

# 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. 37/19

**Date to Members: 13/09/2019**

**Member's Deadline: 19/09/2019 (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](mailto:MemberReferral@southglos.gov.uk) identifying the application reference and site location
- b) Within 5 working days of the date of this schedule e.g. if the schedule is published on a Friday, comments have to be received by end of the following Thursday (see cover page for the date)
- c) The 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](mailto: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:**

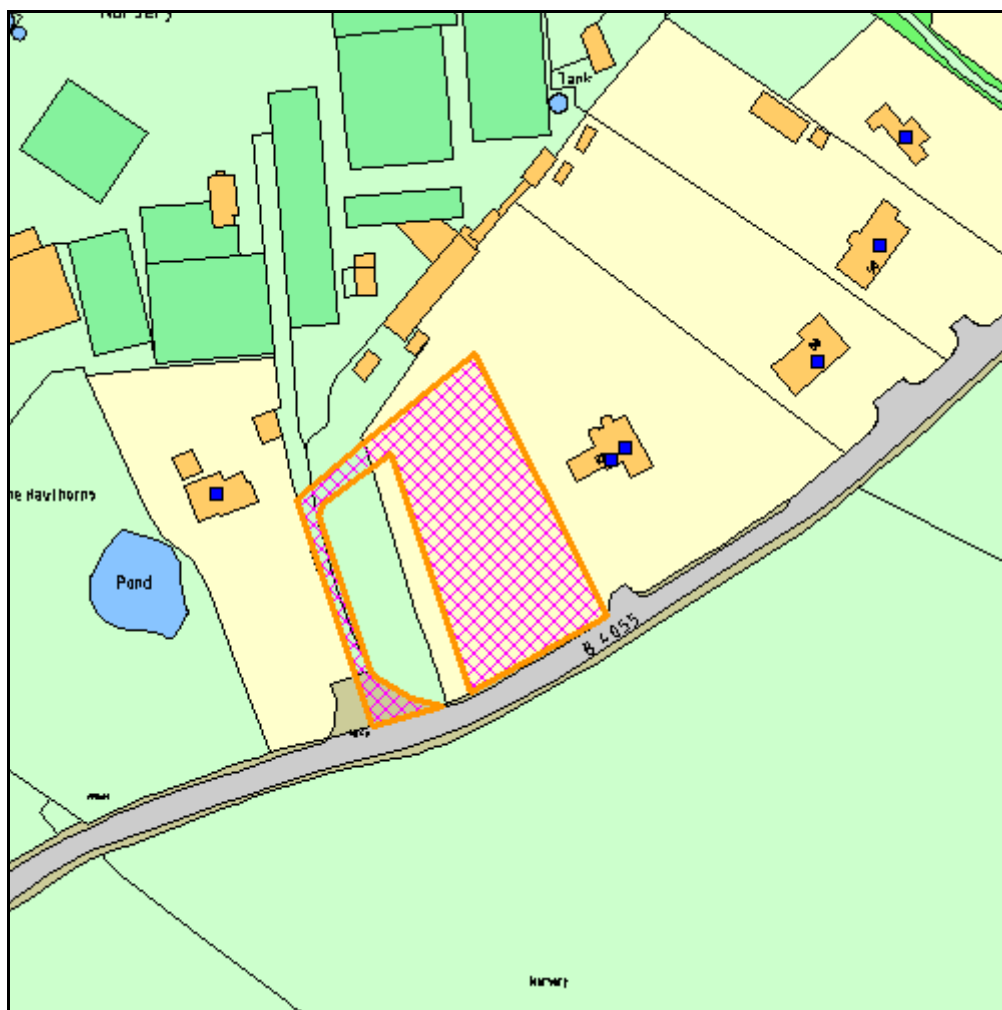
To be emailed to [MemberReferral@southglos.gov.uk](mailto:MemberReferral@southglos.gov.uk)

## CIRCULATED SCHEDULE - 13 September 2019

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	P19/09014/F	Refusal	Springwood House 62 Over Lane Almondsbury South Gloucestershire BS32 4BW	Severn Vale	Almondsbury Parish Council
2	P19/09296/F	Refusal	Caples Close Oldbury Naite Oldbury On Severn South Gloucestershire BS35 1RU	Severn Vale	Oldbury-on-Severn Parish Council
3	P19/10085/F	Approve with Conditions	43 Prestbury Yate South Gloucestershire BS37 4LD	Yate Central	Yate Town Council
4	P19/10208/F	Approve with Conditions	59 Highworth Crescent Yate South Gloucestershire BS37 4HL	Yate Central	Yate Town Council
5	PK18/4588/F	Approved Subject to Section 106	Armstrong Business Park Yate Road Yate South Gloucestershire BS37 5AA	Frampton Cotterell	Iron Acton Parish Council

## CIRCULATED SCHEDULE NO. 37/19 – 13 SEPTEMBER 2019

<b>App No.:</b>	P19/09014/F	<b>Applicant:</b>	Mrs J Hodges
<b>Site:</b>	Springwood House 62 Over Lane Almondsbury Bristol South Gloucestershire BS32 4BW	<b>Date Reg:</b>	19th July 2019
<b>Proposal:</b>	Erection of 2 No. detached dwellings, creation of access and associated works. (Resubmission of PT18/6207/F).	<b>Parish:</b>	Almondsbury Parish Council
<b>Map Ref:</b>	359457 183053	<b>Ward:</b>	Severn Vale
<b>Application Category:</b>	Minor	<b>Target Date:</b>	9th September 2019



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 100023410, 2008. N.T.S. P19/09014/F

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

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

A representation has been made by a local member, which is contrary to the findings of this report. Under the current scheme of delegation it is therefore required to be taken forward under the Circulated Schedule procedure.

### **1. THE PROPOSAL**

- 1.1 Planning permission is sought for the erection of 2no. detached dwellings, the creation of an access and associated works. The application relates to Springwood House, 62 Over Lane, Almondsbury. The application forms a resubmission of refused application PT18/6207/F.
- 1.2 The application site comprises a large detached dwelling set centrally within a spacious plot. The eastern portion of the garden is largely screened from the public areas offered along Over Lane by a substantial hedgerow, running along part of the southern boundary of the site. The western portion of the garden appears to be more open, and can be viewed from Over Lane. Substantial trees and vegetation run along the west, north and east boundaries of the site.
- 1.3 The immediate area is semi-rural in character. Over Lane consists of private and industrial buildings, which are set back from the road and have generous frontages. To the south of the site, there is a hill which gives views into the proposed site. The typical boundary treatments are stone walls and hedgerows. The surrounding land-use is largely a mix of agriculture, woodland and quarry. Springwood Nurseries, which offers a range of plants to wholesale and trade customers, is situated to the north of the application site.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

National Planning Policy Framework Feb 2019  
National Planning Policy Guidance (2014)

#### **2.2 Development Plans**

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

CS1	High Quality Design
CS4a	Presumption in Favour of Sustainable Development
CS5	Location of Development
CS8	Improving Accessibility
CS9	Managing the Environment and Heritage
CS15	Distribution of Housing
CS16	Housing Density
CS17	Housing Diversity
CS34	Rural Areas

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

PSP1	Local Distinctiveness
PSP2	Landscape
PSP3	Trees and Woodland
PSP7	Development in the Green Belt
PSP8	Residential Amenity
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP19	Wider Biodiversity
PSP20	Flood Risk, Surface Water and Watercourse Management
PSP21	Environmental Pollution and Impacts
PSP38	Development within Existing Residential Curtilages, Including Extensions and New Dwellings
PSP40	Residential Development in the Countryside
PSP43	Private Amenity Space Standards

- 2.3 Supplementary Planning Guidance  
Development in the Green Belt SPD (Adopted) 2007  
Design Checklist SPD (Adopted) 2007  
Residential Parking Standards SPD (Adopted) 2013

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

Application Site

**3.1 PT18/6207/F**

Erection of 2 No. detached dwellings, creation of access and associated works.

Refused: 17.05.2019

Appeal Status: In Progress

Refusal Reason 1 - Location

*The application site is outside of any defined settlement and therefore in the open countryside. Defined settlements establish locations which the local planning authority consider suitable, in the spatial strategy, for sustainable development. The proposal conflicts with the locational strategy, the site is not considered to relate well to any defined settlements. The proposal does also not contain any of the limited forms of residential development acceptable in the open countryside. The proposal is therefore not a sustainable form of development and conflicts with policy CS5 and CS34 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; policy PSP40 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; and the provisions of the National Planning Policy Framework, Feb 2019.*



#### Refusal Reason 2 – Green Belt

*The proposal would not comprise limited infilling in a village or the redevelopment of previously developed land, and as such would constitute inappropriate development in the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. No very special circumstances have been submitted to demonstrate that the presumption against inappropriate development in the Green Belt should be overridden. Substantial weight has been applied to the harm identified in this respect, and the proposal is contrary to policies CS4A, CS5 and CS34 of the South Gloucestershire Local Plan Core Strategy (Adopted) 2013; policy PSP7 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; the South Gloucestershire Development in the Green Belt SPD (Adopted) 2007, and the provisions of the National Planning Policy Framework (2019).*

#### Refusal Reason 3 - Design

*The proposed residential units would face away from the highway. This approach is inconsistent with the layout of other dwellinghouses in the immediate area, and as such the dwellings would appear out of character with the prevailing form of development. The failure of the proposal to respect the pattern of development would result in harm to the visual amenity of the immediate area. The proposal fails to meet high standards of design and site planning, and the proposed development is therefore contrary to Policies CS1, CS16 and CS17 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy PSP1 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017 and the National Planning Policy Framework 2019.*

#### Refusal Reason 4 - Access

*Insufficient information has been provided, as to demonstrate that adequate visibility can be achieved at the vehicular access point on to Over Lane. As such, the development if approved would result in the increased use of a sub-standard access, to the detriment of highway safety. The proposal is therefore contrary to Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and Policy PSP11 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017.*

#### Refusal Reason 5 - Archaeology

*The site is located within the C16 deer park and later parkland, and is also in close proximity to a significant prehistoric and Roman site, as well as a potential hillfort. The site therefore has high potential for archaeological remains. Insufficient information regarding the archaeological significance of the site has been submitted. The proposal is therefore contrary to Policy CS9 of the South Gloucestershire Local Plan; Core Strategy (Adopted) December 2013; and Paragraph 189 of the National Planning Policy Framework.*

#### Refusal Reason 6 - Trees

*Insufficient information has been submitted to demonstrate that the proposal will not have a harmful impact upon high quality trees. The proposal is therefore*

*contrary to Policy PSP3 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017.*

**3.2 P92/1952**

Erection of rear conservatory.

Approved: 02.08.1992

**3.3 P88/1768**

Erection of single storey side extension to provide lounge. Erection of two storey side extension to provide garage, kitchen and utility room with two bedrooms and bathroom over.

Approved: 06.06.1988

**Other Relevant Applications**

**3.4 PT06/1720/F – Springwood Nurseries 62a Over Lane (adjacent site)**

Erection of detached dwelling and garage on 0.16 hectares of land. (Resubmission of PT05/3502/F).

Refused: 12.10.2006

Appeal Dismissed: 01.04.2008

**3.5 PT05/3502/F – Springwood Nurseries 62a Over Lane (adjacent site)**

Erection of detached dwelling and garage on 0.16 hectares of land.

Refused: 23.01.2006

**Pre-application Advice**

**3.6 PRE18/0723**

Erection of two detached dwellings.

Response Provided: 12.09.2018

**Conclusions**

*“Overall, were this proposal to be submitted as a full application, it would not gain officer support. This is on the basis that the site is not considered to represent a sustainable location for new residential development, the proposal would constitute inappropriate development in the Green Belt, and the provision of two dwellings as proposed would not respect the character of the area and would cause harm to visual amenity.*

*The identified harm would outweigh the benefits of the proposal, and a recommendation of refusal would therefore be made. On this basis, it is recommended that the scheme is not progressed to full application stage.”*

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

4.1 Almondsbury Parish Council  
No comment

4.2 Other Consultees

Archaeology Officer

Objection – no archaeological information has been submitted in support of the application, and the application site lies close to two important archaeological sites.

Highway Structures

No objection

Landscape Officer

Further landscape information required. Mitigation should be sought as to replace trees and amenity grass to be lost.

Lead Local Flood Authority

Query proposed method for foul sewage disposal and request submission of a clearly labelled drainage layout plan.

Sustainable Transport

Raised several highways and transportation objections to previous application. These related to the sites location and its proposed access arrangements. Note that development has been subject to a number of modifications including internal rearrangement to reduce the number of bedrooms present in each dwelling.

Nevertheless, we have concluded that it remains almost identical in highways and transportation terms to its predecessor and that our objections have not been materially addressed. Consequently, our position is unchanged and we wish to object to the current application as well.

Tree Officer

Comments remain the same as the previous application. There are no objections in principle to the proposal. However there are high quality trees growing around the boundary of the site that will need to be protected in accordance with BS:5837:2012. The applicant will need to submit an Arboricultural report which includes a tree protection plan.

#### **Other Representations**

4.3 Local Residents

One letter of objection was received during the statutory consultation period. The main concerns raised are summarised below:

- New dwellings will change outlook of area.
- Proposal will cause a hazard to incoming and outgoing nursery traffic.
- Traffic is already bad in area and this will put more strain on it.

4.4 Councillor Matthew Riddle

Supportive of this application as believe it is a type of limited infilling that should be allowed in the Green Belt. It is within an existing domestic curtilage and is within the linear build line of the existing houses. The proposed two dwellings are smaller than the ones previously submitted.

**5. ANALYSIS OF PROPOSAL**

- 5.1 The application seeks permission for the erection of 2no. dwellings on land associated with Springwood House, 62 Over Lane, Almondsbury. The site is located outside of any defined settlement boundary and is therefore in the open countryside. The site is also located within the Bristol and Bath Green Belt.
- 5.2 In terms of the benefits of the proposal, it is acknowledged that the contribution of 2no. new dwellings at the site towards the overall housing supply in the district would result in a modest socio-economic benefit. However the proposal is to be assessed against the matters set out below, in order to identify any harm arising from the development. Any identified harm will then be balanced against the benefits of the proposal.
- 5.3 Principle of Development  
Policy CS5 of the Core Strategy establishes the spatial strategy for development in the district. Under this policy, new development is directed to the existing urban areas, market towns, and defined rural settlements. Residential development outside of these locations is strictly controlled. Furthermore, policy CS34 of the Core Strategy seeks to protect the character of the rural areas, with residential development outside of a defined settlement generally resisted.
- 5.4 Following the publication in December 2018 of an extract from the Authority Monitoring Report, South Gloucestershire Council can demonstrate a 5 year housing land supply. Policies that restrict the supply of housing should no longer be considered out of date and should be afforded full weight in decision taking. The tilted balance – on the basis of housing supply policies – should no longer be applied.
- 5.5 Under the spatial strategy set out above, development of this nature should therefore be permitted only in the urban areas or defined settlements. The site is not within a defined settlement and nor does the built form in this location represent a village.

- 5.6 It therefore follows that there is an in principle objection to the proposed development as it does not accord with the spatial strategy as expressed in the Development Plan.
- 5.7 Notwithstanding this, and whilst the majority of applications for new residential development outside of settlement boundaries should be resisted in accordance with the Council's spatial strategy, the Local Planning Authority do consider that it may be suitable, in a few circumstances, to recommend approval of dwellings outside of the settlement boundary.
- 5.8 This will only apply when the site lies close to the edge of the defined settlement boundary and has a direct relationship with it (for example, may be linked to the settlement boundary by other buildings, or have good footpath links to the settlement boundary). Essentially, it should read as a natural extension to the settlement boundary. However in the interests of the Council's overall spatial strategy for new housing, this should only apply to very small development proposals of 1-2 dwellings.

#### *Relationship with Nearest Defined Settlement*

- 5.9 The site is situated approximately 0.8 km from the boundary of the nearest defined settlement. Whilst it is acknowledged that there are residential properties situated along the western side of Over Lane between the site and defined settlement, the buildings are fairly scattered along the highway in a fashion typical of rural lane, and are not considered to read as an extension to the settlement itself. Given the distance between the site and the nearest defined settlement, and the distinction in character between the site and the more built-up areas of the defined settlement, the proposal site is not considered to read as a natural extension to the settlement.
- 5.10 As such, the proposal is not considered to comprise one of the limited forms of residential development outside of a settlement boundary, which would be permissible under CS5 and would not significantly conflict with the Council's overall spatial strategy.

#### *Other Forms of Allowable Residential Development in the Countryside*

- 5.11 The proposal conflicts with the Council's locational strategy for development, as set out in policy CS5. However policy PSP40 of the Policies, Sites and Places Plan does allow for certain forms of residential development in the open countryside. These comprise rural housing exception initiatives, rural workers dwellings, the replacement of existing dwellings, and the conversion and re-use of existing buildings. The proposal comprises the erection of 2no. new build dwellings, and does therefore not fall in to any of the categories set out above.

#### *Summary*

- 5.12 To conclude, when viewed in the context of the Council's locational strategy, the site is not an appropriate location for residential development. Given the Council's current 5 year housing land supply position, policies that restrict the supply of housing are considered up to date, and can be afforded full weight. The failure of the proposal to accord with the Council's locational strategy

attracts substantial weight, when balancing the harm of the development against the benefits.

- 5.13 The same assessment was made for the previously refused application. As the location of the development has not materially altered, and there has been no significant shift in policy position since the determination of the previous application, the Local Planning Authority maintain that the site comprises an inappropriate location for residential development, when viewed in the context of the Council's spatial strategy.
- 5.14 Green Belt  
The site is situated within the Bristol and Bath Green Belt. Policy CS5 and CS34 of the Core Strategy and policy PSP7 of the Policies, Sites and Places Plan support the protection of the Green Belt from inappropriate development. The NPPF attaches great importance to the Green Belt – with the fundamental aim of preventing urban sprawl and keeping the land open in nature. In order to achieve this, there is a general presumption against inappropriate development in the Green Belt. Any type of development in the Green Belt is considered inappropriate, unless it falls into a predefined exception category or very special circumstances override the presumption against inappropriate development. Very special circumstances will not be found unless the harm to Green Belt and any other harm is clearly outweighed by the benefits of the proposal.
- 5.15 New buildings in the Green Belt are inappropriate unless they fall into one of the exceptions listed in paragraph 145 of the NPPF. One of the exception categories relevant to this case is limited infilling in villages. The Council has defined infill development in the glossary to the Core Strategy as 'the development of a relatively small gap between existing buildings, normally within a built up area'.
- 5.16 In terms of the previous application, the development was not considered to fall in to this exception category. This was on the basis that whilst there is a residential property situated to the west of the site, the area between the existing property at Springwood House and the property to the west was not considered to comprise a relatively small gap suitable for infilling. The distance between the two buildings is approximately 80m, with the property to the west also set further back within its plot than Springwood House. Furthermore, it was found that the distance between the westernmost proposed dwelling, and the neighbouring property to the west, would still measure approximately 40m, with the new dwellings and neighbouring property also separated by a treeline and the access road for Springwood Nursery. Subsequently, when viewed aerially and on the ground, the site was not considered to appear as a relatively small gap between existing buildings.
- 5.17 Furthermore, the site was not considered to represent a built-up area or part of a village, with the majority of buildings in the area comprising detached residential properties scattered along the lane. In terms of its overall character, the site was found to considerably more rural than built-up.

- 5.18 As such, the provision of two dwellings at the site was not considered to comprise limited infilling in a village. Whilst it is acknowledged that some alterations have been made to the form and layout of the proposed dwellings, in terms of any Green Belt assessment, the current application is not considered to materially differ from the previously refused application. The proposal as put forward as part of the resubmission is therefore not considered to constitute limited infilling in a village.
- 5.19 Furthermore, as per the previous application, the proposal is also not considered to fall in to the other relevant exception category for development; 'the redevelopment of previously developed land, provided that the development would not have a greater impact on the openness of the Green Belt than the existing development'. This is on the basis that the application site comprises a large area of domestic garden, which at no point in time appears to have been substantially developed. Even if it were argued that the site comprised previously developed land due to constituting residential curtilage, the provision of two dwellings would have a significantly greater impact on openness than the current arrangement. The proposal does therefore not fall in to the exception category relating to previously developed land.
- 5.20 On the basis of the assessment set out above, the proposal would constitute inappropriate development in the Green Belt. As per the provisions of Paragraph 143 of the NPPF, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. No case for very special circumstances has been presented, and it is not considered that any exist which clearly demonstrate that the general presumption against inappropriate development in the Green Belt.
- 5.21 Moreover, the site in its current form is distinctly open in nature, and makes up part of a relatively open landscape. The provision of two dwellinghouses would detract from the openness of the site, with the proposal extending a ribbon of development in to the open countryside. The proposal would therefore directly conflict with the purposes of Green Belt policy. The inappropriate nature of the development in the Green Belt, and the actual harm to openness, are considered to carry substantial weight when balancing the benefits of the proposal against any harm.
- 5.22 Design and Visual Amenity  
Policy CS1 of the Core Strategy is the Council's principal design policy. This policy requires development to meet the 'highest possible' standards of site planning and design. Development proposals are required to demonstrate that they respect and enhance the character, distinctiveness, and amenity of the site and its context and that the density and overall layout is well integrated into the existing adjacent developments.
- 5.23 Policy PSP1 of the Policies, Sites and Places Plan requires development proposals to demonstrate an understanding of the character of an area. Development proposals should make a positive contribution to the distinctiveness of a locality and innovative architectural responses to design issues are encouraged.

- 5.24 It is acknowledged that the overall design of the two proposed dwellings has been altered from the previous proposal. Whereas previously the dwellings were to face away from the highway, they would now face towards it. Furthermore, whilst the vehicular access would be gained to the rear, the parking spaces associated with each property would be situated to the front, thus heightening the sense that the units face on to the highway. This approach is considered to be more successful in responding to local character, which is defined by detached properties facing on to the highway.
- 5.25 In terms of the more detailed design, the scale and massing of the residential units is considered to be sufficiently consistent with other properties along Over Lane. Whilst the dwellings would be fairly narrow at their front elevation and incorporate deep rear projections, given that properties along the lane exhibit a variety of architectural styles, this approach is not considered to be at odds with any defined character.
- 5.26 The dwellings would be finished in render and incorporate gable elements, which are features of other properties in the locality. Overall, whilst the redevelopment of the site would undoubtedly alter its character, it is not considered that this would result in direct and notable harm to the visual amenity of the streetscene or the character of the locality. The revised proposal is therefore broadly consistent with policies CS1 and PSP1, and the previous refusal reason relating to the design is considered to have been addressed.
- 5.27 Landscape Impact  
Policy PSP2 of the Policies, Sites and Places Plan outlines that development proposals should seek to conserve and where appropriate enhance the quality, amenity, distinctiveness and special character of the landscape.
- 5.28 The landscape officer has raised no fundamental issues regarding the impact of the development on the surrounding landscape. Some suggestions have been made regarding the proposed scheme of landscaping, and it is considered that these detailed matters can be agreed through the submission of a more robust scheme of landscaping following determination. Had the application had a recommendation of approval, a condition would have been recommended, requiring the submission of a detailed landscaping plan.
- 5.29 Residential Amenity  
Policy PSP8 of the Policies, Sites and Places Plan outlines that development proposals will be acceptable provided that they do not create unacceptable living conditions or have an unacceptable impact on the residential amenity of the occupiers of the development or of nearby properties. Unacceptable impacts could result from (but are not restricted to); loss of privacy and overlooking; overbearing and dominant impact; loss of light; noise or disturbance; and odours, fumes or vibration.
- 5.30 Given the spacious nature of the site and the degree of separation between the proposed dwellings and any existing neighbouring properties, it is not considered that the proposal would have any material impact on neighbouring residents. It is also not considered that the development proposal would degrade the level of residential amenity enjoyed at no. 62 Over Lane.



- 5.31 It is also considered that the two proposed dwellinghouses would have an acceptable relationship with one another. Sufficiently large areas of private amenity space would be afforded to each property. Overall there are no fundamental concerns with the proposal in relation to impact on residential amenity. The proposal therefore accords with policy PSP8 of the Policies, Sites and Places Plan. Had the application had a recommendation of approval, a condition would have been attached to any decision, restricting the permitted hours of operation during the associated construction period.
- 5.32 Transport  
Policy PSP11 of the Policies, Sites and Places Plan outlines that development proposals which generate a demand for travel will only be acceptable where an appropriate, safe, accessible, convenient and attractive access is provided for all mode trips arising to and from the proposal. The proposed dwellings would be accessed via an adjacent private lane, which provides access to Springwood Nurseries. As such, the proposal would result in the intensification of the use of the access lane.
- 5.33 Over Lane has been identified as a relatively heavily trafficked lane (due to providing a connection between the A38 and Cribbs Causeway). The transport officer has also identified that motorists often exceed the speed limit at this location, with speed readings taken adjacent to the site indicating 85%ile speeds in the region of 40mph despite the 30mph speed limit.
- 5.34 In terms of the previous application, concerns were raised by the transport officer regarding the levels of visibility available at the junction between the private access lane and Over Lane. An access note was subsequently submitted by the applicant, however this did not alleviate the concerns of the transport officer.
- 5.35 In terms of the current application, whilst an access drawing and technical note have been referred to, it does not appear that any specific additional information relating to highway safety has been submitted in support of the application. Furthermore, the proposed access arrangements remain largely unchanged from the previous application. As such, the transport officer continues to object to the proposal, and it is not considered that adequate information has been provided, as to demonstrate that sufficient visibility can be achieved at the junction with Over Lane. As such, the proposal is contrary to policies CS8 and PSP11. The harm identified in this respect attracts significant weight in the overall planning balance.
- 5.36 In terms of parking provision, the proposed dwellings would each contain 3 bedrooms. Policy PSP16 of the Policies, Sites and Places Plan outlines that a minimum of 2 parking spaces should be provided for 3-bed properties. Ample space would be provided on-site for the parking of vehicles, and as such there are no concerns in this regard.
- 5.37 The site is also not considered to represent a sustainable location for development. Public transport facilities in the area are limited, and there are no safe pedestrian routes connecting the site to facilities. The proposal is therefore

contrary to PSP11 in this respect, however this issue is considered to tie in with the overall issue relating to the location of the development.

5.38 Archaeology

The site is located within the C16 deer park and later parkland and is in close proximity to a significant prehistoric and Roman site. The site is also in close proximity to a potential hillfort. As such, during the course of the previous application and as per Paragraph 189 of the NPPF, the applicant was requested to submit an appropriate desk-based assessment considering the sites archaeological potential. However no such assessment was forthcoming, and the failure to submit sufficient archaeological information sustained a reason for refusal.

5.39 In terms of the current application, the archaeology officer is of the same view that an appropriate desk-based assessment considering the sites archaeological potential should be submitted prior to the determination of the application. No such assessment has been submitted during the course of the application. As such, it is not considered that sufficient information relating to the potential impact of the development on site archaeology has been provided. The proposal is therefore contrary to policies CS9 and PSP17, and the harm identified in this respect carries significant weight.

5.40 Trees

There are a number of large trees present around the boundary of the site, and the tree officer has identified these as being of high quality. During the course of the previous application, the applicant was requested to submit an arboricultural report to BS:5837:2012 standard, to assess the potential impact of the development on trees. However no formal report was submitted, and the failure to submit a report substantiated a reason for refusing to grant planning permission.

5.41 In terms of the current application, the tree officer maintains that an arboricultural survey should be submitted. However no formal report has been submitted to the Local Planning Authority. As such, the application once again fails to demonstrate that the proposal would not result in the loss of or damage to high quality trees. The proposal is therefore contrary to policy PSP3 of the Policies, Sites and Places Plan, and the harm identified in this respect carries moderate weight.

5.42 Ecology

Given that the proposal seeks to develop an existing residential garden, the site is considered to have limited ecological potential. As such, a preliminary ecological appraisal has not been requested, and it is not considered that the development would have any unacceptable impact in this respect.

5.43 Flood Risk

The site is located within EA Flood Zone 1. As such, there are no in principle issues with the redevelopment of the site from a flooding perspective. The drainage officer has queried the method of foul water management and has also requested that further details relating to the proposed method of SUDS be provided. Whilst this information has not been provided at this stage, it is

considered that the details could be requested by condition. It is also considered that given the scale of development, the majority of issues relating to site drainage could be considered and addressed at building regulations stage. As such, there are no fundamental concerns with the proposal in this respect.

#### 5.44 Equalities

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

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

#### Overall Planning Balance

- 5.46 A number of issues with the proposal have been identified. The proposed development would result in two additional dwellings at a location that is unsupported by the spatial strategy, and the proposal comprises an inappropriate form of development in the Green Belt.
- 5.47 The application also fails to demonstrate that a safe means of access on to the adjacent highway can be achieved. Insufficient information has also been provided in respect of the potential impact of the development on trees and site archaeology. In terms of the previous application, only one of six refusal reasons are considered to have been addressed through the resubmission.
- 5.48 When considering the outstanding issues cumulatively, the level of harm identified is considered to attract substantial weight.
- 5.49 The benefits of the development would be modest, with the contribution of two new dwellings towards housing supply in South Gloucestershire failing to outweigh the harm identified above.
- 5.50 The proposal therefore fails and planning permission should be refused.

## 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 That the application be **REFUSED** for the reasons set out below:

**Contact Officer: Patrick Jackson**  
**Tel. No. 01454 863034**

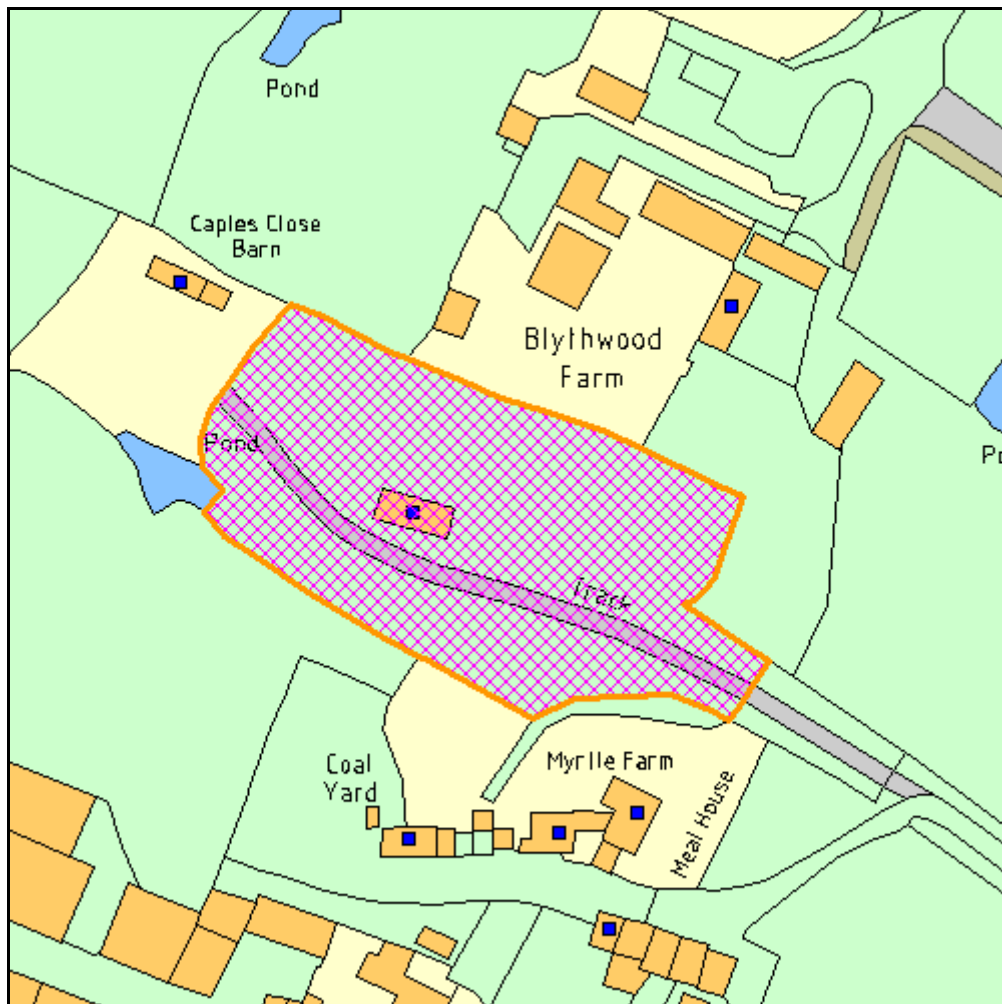
1. The application site is outside of any defined settlement and therefore in the open countryside. Defined settlements establish locations which the local planning authority consider suitable, in the spatial strategy, for sustainable development. The proposal conflicts with the locational strategy, and the site is not considered to relate well to any defined settlements. The proposal does also not contain any of the limited forms of residential development acceptable in the open countryside. The proposal is therefore not a sustainable form of development and conflicts with policy CS5 and CS34 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; policy PSP40 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; and the provisions of the National Planning Policy Framework, Feb 2019.
2. The proposal would not comprise limited infilling in a village or the redevelopment of previously developed land, and as such would constitute inappropriate development in the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. No very special circumstances have been submitted to demonstrate that the presumption against inappropriate development in the Green Belt should be overridden. Substantial weight has been applied to the harm identified in this respect, and the proposal is contrary to policies CS4A, CS5 and CS34 of the South Gloucestershire Local Plan Core Strategy (Adopted) 2013; policy PSP7 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; the South Gloucestershire Development in the Green Belt SPD (Adopted) 2007, and the provisions of the National Planning Policy Framework (2019).
3. Insufficient information has been provided as to demonstrate that adequate visibility can be achieved at the vehicular access point on to Over Lane. As such, the development if approved would result in the increased use of a sub-standard access, to the detriment of highway safety. The proposal is therefore contrary to Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and Policy PSP11 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017.
4. The site is located within the C16 deer park and later parkland, and is also in close proximity to a significant prehistoric and Roman site, as well as a potential hillfort. The site therefore has high potential for archaeological remains. Insufficient information

regarding the archaeological significance of the site has been submitted. The proposal is therefore contrary to Policy CS9 of the South Gloucestershire Local Plan; Core Strategy (Adopted) December 2013; and Paragraph 189 of the National Planning Policy Framework.

5. Insufficient information has been submitted to demonstrate that the proposal will not have a harmful impact upon high quality trees. The proposal is therefore contrary to Policy PSP3 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017.

# CIRCULATED SCHEDULE – 37/19 – 13 SEPTEMBER 2019

<b>App No.:</b>	P19/09296/F	<b>Applicant:</b>	Mr D Rugman
<b>Site:</b>	Caples Close Oldbury Naite Oldbury On Severn South Gloucestershire BS35 1RU	<b>Date Reg:</b>	6th August 2019
<b>Proposal:</b>	Erection of two storey rear extension to facilitate change of use from Office (Class B1) to dwelling (Class C3) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended) with associated works (resubmission of P19/3328/F).	<b>Parish:</b>	Oldbury-on-Severn Parish Council
<b>Map Ref:</b>	361700 193257	<b>Ward:</b>	Severn Vale
<b>Application Category:</b>	Minor	<b>Target Date:</b>	26th September 2019



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## **REASON FOR APPEARING ON CIRCULATED SCHEDULE**

This application appears on the Council's Circulated Schedule procedure following a letter of support received from Councillor Matthew Riddle to the contrary of the officer recommendation detailed in this report.

### **1. THE PROPOSAL**

- 1.1 This application seeks planning permission for the erection of a two-storey rear extension to facilitate the change of use from a vacant office building (use class B1) to a single dwelling (use class C3) at Caples Close, Oldbury Naite, Oldbury on Severn.
- 1.2 The site is situated within Flood Zone 3 and is in the open countryside, outside of any established settlement boundary.
- 1.3 Planning permission was granted under application ref. PT06/3618/F for the conversion of an existing barn to form a residential dwelling and the change of use of an existing outbuilding for Class B1 use as defined in the Town and Country Planning (Use Classes) Order 1987 as amended.
- 1.4 It is understood that although the original planning permission was granted in 2007, the building has only recently been converted in to a B1 unit since 2017. However the residential element of the proposal has been completed within the required time limit (the dwelling to the north-west). As such, it is considered that the planning permission was implemented and that the permission has not lapsed.
- 1.5 It should be noted that this planning application is identical to P19/3328/F which was refused on 31<sup>st</sup> May 2019, and there has been no change in planning policy since this decision. The application was refused on the following grounds:
  - 1) *It has not been demonstrated that the proposal will provide wider sustainability benefits to the community that outweigh the identified risks from flooding. The proposed development fails the requirements of the Exception Test and is contrary to the aims of the National Planning Policy Framework (NPPF); CS5 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013; and Policy PSP20 of the South Gloucestershire Policies Sites and Places Plan (Adopted) Nov 2017.*
  - 2) *The proposed extension, if approved, would be disproportionate in height, form, scale and massing to the existing building and would be incongruous within the landscape, to the contrary of policies PSP1, PSP2 and PSP40 of the Policies Sites and Places Plan (Adopted) Nov 2017 and policies CS1 and CS34 of the South Gloucestershire Core Strategy (Adopted), and the National Planning Policy Framework.*
- 1.6 The only difference between the two planning applications is the one for consideration here also includes a Flood Emergency Evacuation Plan.

## **2. POLICY CONTEXT**

### **2.1 National Guidance**

National Planning Policy Framework 2019  
National Planning Practice Guidance

### **2.2 Development Plans**

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design  
CS5 Location of Development  
CS9 Managing the Environment and Heritage  
CS34 Rural Areas

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

PSP1 Local Distinctiveness  
PSP2 Landscape  
PSP8 Residential Amenity  
PSP11 Transport Impact Management  
PSP16 Parking Standards  
PSP17 Heritage Assets  
PSP19 Biodiversity  
PSP20 Flood Risk  
PSP21 Environmental Pollution  
PSP28 Rural Economy  
PSP40 Residential Development in the Countryside  
PSP43 Amenity Space Standards

### **2.3 Supplementary Planning Guidance**

The South Gloucestershire Design Checklist SPD (adopted)  
The South Gloucestershire Residential Parking Standards SPD (adopted)

## **3. RELEVANT PLANNING HISTORY**

### **3.1 P19/3328/F**

Erection of two storey rear extension to facilitate change of use from Office (Class B1) to dwelling (Class C3) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended) with associated works.

Refused: 31/05/2019

### **3.2 PT18/1400/RVC**

Removal of condition 9 attached to PT06/3618/F to enable the commercial building approved to be used as a separate enterprise.

Approved: 31/05/2018



### 3.3 **PT17/0262/PNGR**

Prior notification of a change of use from Agricultural Building to 1no. residential dwelling (Class C3) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended). (Resubmission of PT15/2068/PNGR).

Refused: 14.03.2017

### 3.4 **PT15/2068/PNGR**

Prior notification of a change of use from Agricultural Building to single residential dwelling (Class C3) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended).

Withdrawn: 23.06.2015

### 3.5 **PT06/3618/F**

Single storey extension to facilitate conversion of existing barn to form residential dwelling. Change of use of existing outbuilding for Class B1 use as defined in the Town and Country Planning (Use Classes) Order 1987 as amended (in accordance with amended plans received by the Council on 2 January 2007).

Approved: 20.03.2007

## 4. **CONSULTATION RESPONSES**

4.1 Oldbury on Severn Parish Council  
No comment received.

4.2 Other Consultees

Environment Agency (South West)  
No comments received.

Transport  
No objection.

Economic Development  
No objection.

Highway Structures  
Informatives recommended.

Lead Local Flood Authority  
A flood emergency plan has been submitted and this should be signed off by the Emergency Planning Team. No objection.

## **Other Representations**

### **4.3 Local Residents**

No comments received.

#### **Councillor Matthew Riddle**

Supports the application for the following reasons:

- Oldbury needs new smaller units for young families to stay in the village and older residents to downsize into, while allowing them to stay in the community
- Organic growth is important to allow the area to be sustainable and to keep existing services such as the school, shop, pub and church
- See no reason why existing office cannot be changed to a dwelling
- Extension is required to house a safe refuge during a flood event
- The former Methodist Chapel in Chapel Road was converted and it was a lower AOD than this site. During the determination of this application the safe refuge was removed from the plans

## **5. ANALYSIS OF PROPOSAL**

### **5.1 Principle of Development**

The application proposes a two-storey extension to a single storey office building to facilitate the conversion to a two-bedroom dwelling within the open countryside. Policy PSP40 of the Policies Sites and Places Plan is supportive of the conversion of rural buildings for residential purposes subject to the following criteria

- i) the building is of permanent and substantial construction; and
- ii) it would not adversely affect the operation of a rural business or working farm; and
- iii) any extension as part of the conversion or subsequently is not disproportionate to the original building; and
- iv) if the building is redundant or disused; the proposal would also need to lead to an enhancement of its immediate setting

5.2 The building has recently been converted to office use lawfully under application PT06/3618/F, which also facilitated the conversion of the residential unit to the north-west. As the conversion was recent (believed to have been within the past two years) the structure is of permanent and substantial construction and therefore meets that criterion.

5.3 As the building is currently empty and the applicant has indicated they are having difficulty in letting the property as an office use, the conversion would not have an impact on a rural business and therefore the development meets this criterion.

5.4 The building is a single storey structure with a gable roofline, and a two-storey gable extension is proposed to the western elevation to facilitate a garden room

- and a refuge area as part of the conversion to a dwelling. As the height of the extension is significantly taller than the existing building, officers do not consider the addition to be proportionate and so the development does not meet this criterion.
- 5.5 The building is currently empty as the applicant is having difficulties letting the unit, however it is not redundant or disused and is in good condition. This criterion therefore does not apply.
- 5.6 Overall, the development includes a disproportionate extension to the building to the contrary of policy PSP40, and therefore the development is unacceptable in principle.
- 5.7 *Flood Risk*  
The aim of the National Planning Policy Framework is to reduce the risks of development from flooding. Therefore, development is required to be directed towards areas with the lowest probability of flooding (Flood Zone 1). In addition, where necessary, the exception test can be applied where there are overriding, exceptional circumstances as to why development should not be located in an area with the lowest risk from flooding. In addition, the applicant is required to submit a site-specific flood risk assessment to acceptably demonstrate that the development will be safe for its lifetime from the risks from flooding.
- 5.8 The proposal is for the extension and conversion of an existing office unit to form a single residential dwelling. The site is located in Flood Zone 3 and residential development is classified as being 'more vulnerable' within the National Planning Policy Framework (NPPF), whilst the existing office use is classified as 'less vulnerable'. The NPPF specifies that a sequential risk based approach should be undertaken with regards to the location of new development to avoid where possible flood risk to people and property. Accordingly, new development should be directed into areas with the lowest probability of flooding (Flood Zone 1); if there are no reasonably available sites in Flood Zone 1, then development should be directed into areas classified as Flood Zone 2. This is known as the Sequential Test. The NPPF advises that development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding.
- 5.9 Footnote 51 of the NPPF advises that applications for minor development and changes of use should not be subject to the Sequential or Exception Tests. In this instance, it is clear that the proposed conversion of the office building includes both operational development in the form of a minor extension as well as a change of use. Building work is proposed to extend the footprint of the building to form a two storey extension in order to form a garden room at ground floor level and a refuge area at first floor level. Accordingly, given the building is to be extended in order to facilitate the conversion and the fact that the proposal represents an increase in flood risk, it is considered appropriate to apply the sequential test in this instance.

#### 5.10 *Sequential Test*

Given that the proposal is for the conversion of an existing office building to residential, it is clear that the development is not one that can be located in a zone with a lower probability of flooding. Accordingly, the Exception Test can be applied.

#### 5.11 *Exception Test*

The 'Flood risk vulnerability and flood zone compatibility' table in the NPPF Technical Guidance indicates that the Exception Test is required for 'more vulnerable' development such as dwellinghouses in Flood Zone 3a. For the development to pass the Exception Test it must be demonstrated that:

- It must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a strategic flood risk assessment where one has been prepared; and
- A site specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

5.12 The submitted site specific flood risk assessment states that the proposed development will have a ground floor finished floor level of 7.5m AOD and the small first floor refuge area with a finished floor level of 10.54 AOD. The current 0.5% Annual Exceedance Probability (AEP) tide level is 9.42m AOD and so the site is defended above this level by the Environment Agency's registered defences. With sea level rise due to climate change, the 1 in 200 year flood level is predicted to rise to 10.54m AOD within 100 years, which is the same height as the finished floor level of the refuge area. A Flood Emergency Evacuation Plan has been submitted and the details of this can be agreed with the Emergency Planning Team prior to first occupation of the development. Subject to this, the second bullet point of the Exception Test is passed.

5.13 The first bullet point of the exception test is not passed. The conversion to a residential unit does not provide any significant sustainability benefits to the wider community that outweigh the identified risks from flooding. Whilst the FRA notes that approximately three residents will replace up to six office workers, these workers will not be sleeping on site overnight when the risk of being caught up in a flood event is greater. The proposal fails the Exception Test and is therefore, contrary to guidance contained in the National Planning Policy Framework; policy PSP20 of the Policies Sites and Places Plan (Adopted) November 2017; and policy CS5 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013.

5.14 Comments from Cllr Riddle have raised comparisons with the conversion of the Chapel on Chapel Road (PT18/1632/F) to residential use. This development is not comparable as the sequential test and exception test were not applied, because the development represented a change of use only. The development under consideration here includes a two-storey extension and therefore is subject to the sequential and exception tests.

5.15 *Loss of rural business*

As the application details the difficulty the applicant has had in finding a tenant for the office building since its conversion, limited weight is given to the loss of the rural employment site. It is not a safeguarded employment site and the Economic Development team has no objection.

5.16 Design and Landscaping

The building to be converted is situated on its own within a paddock, however there is a residential conversion to the north-west and farm buildings scattered north and south of the site. It is noted that the red line boundary encloses the whole paddock and the Block Plan does not show any subdivision, and therefore it appears the entire paddock is intended to serve as residential curtilage. Such a large curtilage would result in a more domestic character having a negative impact on the rural character of the area to the contrary of policy PSP2 and CS34.

- 5.17 As has been previously discussed, the extension proposed is disproportionate to the rest of the building, being a two-storey extension to a single storey building. Materials are proposed to match the existing external finishes. Officers consider the form, scale, massing and design of the extension is not in keeping with the rest of the building and is therefore contrary to policy CS1 of the Core Strategy (Adopted) December 2013.

5.18 Residential Amenity

The nearest residential property is to the north-west, and therefore will not be impacted upon by the development. The amenities of future occupiers of the site have also been considered, and despite access to the dwelling to the north-west running through the site, the vehicular movements will be low in frequency and loop around the building so as not to cause disturbance. The large paddock will provide adequate amenity space in excess of the standards within policy PSP43, with the building itself shielding some of the amenity space from the access road to create a private outdoor space. The development accords with policy PSP8.

5.19 Transport

The site is not within a sustainable location, and whilst it is only a 15/20 minute walk into Oldbury on Severn, there is no safe footpath along the highway known as The Naite. Offices are known to be high generators of vehicular movements, and so it is likely that the change of use would have a minimal impact on traffic generation and may even slightly reduce it. It is therefore difficult to object on the grounds of sustainability due to the extant situation.

- 5.20 Two off-street parking spaces have been shown to serve the new development, which is in excess of the requirements for a two-bedroom dwelling. There is no objection from a transportation perspective.

5.21 Other Issues

Cllr Riddle has highlighted the need for such a dwelling to allow young families to stay in the area and to support facilities within the village of Oldbury. Whilst this is noted, officers do not consider the site to be within the village and furthermore this slight benefit does not outweigh the in principle policy objection on flood risk grounds, as well as the incongruous design.

#### 5.22 Consideration of likely impact on Equalities

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

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

## 6. CONCLUSION

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

## 7. RECOMMENDATION

- 7.1 That planning permission is **REFUSED** for the reasons on the decision notice.

**Contact Officer: Trudy Gallagher**  
**Tel. No. 01454 864735**

- 1. It has not been demonstrated that the proposal will provide wider sustainability benefits to the community that outweigh the identified risks from flooding. The proposed development fails the requirements of the Exception Test and is contrary to the aims of the National Planning Policy Framework (NPPF); CS5 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013; and Policy PSP20 of the South Gloucestershire Policies Sites and Places Plan (Adopted) Nov 2017.
- 2. The proposed extension, if approved, would be disproportionate in height, form, scale and massing to the existing building and would be incongruous within the landscape, to the contrary of policies PSP1, PSP2 and PSP40 of the Policies Sites and Places

Plan (Adopted) Nov 2017 and policies CS1 and CS34 of the South Gloucestershire Core Strategy (Adopted), and the National Planning Policy Framework.

CIRCULATED SCHEDULE NO. 37/19 – 13 SEPTEMBER 2019

**App No.:** P19/10085/F

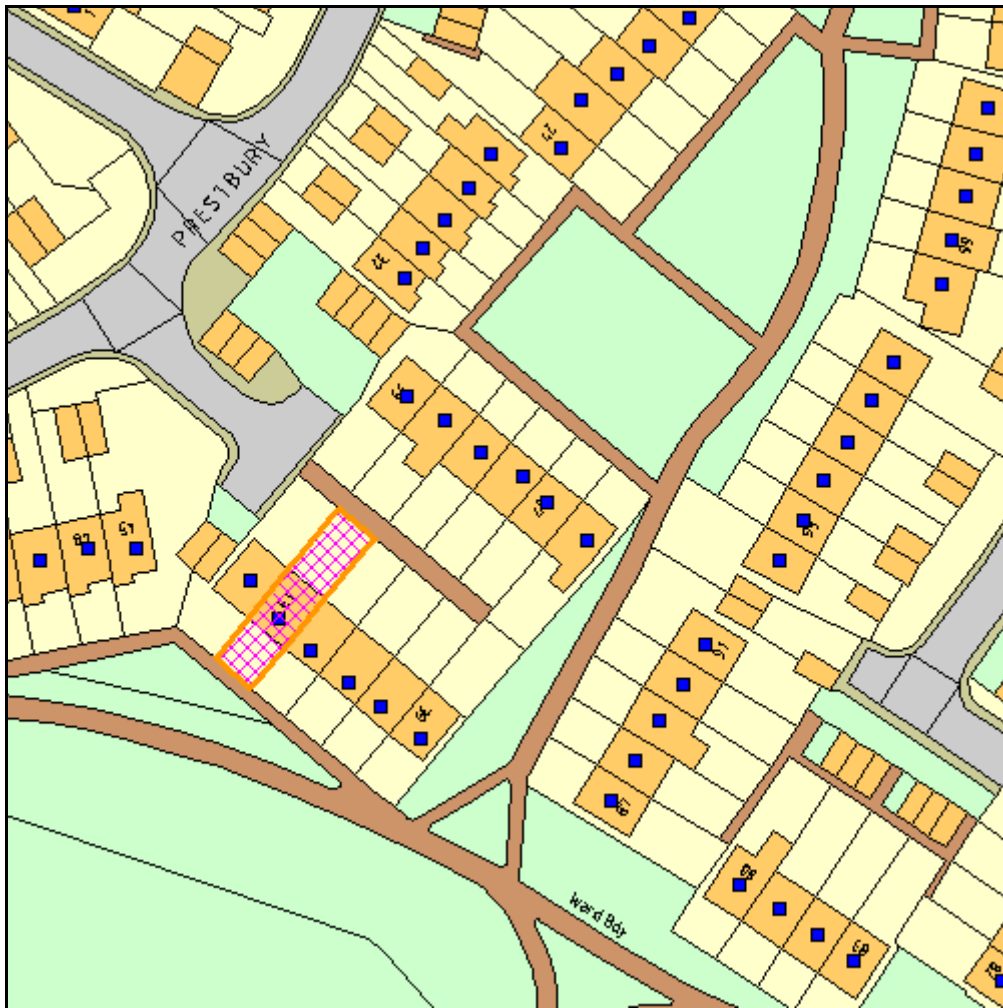
**Applicant:** Mr Gary  
OVERTON

**Site:** 43 Prestbury Yate Bristol South  
Gloucestershire BS37 4LD

**Date Reg:** 9th August 2019

**Proposal:** Erection of rear conservatory.  
**Map Ref:** 370671 181493  
**Application Category:** Householder

**Parish:** Yate Town Council  
**Ward:** Yate Central  
**Target Date:** 3rd October 2019



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P19/10085/F



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

## **INTRODUCTION**

This report and recommendation are referred to the Circulated Schedule in accordance with procedure as an objection has been received from the Parish/Town Council that is contrary to the officer recommendation.

### **1. THE PROPOSAL**

- 1.1 The application seeks full planning permission for the erection of a rear conservatory. The host dwelling is mid-terrace and unusual in so far as footpaths rather than roads lie to the front and rear with parking provided within garages spaced around a hammerhead. The property is in a residential area of Yate.
- 1.2 The conservatory will have a depth of 3.25m, width of 3m and height to the top of the roof of 3.2m. Render is used in the plinth to match the existing property.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

National Planning Policy Framework February 2019  
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
PSP34	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 There is no relevant planning history

## **4. CONSULTATION RESPONSES**

### **4.1 Yate Town Council**

Objection

1. The dimensions of the proposed conservatory are not in proportion with the existing property. We consider this to be over development of the site.

2. It is not in keeping with the rest of the street

### **Other Representations**

### **4.2 Local Residents**

No comments received.

## **5. ANALYSIS OF PROPOSAL**

### **5.1 Principle of Development**

Policy PSP38 of the PSP Plan is generally supportive of development within existing residential curtilages, subject to considerations of visual amenity, residential amenity and highway safety. The proposal therefore accords with the principle of development subject to the consideration below.

### **5.2 Design and Visual Amenity**

Policy CS1 of the Core Strategy and policy PSP38 of the Policies, Sites and Places Plan seek to ensure that development proposals are of the highest possible standards and design. This means that developments should have appropriate: siting, form, scale, height, massing, detailing, colour and materials which are informed by, respect, and enhance the character, distinctiveness and amenity of both the site and its context.

5.3 The comments of the Town Council are noted. The proposed conservatory is however considered modest in scale, with a depth of 3.2m and height of 3.2m. The structure does not span the entire width of the rear elevation. It is accepted that if the structure were located on the front elevation then it would appear visually incongruous albeit still small in scale however on this elevation it is located within a garden area surrounded by boundary treatments in particular a high rear wall. Views of the structure would be very limited. It is not considered that the structure would detract from either the host dwelling or the wider street scene and would be acceptable in the above terms.

### **5.4 Residential Amenity**

Policies PSP8 and PSP38 of the PSP Plan sets out that development within existing residential curtilages should not prejudice residential amenity through overbearing; overshadowing; overlooking; loss of light; loss of outlook; and loss of privacy of neighbouring occupiers.

Given the scale of the proposal and its location it is not considered that it will result in any loss of amenity to neighbouring occupiers.

In addition sufficient private amenity space is retained at the property to accord with Policy.

5.5 Transport

The proposal will not increase the parking requirement at the dwelling, nor alter the existing parking provision (located nearby) there is no transportation objection raised.

5.9 Consideration of likely impact on Equalities

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

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

6. **CONCLUSION**

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

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

7. **RECOMMENDATION**

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

**Contact Officer: David Stockdale**  
**Tel. No. 01454 866622**

**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. 37/19 – 13 SEPTEMBER 2019

App No.: P19/10208/F

Applicant: Mr Parsons

Site: 59 Highworth Crescent Yate Bristol  
South Gloucestershire BS37 4HL

Date Reg: 7th August 2019

Proposal: Erection of front porch.  
Map Ref: 370963 181865  
Application: Householder  
Category:

Parish: Yate Town Council  
Ward: Yate Central  
Target Date: 27th September 2019



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100023410, 2008. N.T.S. P19/10208/F

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

## **INTRODUCTION**

This report/recommendation is referred to the Circulated Schedule in accordance with procedure as an objection has been received from the Parish/Town Council that is contrary to the officer recommendation.

### **1. THE PROPOSAL**

- 1.1 The application seeks full planning permission for the erection of a front porch. The structure would project forward of the front elevation by 1.8m, have a width of 2.1m and have a height of 3.6m.
- 1.2 The application site relates to a two-storey, mid-terrace property located in a residential area of Yate.

### **2. POLICY CONTEXT**

#### 2.1 National Guidance

National Planning Policy Framework February 2019  
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
PSP34	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 N1866 Erection of double garage (Approved)

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

##### **4.1 Yate Town Council**

Objection – this is not in keeping with the rest of the street

##### **Other Representations**

##### **4.2 Local Residents**

No comments received.

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

##### **5.1 Principle of Development**

Policy PSP38 of the PSP Plan is generally supportive of development within existing residential curtilages, subject to considerations of visual amenity, residential amenity and highway safety. The proposal therefore accords with the principle of development subject to the consideration below.

##### **5.2 Design and Visual Amenity**

Policy CS1 of the Core Strategy and policy PSP38 of the Policies, Sites and Places Plan seek to ensure that development proposals are of the highest possible standards and design. This means that developments should have appropriate: siting, form, scale, height, massing, detailing, colour and materials which are informed by, respect, and enhance the character, distinctiveness and amenity of both the site and its context.

##### **5.3**

The concern of the Town Council is noted however the proposed porch is quite modest in scale would project forward of the front elevation by 1.8m, have a width of 2.1m and have a height of 3.6m. The use of brickwork will not be out of character with the streetscene. While it is acknowledged that porches are unusual in the vicinity they are not unknown with a porches at No.86 and No.73.

The proposal is therefore not considered to have a detrimental impact on the character of the existing dwelling, nor the visual amenity of the locality such as would justify the refusal of the application and therefore complies with policy CS1.

##### **5.4 Residential Amenity**

Policies PSP8 and PSP38 of the PSP Plan sets out that development within existing residential curtilages should not prejudice residential amenity through overbearing; overshadowing; overlooking; loss of light; loss of outlook; and loss of privacy of neighbouring occupiers.

Given the scale of the proposal and its location it is not considered that it will result in any loss of amenity to neighbouring occupiers.

#### 5.5 Transport

The proposal will not increase the parking requirement at the dwelling, nor alter the existing parking provision (which is located to the rear of the property) and there is no transportation objection raised.

#### 5.9 Consideration of likely impact on Equalities

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

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

### 6. CONCLUSION

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

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

### 7. RECOMMENDATION

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

**Contact Officer: David Stockdale**  
**Tel. No. 01454 866622**

### CONDITIONS

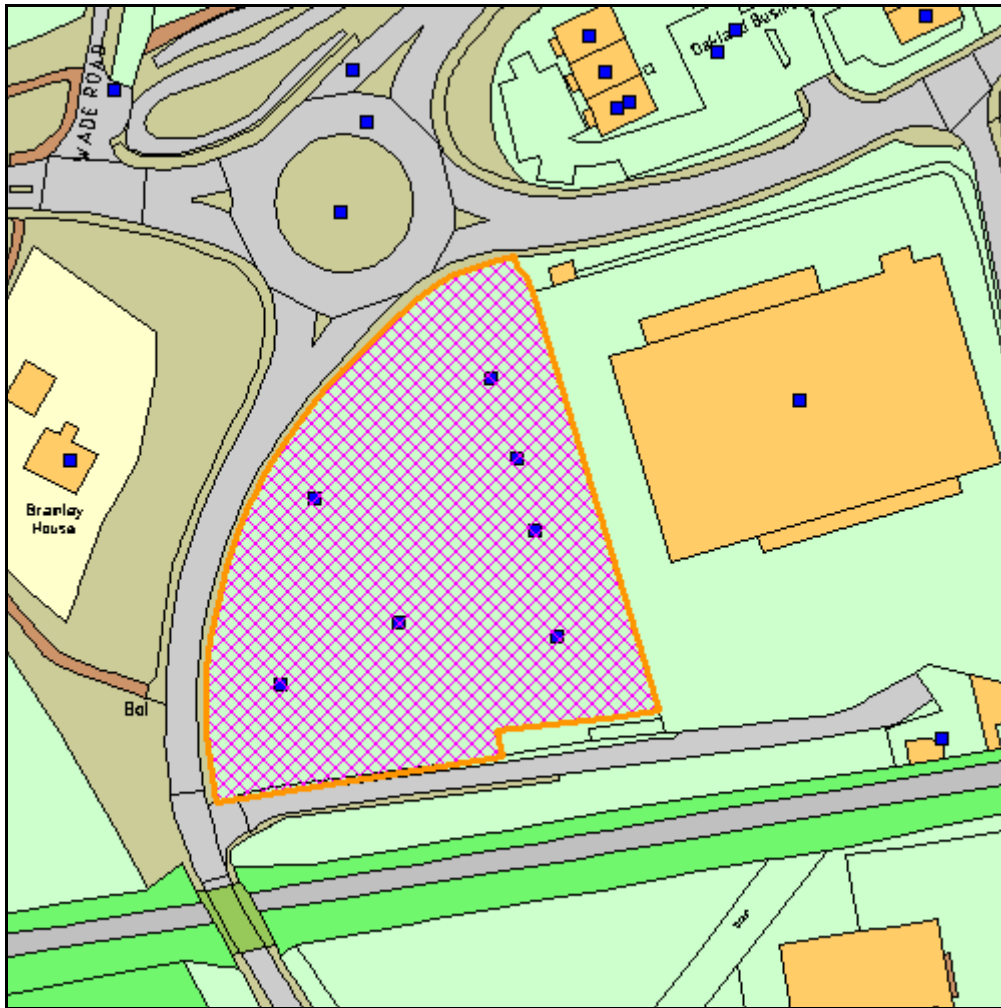
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

CIRCULATED SCHEDULE NO. 37/19 – 13 SEPTEMBER 2019

<b>App No.:</b>	PK18/4588/F	<b>Applicant:</b>	Baylis Estates Ltd
<b>Site:</b>	Armstrong Business Park Yate Road Yate South Gloucestershire BS37 5AA	<b>Date Reg:</b>	11th October 2018
<b>Proposal:</b>	Erection of 4 no. buildings to form 6 no. units of class B1b, B1c and B8 with new access, parking and associated works.	<b>Parish:</b>	Iron Acton Parish Council
<b>Map Ref:</b>	369393 183069	<b>Ward:</b>	Frampton Cotterell
<b>Application Category:</b>	Minor	<b>Target Date:</b>	4th December 2018



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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 appears on the Circulated Schedule because it is subject to a s106 legal agreement and following amendments to the scheme.

### **1. THE PROPOSAL**

- 1.1 The site consists of a mound of land situated to the southeast of the roundabout of Yate Road, Armstrong Way and Iron Acton Way. Two-thirds of the site is located just outside of Yate (the settlement boundary bisects the land) and lies within the Bristol/Bath Green Belt. The third lying within Yate is also designated as a safeguarded employment land. Moreover, there are three protected trees along the south side.
- 1.2 Currently the site is enclosed on its eastern side by industrial units on the Great Western Business Park, Lodge Road lies to the south and as mentioned above, the northwest side is constrained by Yate Road. There is currently no access onto the site from this road. Furthermore, opposite, on the outside of this road bend, are a couple of isolated dwellings.
- 1.3 The proposed development consists of the construction of 6 new units (totalling 4 buildings) for a range of B use class employment (B1b, B1c and B8).
- 1.4 The proposed development details a new access onto Yate Road. The proposed development would provide 56 parking spaces between the units.
- 1.5 This application has twice previously appeared on the Circulated Schedule because firstly, it is subject to a s106 legal agreement and secondly, to allow consideration of a new condition list. However, since then a revised scheme has been submitted, consulted upon and assessed in this report. The changes made are listed below:
  - Subdivision of Unit 4 into two units;
  - Replacement of gabions with interlocking concrete blocks to form the retaining walls along part of the south and west boundaries;
  - Additional fire and wicket doors added to the rear and front elevations of the units;
  - Electric substation repositioned near to Unit 2.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

National Planning Policy Framework February 2019

## 2.2 Development Plans

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

CS1 High Quality Design

CS4A Presumption in Favour of Sustainable Development

CS5 Location of Development

CS6 Infrastructure and Developer Contributions

CS9 Managing the Environment and Heritage

CS11 Distribution of Economic Development Land

CS12 Safeguarded Areas for Economic Development

CS30 Yate and Chipping Sodbury South Gloucestershire

### Local Plan Policies, Sites and Places Plan Adopted November 2017

PSP1 Local Distinctiveness

PSP3 Trees and Woodland

PSP5 Undesignated Open Spaces within Urban Areas & Settlements

PSP7 Development in the Green Belt

PSP8 Residential Amenity

PSP11 Transport Impact Management

PSP16 Parking Standards

PSP18 Statutory Wildlife Sites

PSP19 Wider Biodiversity

PSP20 Flood Risk, Surface Water & Watercourse Management

PSP21 Environmental Protection and Impacts

PSP27 B8 Storage and Distribution Uses

## 2.3 Supplementary Planning Guidance

Trees on Development Sites SPG (Adopted) 2005

Design Checklist SPD (Adopted) 2007

Development in the Green Belt SPD (Adopted) 2007

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

3.1 PK16/1663/O

Erection of industrial redevelopment comprising B8 units. (Outline) with access and layout to be determined. All other matters reserved.

Approval subject to S106

18.07.2016

3.2 PK12/2734/F

Erection of office building and business units (Class B1 [a]) Office and (Class B1[c]) Light Industrial as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended) with access, parking, landscaping and associated works. (Resubmission of PK11/2758/F).

S106 signed

21.01.2013

3.3 PK12/032/SCR

Erection of office building and business units (Class B1 [a]) Office and (Class B1[c]) Light Industrial as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended) with access, parking, landscaping and associated works. (Resubmission of PK11/2758/F). Screening Opinion for PK12/2734/F.

EIA not required

03.09.2012

3.4 PK11/2758/F

Erection of office building and business units (Class B1 [a]) Office and (Class B1[c]) Light Industrial as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended) with access, parking, landscaping and associated works. (Resubmission of PK10/3416/F)

Refusal

12.12.2011

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 has not demonstrated that very special circumstances apply, such that the normal presumption against development in the Green Belt should be overridden. Furthermore the proposal would be harmful to the purposes of including land in the Green Belt. The proposal is therefore contrary to the provisions of PPG2 and Policy GB1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

2. The proposal would result in a development with inadequate off-street parking provision and if satisfactory mitigating measures are not provided, the proposal would lead to additional congestion on the public highway to the detriment of road safety. This would be contrary to policies T8, T12 and RT5(G) of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.
3. The proposal would lead to the creation of a substandard access in close proximity to a junction. The proposed alternative route/detour for drivers wishing to travel north is considered to be too long and tortuous. Furthermore, the design arrangement is contrived, as it does not include adequate design features to prevent those proposed banned manoeuvres being self-policing. The creation and use of the proposed access at this location would lead to additional vehicular turning movements onto the B4059, a classified highway, and would therefore interfere with the safe and free flow of traffic, all to the detriment of road safety. This would be contrary to policies D1, T12 and RT5(G) of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

3.5 PK10/3416/F

Erection of office building and business units (Class B1 [a]) Office and (Class B1[c]) Light Industrial as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended) with access, parking, landscaping and associated works.

Withdrawn

13.04.2011

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

4.1 Iron Acton Parish Council

Neutral

- s106 agreement provisions attached to PK16/1663/O should be honoured, specifically those relating to highways
- welcome upgrade to nearby bus stops

4.2 Other Consultees

Highway Structures

No objection

Economic Development

Support

### Lead Local Flood Authority

No objection

- attach a SUDs compliance condition
- proposed Management and Maintenance Plan for the Surface Water Drainage Infrastructure should be produced in a formal document

### Sustainable Transport

No objection

- permission PK16/1663/O was subject to a s106 agreement
- the obligations contained in that agreement remain to be delivered, regard of any changes to this development proposal

### Tree Officer

No objection

- attach an arboricultural method statement compliance condition
- the methodology for the construction of the retaining wall adjacent the protected trees must be adhered to in particular

### Landscape Officer

No comment

### Ecology Officer

No objection

- attach conditions requiring development to proceed in accordance with ecology report and ecological box details

### Environmental Protection

No objection

### *Noise*

- existing earth bunding close to highway should be maintained
- attach condition preventing deliveries, dispatch and vehicle loading/unloading outside the hours of 07:30 and 19:00 Monday to Friday, 08:00 and 19:00 Saturday, and at any time on Sundays, Bank or Public holidays
- attach condition requiring, other than moving goods in and out, unit doors must be kept closed

## *CEMP*

- attach condition controlling construction hours
- attach informatives advising applicant/developer of good construction site practices and that all work should be carried out in accordance with Code of Practice BS5228

## *Ground contamination*

- submitted report includes gas monitoring results and identifies a potential risk from ground gases
- further monitoring post ground work recommended

## **Other Representations**

### 4.3 Local Residents

1 local resident has commented upon the scheme. Their comments are summarised below:

- Noise concerns – Will the premises be used 24/7? Will there be any noise thresholds for the occupants?
- Loss of outlook
- Will there be any tree planting to help screen the development?
- Loss of property value

## **5. ANALYSIS OF PROPOSAL**

5.1 The proposed development consists of the erection of 6 B-use units, access road, parking and associated works.

### 5.2 Principle of Development

For planning purposes, the site is partly within the settlement boundary, the open countryside, a safeguarded employment area, and the Green Belt. In addition, outline planning permission has been granted for the development of up to 6 B8 units. As such, the evidence before Officers indicates that the principle of storage and distribution development is acceptable at the site. The full proposal before Officers seeks the development of up to 6 units with flexible use (B1b, B1c, B8).

5.3 Core Strategy policy CS12 is of most relevance to the new business uses. Policy CS12 safeguards areas in the district for economic development and in particular B-Use Classes and national policy seeks to support sustainable economic development in a globally competitive market. Moreover, outline permission has been granted for B8 use of the site. As such the principle of some form of business development at the site has already been established. On this basis and with no substantive evidence to the contrary, the proposal would not result in any material conflict with policy CS12.

5.4 How the proposal meets the requirements of other relevant policies will be discussed next.

## 5.5 Design

The application site is currently dominated by a large earth mound, but under the current scheme the land will be levelled in order to have a flat base. Roads bound the northwest and south sides. There are other commercial uses facing onto Armstrong Way and a group of commercial and industrial buildings of varying age, form and scale to the east of the site. The area further northwest beyond Yate Road is residential in character.

- 5.6 The buildings were always going to be seen as part of the Great Western Business Park, particularly when viewed from the roundabout. However, the proposal before Officers is to retain the approved layout but increase the building heights. It is also proposed to clad the buildings in profiled panels and sheets, in varying blues and greys, and install signage facing the roundabout and above entrances. The revised materials would be in keeping with the nearby industrial units, but the muted palette makes the scheme lacklustre, although not enough to persuade Officers that refusal of the scheme is justified. Furthermore, the increases in height are marginal and would not materially affect the overall scale of the buildings nor increase their prominence in the streetscene, particularly as they are seen alongside an existing large industrial unit.
- 5.7 With the changes proposed the buildings would not be unduly out of character with other buildings nearby and their appearance would remain appropriate. The right balance is still achieved, reflecting their flexible function whilst respecting the scale and appearance of the surrounding buildings.
- 5.8 Accordingly the buildings as now proposed would have an acceptable effect on the character and appearance of the area. The development would comply with policy CS1 of the Core Strategy as it would be compatible with its surroundings by virtue of its scale, height, massing, materials and detail. In arriving at this conclusion Officers have taken into account the previous 2016 decision. Restricted height limits are noted but given no harm has been identified from the changes, Officers do not consider it necessary to restrict the development to the original parameters which were conditioned to reflect the substance of what was applied for in principle.

## 5.9 Landscaping

The details submitted with the application on drawing 751-10A dated 09 October 2018 show:

- hedges on the frontage, on the boundary with the adjacent unit and part way along the access;
- shrubs at the ends of buildings;
- a grass verge; and
- a slight screening mound with trees facing the roundabout.

- 5.10 The included planting schedule indicates species, size, number and location. In regard to the areas shown on that drawing Officers are satisfied that these details would meet the requirements of the 2016 reserved matters conditions insofar as they require

proposed landscaping. As such the revised scheme would further enhance the character and appearance of the locality in relation to soft landscaping.

#### 5.11 Trees

Conditions were attached to the 2016 permission requiring an arboricultural method statement, details of protective fencing and measures to be taken to prevent toxic runoff from building materials. This application, however, is supported by sufficient and comprehensive information to adequately assess the impact of the development on the protected trees.

- 5.12 The Council's Trees Officer makes no objection to the proposed works, subject to the imposition of a condition requiring the development to be carried out in accordance with the Bosky Trees Arboricultural Method Statement, in particular for the retaining wall adjacent the trees. As such there would be no consequential harmful impact on these important visual features and no conflict with Local Plan policy PSP3.

#### 5.13 Residential Amenity

##### *Outlook*

It will be possible to see the development from nearby residential properties, but these are all located on the opposite side of the B4059. The degree of outlook from these premises, which is already dominated by industrial development, would therefore be limited. The units would appear as one of many similar structures and the roadside belt of trees, in particular, will further soften their appearance and reduce visual impact. Consequently it is Officers judgement that the development would not cause material harm to the outlook enjoyed by the occupiers of nearby properties.

##### *Noise*

- 5.14 The first time the application was referred to the Circulated Schedule, it included a 4th condition restricting deliveries, dispatch and vehicles load/unloading at the site between the hours of 0730 – 1800 Monday to Saturday. This condition was considered reasonable and necessary to safeguard the living conditions of the occupiers of neighbouring properties. However, the applicant argued this condition was too onerous and would thereby cause injustice to prospective occupiers.
- 5.15 In June 2019, local planning authority officers met with the applicant and his agent(s) in an attempt to negotiate the re-wording of the condition or find an alternative solution. Subsequently, options were submitted for consideration and the following conditions have been accepted by our Environmental Protection team:

*1) No deliveries or dispatches shall take place outside of the hours of 07:00 and 21:00 Monday to Friday; 08:00 to 19:00 on Saturdays and 09:00 to 16:30 on Sundays and Bank Holiday.*

*2) During the hours of 07:00 and 21:00 Monday to Friday; 08:00 to 19:00 on Saturdays and 09:00 to 16:30 on Sundays and Bank Holiday any refrigerated vehicles*



*visiting the site shall ensure that engines are switched off except for the purposes of access and egress from the site.*

*3) All commercial vehicles operating at the site using reversing alarms shall be fitted with White Noise Reversing Alarms.*

*4) Other than when moving goods into and out of the units, all premises doors shall be kept closed.*

5.16 Despite changes made to the scheme and this matter being raised in a representation received since then, it is considered these conditions still remain sufficient to protect the living conditions of nearby residents without additional limitation. Officers therefore make no change to the conditions list.

#### 5.17 Ecology

An Ecological Survey Report (Clarkson & Woods, October 2018) has been submitted alongside this application. Its findings include –

##### *Designated sites*

There are no designated sites that will be affected by this development.

##### *Habitats*

The habitats on site consist of:

- Semi-improved grassland;
- Scrub;
- Tall ruderal;
- Marshy grassland;
- Ditch (outwith the site);
- Hedgerow (outside the site); and
- Tree line.

##### *Bats*

The report states that the majority of the site offers limited potential for bats. All trees will be retained within the development but the ground-level assessment appeared to show that there were not any suitable roosting features for bats. It also notes that ivy presence could have hidden roost features so should these trees be scheduled for felling, further surveys would be necessary.

The foraging habitat is largely sub-optimal and may be affected by light spill from street-lighting and car headlights.

##### *Birds*

The site provides nesting opportunities for birds within the scrub and trees. These should be protected and/or replaced throughout the scheme.

### *Badger*

There was some foraging activity evident within the site, but no setts were observed. The report notes that areas of dense scrub were not fully surveyed due to lack of access.

### *Reptiles*

Reptile surveys on the site identified a low population of slow-worm. The site offers a mix of habitats suitable for slow-worm. The site is relatively isolated from suitable habitat in the surrounding area such as the railway embankments to the south.

### *Great crested newt*

There is suitable terrestrial habitat on site but there are no suitable breeding ponds within 500m that are connected to the site. The report considers it unlikely that newts would be present.

### *Hedgehog*

Hedgehog surveys were completed in 2018, although no evidence was recorded.

### *Invertebrates*

The site is well-used and lacking habitat diversity or rarity for species of interest.

- 5.18 The report concludes with various recommendations in relation to mitigation, native planting and bird boxes. Adherence to Chapter 7 of the Report and provision of the latter items will therefore be conditioned. Thus the proposal would comply with Local Plan policy PSP19 which seeks to resist harm to ecological interests.

5.19 Drainage

Since validation, the applicant has provided evidence that a Sustainable Urban Drainage System would be viable on the site. Adherence with the submitted document will therefore be conditioned. Furthermore, submitted drawing WIE10847-SA-92-007-A06 dated 08 January 2019 should be executed as a document once the detailed surface water drainage design and details of owners and system maintainers are finalised; this shall be secured by condition as well.

5.20 Contamination

During the course of the application, the applicant provided an assessment (Integrale, June 2018) into the possibility of onsite contamination, including gas monitoring which identifies ground gasses do pose a risk. Further monitoring post ground work is therefore recommended and shall be conditioned. In addition, no human health risks were identified in soil contaminants however protected water supply pipes are recommended and will need to be agreed with the water supply company.

5.21 Transport

The current proposal provides for a similar land-use mix, parking quantum, access arrangement, highway work and supporting documentation as established by the

previous permission. Hence there is no objection from the Council's Transport team regarding the proposed changes.

5.22 Furthermore, a S106 agreement was put in place to deliver mitigation measures for the site and remains to be delivered. Hence, the same obligations, set out below, will be sought; the applicant has confirmed their agreement to this.

- Provision of a 'right turn lane' junction at the new site entrance together with traffic island with all associated works including light, drainage and signage.
- The payment of £20,000 as a contribution towards a scheme of traffic management/road safety in the immediate area.
- Upgrade of two bus stops on Goose Green Way with bus shelters, raised pavement with assist mobility impaired users together with 'real time facilities' at both bus stops.

#### 5.23 Planning Obligations

The Community Infrastructure Levy Regulations 2010 set out the limitations on the use of Planning Obligations. Essentially the regulations (Regulation 122) provide 3 statutory tests to be applied to Planning Obligations and sets out that a planning obligation may only constitute a reason for granting planning permission for a development if the obligation is:

- a) necessary to make the development acceptable in planning terms;
- b) directly related to the development;
- c) fairly and reasonably related in scale and kind to the development.

5.24 In this instance, it is considered that the planning obligations set out in the Transport section are required to mitigate the impacts from the development and are consistent with the CIL Regulations (Regulation 122).

#### 5.25 Impact on Equalities

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

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

## 5.27 Other Matters

Officers are unable to give any weight to the views expressed in relation to property value since this is not a land use planning matter.

## **7. RECOMMENDATION**

- 7.1 That planning permission be granted subject to the conditions set out below and the applicant first voluntarily entering into an agreement under S106 of the Town and Country Planning Act 1990 (as amended) to secure the following:
- Provision of a 'right turn lane' junction at the new site entrance together with traffic island with all associated works including lighting, drainage and signage.
  - The payment of £20,000 as a contribution towards a scheme of traffic management/road safety in the area directly affected by the development.
  - Upgrade of two bus stops on Goose Green Way with bus shelters, raised pavement with assist mobility impaired users together with 'real time facilities' at both bus stops.
- 7.2 That the head of Legal and Democratic Services be authorised to prepare and seal the agreement.
- 7.3 That the Section 106 agreement shall be completed and the decision issued within 6 months from the date of this resolution.
- 7.4 Should the agreement not be completed within 6 months of the date of the decision that delegated authority be given to the Direct of Environment and Community Services to refuse the application.

**Contact Officer: Helen Braine**  
**Tel. No. 01454 863133**

## **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. A) Following ground works preparation and vibro-treatment, supplementary ground gas installations and monitoring should be completed to confirm the proposed gas protection measures as described in section 5.7 of the Integrale report dated June 2018 are sufficiently protective (particularly in the short term). Alternatively a comprehensive risk assessment undertaken by a suitably competent and experienced consultant in line with current guidance may be sufficient to demonstrate additional levels of protection are unlikely to be required.

The final scheme for installation of the required gas protection measures shall be submitted to and agreed with the Local Planning Authority prior to commencement of construction of the buildings including 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.

B) Prior to first occupation, a report providing details of the verification undertaken, to demonstrate that all necessary works have been completed satisfactorily shall be submitted to and agreed in writing by the Local Planning Authority.

C) 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

To ensure that adequate measures have been taken to mitigate against contaminated land to accord with Policy PSP21 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and the National Planning Policy Framework 2019.

3. The hours of working on site during the period of construction shall be restricted to 07:30 to 18:00 Monday to Friday, 08:00 to 13:00 Saturday and no working shall take place on Sundays or Public Holidays. The term working shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site.

#### Reason

To protect the residential amenity of neighbouring occupiers, and to accord with Policies PSP8 and PSP21 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; and the National Planning Policy Framework 2019.

4. The development shall proceed in strict accordance with the Mitigation Measures provided in Chapter 7 of the Ecological Survey Report (Clarkson & Woods, October 2018).

#### Reason

To ensure the works are carried out in an appropriate manner and in the interests of local biodiversity, and to accord with Policies PSP3 and PSP19 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and the National Planning Policy Framework 2019.

5. Prior to occupation of the first unit, a landscape plan including: O the location and specification of the bird boxes recommended in Chapter 7 of the Ecological Survey Report (Clarkson & Woods, October 2018); O one bat box and one invertebrate box; O the location of garden fence cut-outs; and evidence of their installation, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason

To ensure the works are carried out in an appropriate manner and in the interests of local biodiversity, and to accord with Policy PSP19 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and the National Planning Policy Framework 2019.

6. The development shall proceed in strict accordance with the Arboricultural Method Statement (Bosky Trees, September 2018).

Reason

To ensure the works are carried out in an appropriate manner and in the interests of the health and visual amenity of the retained trees, and to accord with Policy PSP3 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; Policy CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and the National Planning Policy Framework 2019.

7. Prior to the relevant part of the development, a management and maintenance scheme of surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in accordance with approved drawings no. WIE10847-SA-20-007-A06 and WIE10847-SA-20-004-A0 prior to first use of the units and maintained thereafter for the lifetime of the development.

Reason

To prevent the increase risk of flooding by ensuring the provision of a satisfactory means of surface water disposal is incorporated into the design and the build and that the principles of sustainable drainage are incorporated into this proposal and maintained for the lifetime of the proposal. To accord with Policy PSP20 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and the National Planning Policy Framework 2019.

8. No deliveries or dispatches shall take place outside of the hours of 07:00 and 21:00 Monday to Friday; 08:00 to 19:00 on Saturdays and 09:00 to 16:30 on Sundays and Bank Holiday.

Reason

To protect the residential amenity of neighbouring occupiers, and to accord with Policies PSP8 and PSP21 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; and the National Planning Policy Framework 2019.

9. During the hours of 07:00 and 21:00 Monday to Friday; 08:00 to 19:00 on Saturdays and 09:00 to 16:30 on Sundays and Bank Holiday any refrigerated vehicles visiting the site shall ensure that engines are switched off except for the purposes of access and egress from the site.

Reason

To protect the residential amenity of neighbouring occupiers, and to accord with Policies PSP8 and PSP21 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; and the National Planning Policy Framework 2019.

10. All commercial vehicles operating at the site using reversing alarms shall be fitted with White Noise Reversing Alarms.

Reason

To protect the residential amenity of neighbouring occupiers, and to accord with Policies PSP8 and PSP21 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; and the National Planning Policy Framework 2019.

11. Other than when moving goods into and out of the units, all premises doors shall be kept closed.

Reason

To protect the residential amenity of neighbouring occupiers, and to accord with Policies PSP8 and PSP21 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; and the National Planning Policy Framework 2019.

12. The development hereby approved shall be carried out in accordance with the following documents:

Received 09.10.2018:

Covering Letter

Arboricultural Impact Assessment

Arboricultural Method Statement

Drainage Strategy Report

Transport Statement

Site Plan through the Years

Bus Timetable

Bus Timetable

Environmental Risk Assessment

GE-Environmental Review

Ground Information

Groundsure Enviro Insight

Construction Management Plan

Energy and Sustainability Statement

Travel Plan

Mining Report

Data Input Table

Ecology Survey  
Site Information  
Design & Access Statement  
Design & Access Statement 2  
BRUKL Document (Unit 1)  
BRUKL Document (Unit 2)  
BRUKL Document (Unit 3)  
BRUKL Document (Unit 4)  
BRUKL Document (Unit 5)  
Soft Landscaping Proposal (751-10A)

Received 03.12.2018:

Correspondence - Dance re Drainage, Ground Contamination & S106  
Waterman Site Investigation Report  
SW Network  
Impermeable Area Drawing (WIE10847-SA-20-004-A0)  
Foul Water Drainage Network  
Integrale Ground Conditions Report Part 1  
Integrale Ground Conditions Report Part 2  
Integrale Ground Conditions Report Part 3  
Integrale Ground Conditions Report Part 4

Received 08.01.2019:

Correspondence - Godfrey re Drainage  
Indicative Drainage Strategy (WIE10847-SA-20-007-A06)

Received 14.08.2019:

Existing Site Plan (2041-0100-01)  
Proposed Site Plan (2041-2100-04)  
Proposed Hard Landscaping (2041-2101-05)  
Proposed Unit 1 (2041-2102-02)  
Proposed Unit 2 (2041-2103-02)  
Proposed Unit 3 (2041-2104-03)  
Proposed Units 4-5 (2041-2105-03)  
Proposed Unit 6 (2041-2106-04)  
Unit 1 Proposed Elevations (2041-2200-02)  
Unit 2 Proposed Elevations (2041-2201-02)  
Unit 3 Proposed Elevations (2041-2202-04)  
Unit 4-5 Proposed Elevations (2041-2203-04)  
Site Sections - AA & BB (2041-2300-01)  
Site Sections 2 - CC, DD & EE (2041-2301-01)  
Proposed Perspectives (2041-2500-01)  
Proposed Aerial Perspectives (2041-2501-01)  
Proposed Signage (2041-2502-01)  
The Location Plan (2041-SITLOC-01)

Reason

For the avoidance of doubt.