. The leak was remedied at the time to the satisfaction of the Environment Agency. The use of moist feed is no longer kept outside on site and thus no-reoccurrence has occurred. Furthermore, the lagoon has now been filled in. The survey also identifies ground water vulnerability and soil leaching. The proposed hardstanding areas will drain to a pond located in the north. This pond will attenuate the surface water, prior to controlled discharge from the site into the ditch network located to the north-west of the pond. The drainage system will be designed to contain up to and including the 1 in 100 year rainfall event including Climate Change.

The Lead Local Flood Authority are happy with the Schematic drainage layout and therefore raise no objection.

The Environment agency raised no objection to the proposal but have been advised of the specific concern related to the watercourse nearby. Their response indicates that the inspection and analysing of discharges is managed by their Environment Management team and they have been passed the specific concern of the neighbour/Thornbury Parish Council. Given that a new proposal, properly considered should not necessarily be refused as a result of an existing problem the concern should not delay the decision in this case.

Impact on Equalities

5.28 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.

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

Summary

5.30 It has been concluded that the proposed development is not in an appropriate location for a B2/B8 industrial facility. The case to demonstrate why a rural location has not been justified. Furthermore, the proposal would be an inappropriate form of development in the Green Belt. The development would also harm the visual amenity of the locality, biodiversity, and insufficient information has been submitted to make a full and proper assessment of the transportation impacts. The very special circumstances are not found to be

very special and would not outweigh the harms identified above or the principle harm to the Green Belt.

5.31 Notwithstanding the above, it is noted that the proposal would have an economic benefit. However, the same economic benefit could be achieved from the development on an alternative site.

5.32 It therefore follows that the application should be refused as the proposed development is harmful and would not contribute towards achieving sustainable development within the district.

6. CONCLUSION

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

6.2 The recommendation to refuse permission has been taken having regard to the policies and proposals in the 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 planning permission is refused in accordance with the reasons set out below.

7.2 It is further recommended to refer the unauthorised use of the buildings at the site to the Planning Enforcement Team.

Contact Officer: Karen Hayes
Tel. No. 01454 863472

REFUSAL REASONS

1. The site is located within the Bristol/Bath Green Belt and the proposal does not fall within the limited categories of development normally considered appropriate within the Green Belt. In addition, the applicant's case for very special circumstances has not been found to be very special or indicate that the normal presumption against development in the Green Belt should be overridden. The proposal is therefore contrary to the provisions of Policy CS5 and CS34 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013, Policy PSP7 of the South Gloucestershire Local Plan: Policies Sites and Places Plan (Adopted) November 2017 and the National Planning Policy Framework 2019.

2. It is considered that the proposed development fails to reach the highest possible standards of site planning and design as it would result in an incongruous feature within the ridge landscape. The development, if permitted, would result in a degradation of the landscape and would result in an unacceptable landscape impact. It is considered that the proposals are contrary to Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013, PSP2 of the South Gloucestershire Local Plan: Policies Sites and Places Plan (Adopted) November 2017, the requirements of the Landscape Character Assessment SPD (Adopted) November 2014 and the provisions of the National Planning Policy Framework 2019.
3. The development will result in the loss of 110 metres of hedgerow, a habitat of principle importance. Insufficient information has been provided to demonstrate how this loss can be adequately mitigated. In the absence of this information the local planning authority cannot be satisfied that the development would not lead to a harmful impact on biodiversity and local ecology or that this could be adequately controlled by condition. The proposed development is therefore contrary to Policy CS1, CS9, and CS34 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, 2019.
4. Inadequate information has been received to demonstrate that the site access can safely accommodate the additional traffic entering and leaving the site via the A38 and via the pedestrian crossing point serving the public footpath. In the absence of this information, the local planning authority cannot be satisfied that the proposed development would not have a severe impact on highway safety. As such the application is contrary to Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013, Policy PSP11 of the South Gloucestershire Local Plan: Policies Sites and Places Plan (Adopted) November 2017, and the National Planning Policy Framework 2019.