

# List of planning applications and other proposals submitted under the planning acts to be determined by the director of environment and community services

## CIRCULATED SCHEDULE NO. 24/20

**Date to Members: 12/06/2020**

**Member's Deadline: 18/06/2020 (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 list below a-f where a representation is received within the notification period which is contrary to the officers recommendation from the Parish or Town Council within whose boundary the proposal lies wholly or in part.

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

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

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

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

c. All applications for non-material amendments

d. All applications to discharge planning conditions

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

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

### **Additional guidance for Members**

Always make your referral request by email to [MemberReferral@southglos.gov.uk](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:**

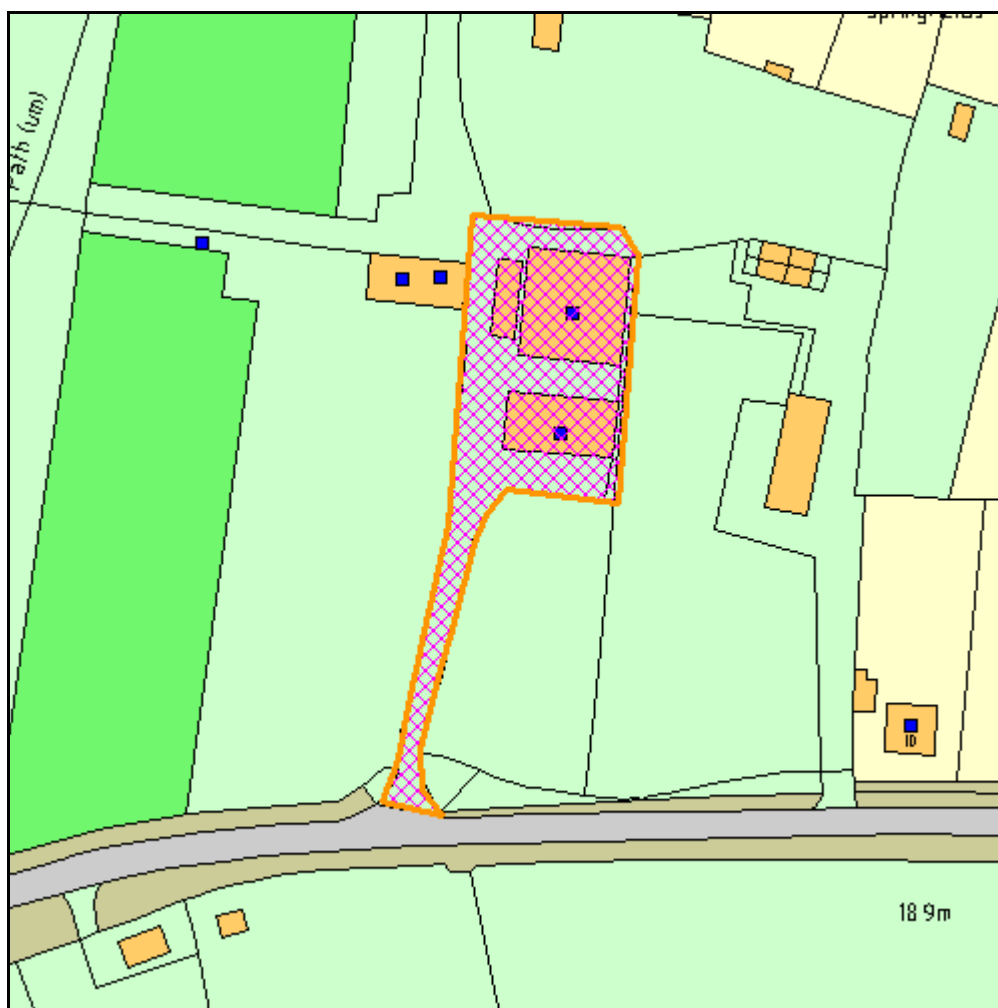
To be emailed to [MemberReferral@southglos.gov.uk](mailto:MemberReferral@southglos.gov.uk)

## CIRCULATED SCHEDULE - 12 June 2020

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	P20/04876/F	Refusal	Land At The Elms Upper Tockington Road Tockington South Gloucestershire BS32 4LQ	Severn Vale	Olveston Parish Council
2	P20/07882/F	Approve with Conditions	28 The Willows Yate South Gloucestershire BS37 5XL	Yate North	Yate Town Council

**CIRCULATED SCHEDULE NO. 24/20 - 12th June 2020**

<b>App No.:</b>	P20/04876/F	<b>Applicant:</b>	Victoria Food Co.
<b>Site:</b>	Land At The Elms Upper Tockington Road Tockington South Gloucestershire BS32 4LQ	<b>Date Reg:</b>	23rd March 2020
<b>Proposal:</b>	Demolition of 2 no. buildings. Erection of extension to existing building (Class B8).	<b>Parish:</b>	Olveston Parish Council
<b>Map Ref:</b>	360628 186573	<b>Ward:</b>	Severn Vale
<b>Application Category:</b>	Minor	<b>Target Date:</b>	14th May 2020



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N.T.S.

P20/04876/F

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

## **CIRCULATED SCHEDULE**

This report appears on the Circulated Schedule following comments of support.

### **1. THE PROPOSAL**

- 1.1 The applicant seeks full planning permission for the Demolition of 2 no. buildings. Erection of extension to existing building (Class B8).
- 1.2 The application site relates to land at The Elms, Upper Tockington Road, Tockington. The site lies outside any settlement boundary and in the Bristol/Bath Green Belt.
- 1.3 This application relates to buildings which have recently been assessed under a separate certificate of lawfulness application. The assessment concluded that insufficient information had been provided to prove that the buildings had been in continuous use as Class B8 storage for a period of 10 years from the application date.
- 1.4 The application must therefore be assessed on the basis that all three buildings fall under an agricultural class use.
- 1.5 It is noted that the extension to building 1 would be to allow Victoria Foods to occupy this site.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework February 2019  
National Planning Guidance  
Planning (Listed Buildings and Conservation Areas) Act 1990  
Planning (Listed Buildings and Conservation Areas) Regulations 1990 (as amended)  
National Planning Practice Guidance – Conserving and Enhancing the Historic Environment;  
Historic England’s Good Practice Advice in Planning Note 2 “Managing Significance in Decision-Taking in the Historic Environment”.  
Historic England’s Good Practice Advice in Planning Note 3 “The Setting of Heritage Assets (2<sup>nd</sup> Edition)”.

- 2.2 Development Plans

<u>South Gloucestershire Local Plan Core Strategy Adopted December 2013</u>	
CS1	High Quality Design
CS4A	Presumption in Favour of Sustainable Development
CS5	Location of Development
CS8	Improving Accessibility
CS9	Managing the Environment and Heritage

CS11	Distribution of Economic Development Land
CS12	Safeguarded Areas for Economic Development
CS13	Non-Safeguarded Economic Development Sites
CS34	Rural Areas

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

PSP1	Local Distinctiveness
PSP2	Landscape
PSP7	Development in the Green Belt
PSP8	Residential Amenity
PSP9	Health Impact Assessments
PSP10	Active Travel Routes
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP17	Heritage Assets and the Historic Environment
PSP18	Statutory Wildlife Protection
PSP19	Wider Biodiversity
PSP20	Flood Risk, Surface Water, and Watercourse Management
PSP21	Environmental Pollution and Impacts
PSP27	B8 Storage and Distribution Uses
PSP28	Rural Economy

2.3 Supplementary Planning Guidance

Trees on Development Sites SPG (Adopted) Nov. 2005.  
 South Gloucestershire Design Checklist (Adopted) 2007)  
 Community Infrastructure Levy (CIL) & Section 106 Planning Obligations Guide  
 SPD – (Adopted) March 2015  
 SPD: Development in the Green Belt (Adopted) 2007

**3. RELEVANT PLANNING HISTORY**

3.1 P20/03718/CLE The continued use of land and 3 no. buildings for storage - Class B8 as defined in the Town and Country Planning (use classes) Order 1987 (as amended).  
 Refused 4.6.20

3.2 PT18/5361/F Change of use of a redundant agricultural building to Storage and distribution (Class B8) as defined in Town and Country Planning (Use Classes) Order 1987 (as amended) (Retrospective).  
 Non determination

Appeal A: APP/P0119/C/18/3200307  
 Breach of enforcement notice COM/17/0201/OD/1 issued on 13.4.18 – re erection of a building used for commercial storage and distribution use (Class B8) on agricultural land without planning permission.  
 The notice required 1: the removal of the building and all associated building operations and infrastructure from the land 2: restore the land to its condition before the breach took place.  
 Period of compliance – 6 months.



**Decision:** Appeal dismissed 2.1.20  
Enforcement notice upheld and planning permission refused.

Appeal B: APP/P0119/W/19/3222700

Failure to give notice within the prescribed period of a decision on an application for planning permission on PT18/5361/F. Development proposed was the change of use of a redundant agricultural building to B8 storage and distribution use (retrospective).

**Decision:** Appeal dismissed 2.1.20

- |      |               |  |         |
|------|---------------|--|---------|
| 3.3  | PT16/4815/PNA | Prior notification of the intention to erect an agricultural building for the storage of fodder, food stuffs and machinery.<br>No objection                        | 16.9.16 |
| 3.4  | PT09/0962/PNA | Prior notification of the intention to erect 1 no. agricultural building for storage use.<br>No objection  | 18.6.09 |
| 3.5  | PT02/2185/TMP | Change of use of land for the stationing of four portable buildings for use as poultry rearing houses<br>Refused   | 16.9.02 |
| 3.6  | PT02/1319/TMP | Change of use of land for the stationing of four portable buildings for use as poultry rearing houses.<br>Refused  | 20.5.02 |
| 3.7  | P98/1716      | Continued use of land for the stationing of four portable buildings for use as poultry rearing houses.<br>Approved   | 3.3.99  |
| 3.8  | P91/1683      | Use of land for stationing of a mobile home for occupation by an agricultural worker<br>Approved   | 21.8.91 |
| 3.9  | P89/3031      | Erection of agricultural workers dwelling and garage; installation of septic tank<br>Refused   | 11.7.90 |
| 3.10 | P89/1617      | Erection of agricultural workers dwelling and garage. Alteration to existing pedestrian and vehicular access (to be read in conjunction with P86/1464)<br>Refused  | 21.6.89 |
| 3.11 | P86/1464      | Erection of agricultural worker's dwelling and garage. Alterations to existing vehicular and pedestrian access. Installation of septic tank. (Outline)<br>Approved | 11.6.86 |

## 4. CONSULTATION RESPONSES

### 4.1 Oldbury Parish Council

Objection:

- 1 Over development in the greenbelt
- 2 The proposed footprint is larger than the total of the three buildings it is replacing
- 3 Moving a troubled business that has been ruled unsociable by the appeals officer closer to the residential area that has complained in the past and which the appeal upheld
- 4 The footprint of the proposed is larger than the footprint of the building that is due to be demolished
- 5 The applicant is claiming that the development cannot be seen from the road, as the proposed is the entrance on Hardy Lane it can be seen from the road
- 6 OPC are upset that Victoria Foods can continue to operate whilst this application is being considered, we feel the enforcement order should be carried out as previously instructed

### Internal Consultees

#### 4.2 Economic Development

No objection

#### 4.3 Conservation

No objection

#### 4.4 Archaeology

No comment

#### 4.5 Environmental Protection

No objection subject to conditions regarding construction

#### 4.6 Highway Structures

No comment

### Statutory / External Consultees

#### 4.7 Drainage

Before we comment further we require clarity and/or confirmation on the method of disposal of treated effluent discharge from the proposed new sewage package treatment plant.

We also require the location of the existing soakaway for surface water disposal.

We therefore require the submission of an updated layout plan which resolves our initial queries.

#### 4.8 Transport

No objection subject to conditions regarding limiting hours of operation and an appropriate visibility splay. Proposal changes the overall footprint of the area available for storage use by less than 20sqm. We do not consider this to be significant in highways or transportation terms as it will not materially change the trip generation of this site and so will have no meaningful detrimental effect on the local highway network. Furthermore, there are no reports of the current activities creating any serious highways or transportation issues in the area adjoining the site

### **Other Representations**

#### 4.9 Local Residents

10 letters have been received from local residents **objecting** to the proposal. The points raised are summarised as:

- Existing noise and disturbance
- If permission given a restriction should be placed on delivery times
- Increased traffic generation
- Overdevelopment in the Green Belt
- Victoria Foods operation is not appropriate for a rural setting
- Understood recent public inquiry meant Victoria Foods had to relocate but not to other buildings on the same site
- B8 use means early morning noise and disturbance by multiple HGVs
- Changes to the site and buildings have been achieved illegally
- Intention is to move existing Victoria Foods operation into a space previously used to store soil – no comparison between the disruption of these different activities
- Don't want an industrial distribution centre in the village
- Reference recent public inquiry decision
- Planning for the whole site needs to be reviewed
- Appeal decision concluded the lawful use of the land was for agriculture
- If the present occupants in these three buildings have vacated where has Avon Turf gone?
- Numerous vacant industrial premises in the area more suited to this type of operation
- All the suppliers appear to have keys to the gates and deliver goods to be distributed by Victoria Foods later in the day. Frequently, woken as early as 4:30am by HGVs accessing site
- Working occurs on Bank holidays
- Plans show a cold store – consideration must be given to external cooling equipment position of which is not shown on plan
- Beneficial effects of tree planting could take in excess of 15 years
- Concerns the buildings contain asbestos
- Where will current tenants store their items – concerned other parts of The Elms could be used unlawfully

6 letters of **support** have been received by the LPA. The points raised are summarised as:

- Planning inspectorate decision said no reason to weigh noise against the development

- Small industrial units in the countryside are important for local community. Small and low rent units outside major towns demand a much lower rent – perfect for local entrepreneurs.
- If we do not support these entrepreneurs amenities such as the local pubs, post office, bakery etc. will not survive
- The business has been operating for many years at this site. Victoria Foods are courteous to local opinions and adapt to help such opinions
- Very little activity throughout the day due to them being a delivery business – noise not a concern. Vans are loaded for approximately 1 hours in the morning and each vehicle returns at different stages of the day to park
- Adapting the proposed area/buildings would be a good solution
- Application will not detract from openness of Green Belt.
- Residences from Upper Tockington Road have minimal view from bottom of their gardens of present buildings which are dilapidated and an eyesore. New building will enhance area.
- Closest residences on Hardy Lane have high, dense boundary vegetation screening
- Vehicular usage of Hardy Lane has increased dramatically over recent years as an alternative route via Pilning to Severnside. Residents may have mistakenly assumed this increase was connected with Victoria Foods.
- Victoria Foods has been trading from the site in the order of 20 years, providing much needed employment in the area, they appear to be well liked and around 80% of the staff live within a 5-10 miles radius
- Public inquiry and its result should be treated as a separate issue and not confused with this application.
- Various unsightly structures will be removed and the proposed building will be of a scale commensurate with the structure being retained.
- As an employee of Victoria Foods and second-generation of the family-run business this development is essential and important to the future of Victoria Foods and also to that of my family and colleague's futures, especially during these worrying times. We have been on the site for over 20 years
- We have been supplying to local area homes, residential homes and public homes with essential and hard to source products during the Covid 19 outbreak. We have been extremely proud and overwhelmed with thank you cards and pictures received from nurses and residents expressing how indispensable we have been to them
- After the public inquiry and following comments from neighbours we have gone to great lengths to ensure deliveries have been minimised and times are absolutely adhered to by our suppliers. No deliveries appear before 7am and all reversing beepers are off before moving. We have invested in large signs which clearly display these rules. No vehicles are to be moving on our site after 5pm. These rules have been followed successfully since being put in place and the number of deliveries to the site has also been condensed.

## 5. ANALYSIS OF PROPOSAL

- 5.1 The proposal is for the Demolition of 2 no. buildings, the erection of an extension to the existing third building.
- 5.2 Principle of Development  
The application stands to be assessed against the above listed policies and all material considerations. The main material consideration is the recently refused certificate of lawfulness application for the use of the three buildings as Class B8 storage. The assessment found the information provided has failed to sufficiently demonstrate that the buildings had been in use for a continuous period of 10 years from the date of the application for the purposes of Class B8 storage.
- 5.3 This application has been submitted on the basis of demolishing 2 of the buildings (labelled 2 and 3) and extending another (labelled 1 on submitted plans).
- 5.4 The implication of the refused certificate of lawfulness application is that the buildings do not have a commercial use (B8). No planning history exists for the erection of these buildings and as such they may well have been erected under permitted development rights associated with the former poultry farm.
- 5.5 It appears from information submitted under this application and the linked certificate of lawfulness application that the site no longer operates as a poultry farm. As such the use of the buildings for agricultural purposes has ceased and the buildings should have been demolished and the land returned to its original state.
- 5.6 It is however, noted that the buildings and associated hard standing have been *in situ* for a number of years so they are immune from enforcement action but their physical presence is different to their lawful use.
- 5.7 There are two issues to consider:  
i. the appropriateness of considering a change of use from agriculture to Class use B8  
ii. the demolition of the existing buildings (2 and 3) and the extension to building 1.
- 5.8 *Green Belt.*  
The site is within the Bristol/Bath Green Belt where development is limited to certain criteria and local spatial strategy discourages inappropriate development. Paragraphs 145 and 146 of the NPPF set out a list of exceptions where development can be appropriate if it meets the tests.
- 5.9 Paragraph 145 states: A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:  
a) buildings for agriculture and forestry;  
b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation,

cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;

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

5.10 Paragraph 146 states: Certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are:

- a) mineral extraction;
- b) engineering operations;
- c) local transport infrastructure which can demonstrate a requirement for a Green Belt location;
- d) the re-use of buildings provided that the buildings are of permanent and substantial construction;
- e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and
- f) development brought forward under a Community Right to Build Order or Neighbourhood Development Order.

5.11 Taking the change of use of the land and buildings from agricultural to Class use B8 first: agricultural development is clearly appropriate in a countryside setting and changing the use to something else must involve careful scrutiny

- with regards to impact on openness of the Green Belt but also on other matters including, but not limited to highways and residential amenity.
- 5.12 Preserving the openness of the Green Belt is one of the main aims. It is reasonable to use the meaning of the word 'preserve' as keep from harm rather than to maintain as it is. Openness can have both a spatial and visual impact. It follows then that the effects on openness must be assessed in terms of any harm. The main concerns to consider include: the size, the appearance, the existing lawful situation i.e. for agriculture versus the proposed one for Class use B8 and its associated issues.
- 5.13 Category (e) of para 146 mentions some appropriate changes of use of land as being outdoor sport, recreation or cemeteries with the implication that such uses retain the openness of the Green Belt which is one of the overarching aims of Green Belt policy. Class use B8 by its very nature implies that land and buildings would be used for a purpose alien to the countryside and could have a greater impact on openness, potentially resulting from among other things, the additional traffic generated by the use, the different pattern of operations such as deliveries/visitors, impact on neighbours etc.
- 5.14 Category (d) of para 146 covers the re-use of buildings provided they are of permanent and substantial construction. In this instance Building 1 has an agricultural appearance with an open north frontage and a further large opening in the southern elevation. It would therefore, require significant construction works to convert it into a secure building for the purposes of Class B8 storage. No details have been provided with regards the condition of the building but the building is not capable of re-use without substantial works. This weighs against the scheme. But furthermore, plans indicate a large extension is proposed to this building. Again no structural survey has been provided but the extent of the works required brings into question whether this building could be re-used or would require a complete re-build. The uncertainty weighs against the scheme but more so that the erection of new buildings in the Green Belt is inappropriate.
- 5.15 Moving on to the proposed erection of the large extension to Building 1. The extension of an existing building is covered under category (c) of paragraph 145 and can be acceptable provided it is not disproportionate. However, in the first instance the use of the building for Class B8 purposes has been shown to be unlawful. It is therefore not possible to assess an extension to an unlawful building. Similarly when looking at category (g) of para 145 the redevelopment of a previously developed land (PDL) the site has been shown to be agricultural in use and not Class use B8; it therefore follows that agricultural land is not PDL and therefore this category is not applicable either.
- 5.16 The above assessment has shown that the proposal fails to accord with any of the set Green Belt categories. It is therefore inappropriate development in the Green Belt which is regarded as being harmful by definition. A case of very special circumstances is required to outweigh the identified harm. No such information has been submitted. Support comments have been received from those backing the scheme declaring if this application fails Victoria Foods (currently using an adjacent building not part of this site) would go out of

business with one consequence being the loss of employment for its workers. The situation is acknowledged but in assessing this planning application it is difficult to see how a strong case could be made given the building itself was found unlawful under the recent certificate of lawfulness application for the Class B8. In the recent public inquiry (January 2020) relating to the building Victoria Foods currently occupies but now has to vacate because the Inspector found it unlawful and should be demolished, the Inspector asked if the question if the service Victoria Foods provides could be provided by another business and was there a reasonable chance that employees could find alternative employment. The answer was affirmative to both and the Inspector took this into consideration in his decision.

5.17 It is noted that the scheme intends to demolish two existing structures but this would not offset the identified harm as discussed above.

5.18 *Development in the rural areas:*

Adopted spatial strategies encourage development in urban areas. It is acknowledged that there are examples of small commercial sites in the countryside but these tend to have the benefit of planning permission. The buildings and land under consideration here have been shown not to have a lawful B8 use. Commercial development would not be supported in this countryside location.

5.19 Under the remit of Policy CS34 proposals should, among other things, protect, conserve and enhance the rural areas' distinctive character and beauty, protect the designated Green Belt, maintain the settlement boundaries and protect rural employment sites, services and facilities and recognise the role that rural areas can make to projects and initiatives that address and adapt to the challenges of climate change. Development will be strictly controlled in line with other relevant policies. Given the above assessment there is an in-principle objection to the scheme.

5.20 *Design:*

The proposal would result in a large building in the countryside. Plans show the building would be 'T' shaped and it appears to use the footprint of Building 1 with a new large element extending to the north. The proposal would measure 35 metres in overall length with a ridge height of 4.9 metres at its highest point. It would result in a large building. Materials would be in keeping with other buildings found in rural locations.

5.21 Notwithstanding the potential for the overall size to be reduced by discussion and the use of appropriate materials in this countryside location, the in-principle objection remains and for this reason the scheme cannot be supported.

5.22 *Residential amenity*

The large B8 building would be used by Victoria Foods a food and drinks wholesale company. The proximity to residential dwellings is noted as are the numerous comments from neighbours regarding the disturbance. Although the Inspector in the January 2020 public inquiry mentioned noise would not be a factor, the building under consideration at the time was further away from residential dwellings than under this application.



- 5.23 Concerns have been expressed by neighbours and if the application had been acceptable in principle further investigations into the impact on nearby residential dwellings would have been required.
- 5.24 *Transport*  
The location of the site is not supported under adopted spatial strategy policies. However, a balanced assessment is required given that the application site is firstly, within walking distance of the village of Tockington and secondly, employees would use the existing facilities and services such as local shops etc which assist to keep these type of services open. The existing hardstanding would be extended and used for parking and loading/unloading. Space for 8 HGVs is shown along with 5 car parking spaces (one of which is for disabled drivers). The provision is considered sufficient. Had the application been acceptable in principle additional details including a trip analysis and confirmation of an appropriate visibility splay would have been requested to compare the existing with the proposed use and a limit would have been placed on working hours.
- 5.25 *Landscape*  
The Inspector noted that the applicant is an enthusiastic planter of trees. Although no details have been provided within this application, new native trees (not conifers) are encouraged.
- 5.26 *Ecology*  
No ecological details have been provided with the application. Had it been acceptable a survey would have been requested to ensure the protection of any protected species and to provide any appropriate mitigation.
- 5.27 *Heritage:*  
The application site forms part of a group of buildings located approximately 50 metres to the south of The Elms. It is understood that the building to the west is to be demolished as part of the requirements of an Enforcement Notice.
- 5.28 In reviewing the 1840s Tithe Map and the apportionment award details, the application site was associated with The Elms (both within the ownership of a Francis Player) and this association survives to this day. The historic cartographic evidence from the 1840s Tithe up until to the 3<sup>rd</sup> Edition of the OS Map also shows that the application site was once part of a large orchard that extended to the south beyond Hardy Lane.
- 5.29 Therefore, while the site is historically and functionally associated with The Elms and can be considered to contribute to its setting, as an orchard it never formed part of its clearly defined curtilage. Moreover, due to the changes in landscape (loss of orchard) and function (commercial uses) the actual contribution to the historical and evidential significance of The Elms, the site now makes is considered to be of limited value
- 5.30 The building themselves are considered lawful and have been part of the landscape for some time. In terms of their presence, rather than their use, a

- visual impact of the proposals can be made with the existing structures considered as a baseline to assess the changes to scale and massing.
- 5.31 In considered the impact on “existing” and “proposed”, in views to the south from The Elms itself and curtilage, it is difficult to see how the proposals would result in any material change in the existing situation, as the current view of a gable end of a utilitarian structure would remain and would not be significantly increased in terms of scale and massing. While the presence of these buildings can be considered to detract from the rural setting of the listed farmhouse, they are authorised as so with no significant changes to scale, massing or siting, it is a case that the existing setting of the listed farmhouse in views to the south would be sustained.
- 5.32 The impact of the B8 use would however would see the parking for large vehicles extended to the south as part of the proposals. An intensification of the operational use of this site is proposed but being located to the south the impact on the setting of the listed building would not be significant.
- 5.33 Impact on Equalities  
The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society. As a result of that Act the public sector Equality Duty came into force. Among other things, the Equality Duty requires that public bodies to have due regard to the need to: eliminate discrimination; advance equality of opportunity; and, foster good relations between different groups when carrying out their activities.
- 5.34 Under the Equality Duty, public organisations must consider how they could positively contribute to the advancement of equality and good relations. This should be reflected in the policies of that organisation and the services it delivers.
- 5.35 The local planning authority is statutorily required to apply the Equality Duty to its decision taking. With regards to the Duty, the development contained within this planning application is considered to have neutral impact.
- 5.36 **Planning balance:**  
The buildings have been shown to be agricultural and not in Class use B8. Building 1 is considered not capable of the works required to make it acceptable for its intended use and as such it fails that Green Belt policy test. It is therefore inappropriate development in the Green Belt and harmful by definition. Substantial weight is given to this harm. Additional harm has been identified due to its location and some weight is added to that already identified. Harm must be clearly outweighed by other considerations. The assessment has not found benefits sufficient to outweigh the harm and a case for very special circumstances has not been made. Consequently, the introduction of new buildings in this location has been shown to be contrary to Green Belt policy and contrary to adopted spatial strategies that aim to protect the countryside and this special designated area. For the reasons set out in the above report the application cannot be supported.

## 6. CONCLUSION

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

## 7. RECOMMENDATION

- 7.1 It is recommended that the application be **REFUSED**.

**Contact Officer: Anne Joseph**  
**Tel. No. 01454 863788**

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. The proposal is therefore contrary to the provisions of Policy CS5 and CS34 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy PSP7 of the Policy Sites and Places Plan (Adopted) 2017 and the National Planning Policy Framework.
2. The proposal is outside an established settlement boundary. The scheme has failed to accord with the criteria set out in adopted policies which seek to ensure that development in the countryside is strictly limited and protected from inappropriate development. The proposal is therefore contrary to adopted Policy CS34 of the South Gloucestershire Policies Sites and Places Plan (Adopted) 2017 and the NPPF in general.

**CIRCULATED SCHEDULE NO. 24/20 - 12th June 2020**

<b>App No.:</b>	P20/07882/F	<b>Applicant:</b>	Mr Day
<b>Site:</b>	28 The Willows Yate South Gloucestershire BS37 5XL	<b>Date Reg:</b>	11th May 2020
<b>Proposal:</b>	Erection of single storey front and side extension to form additional living accommodation (Amendment to previously approved scheme P19/17788/F).	<b>Parish:</b>	Yate Town Council
<b>Map Ref:</b>	370541 182714	<b>Ward:</b>	Yate North
<b>Application Category:</b>	Householder	<b>Target Date:</b>	29th June 2020



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N.T.S.

P20/07882/F

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

## **REASON FOR REPORTING TO THE CIRCULATED SCHEDULE**

Contrary view of Yate Town Council.

### **1. THE PROPOSAL**

- 1.1 Planning permission is sought for the erection of single storey front and side extension at 28 The Willows, Yate. This application is a resubmission of a previously approved application P19/17788/F. The only change from this previously approved application is the materials. The previously approved application was to be finished in brick whereas this new application would be finished in render.
- 1.2 The application site comprises a two storey semi-detached dwelling. The application site is located within the designated Yate settlement boundary.
- 1.3 The proposed extension has a depth, eaves height and total height to match the existing single storey element at the front of the property. The proposed extension extends this single storey front element across the full width of the dwelling.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

National Planning Policy Framework February 2019  
National Planning Practice Guidance

#### **2.2 Development Plans**

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

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

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

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

#### **2.3 Supplementary Planning Guidance**

Design Checklist SPD (Adopted) August 2007  
Residential Parking Standard SPD (Adopted) December 2013

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

- 3.1 P19/17788/F  
Erection of single storey front and side extension.  
Approve with Conditions (06/01/2020)
- 3.2 P87/0102/5  
Erection of 38 dwellings  
Approved of Reserved Matters (22/04/1987)
- 3.3 P85/0102/1  
Residential and ancillary development (outline)  
Approval (05/01/1987)

### **4. CONSULTATION RESPONSES**

- 4.2 Yate Town Council  
Objection - detrimental impact on light to the adjoining bungalow.
- 4.3 Local Residents  
No Responses

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

- 5.1 Principle of Development  
The application seeks permission for a single storey front and side extension at an existing residential property. Policy PSP38 of the Policies, Sites and Places Plan permits extensions and alterations to existing dwellings within established residential curtilages subject to an assessment of design, amenity and transport. The development is acceptable in principle but will be determined against the analysis set out 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 of design. This means that developments should have appropriate: siting, form, scale, height, massing, detailing, colour and materials which are informed by, respect, and enhance the character, distinctiveness and amenity of both the site and its context.
- 5.3 The proposed single storey front extension has been previously approved in application P19/17788/F. The only change with this application is that the extension would now be finished in render rather than brick. The existing single storey front element of the dwelling would also be rendered to match the extension and whilst this would not match the finish of the existing dwelling it would complement the brickwork well and would match other dwellings within The Willows.

- 5.4 On the basis of the assessment set out above, it is not considered that the proposed development would detract from the appearance of the building or negatively impact the visual amenity of the streetscene or character of the area.
- 5.5 Residential Amenity  
Policy PSP38 of the Policies, Sites and Places Plan explains that development will be permitted provided that it would not detrimentally impact the residential amenities of nearby occupiers and would not prejudice the retention of adequate private amenity space. Policy PSP8 specifically relates to impacts on residential amenity, and outlines that unacceptable impacts could result from (but are not restricted to); loss of privacy and overlooking; overbearing and dominant impact; loss of light; noise or disturbance; and odours, fumes or vibration.
- 5.6 The proposed single storey front extension has been previously approved in application P19/17788/F. The only change with this application is that the extension would now be finished in render rather than brick. This change in materials would not have a detrimental impact on the amenity of neighbouring properties.
- 5.7 On the basis of the assessment set out above, it is not considered that the development proposal would result in any unacceptable impacts on the amenity of neighbours.
- 5.8 Transport  
Policy PSP16 of the Policies, Sites and Places Plan sets out the Councils parking standards. The proposed development will not add any bedrooms to the property and will not remove any parking spaces.
- 5.9 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 is considered to have a neutral impact on equality.

## 6. CONCLUSION

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

6.2 The recommendation to **grant** permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017 set out above, and to all the relevant material considerations set out in the report.

## **7. RECOMMENDATION**

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

**Contact Officer: Oliver Phippen**  
**Tel. No. 01454 866019**

### **CONDITIONS**

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

Reason

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

2. The tiles to be used in the development hereby permitted shall match those of the existing building in colour, texture and profile.

Reason

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