

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: 23/21

Date to Members: 11/06/2021

Member's Deadline: 17/06/2021 (5.00pm)

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

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

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

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

NOTES FOR COUNCILLORS

– formal arrangements for referral to committee

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

c. All applications for non-material amendments

d. All applications to discharge planning conditions

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

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

Additional guidance for Members

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

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

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

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

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

A template for referral is set out below:

Referral from Circulated Schedule to Development Management Committee

1. Application reference number:
2. Site Location:
3. Reasons for referral:

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

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

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

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

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

Date:

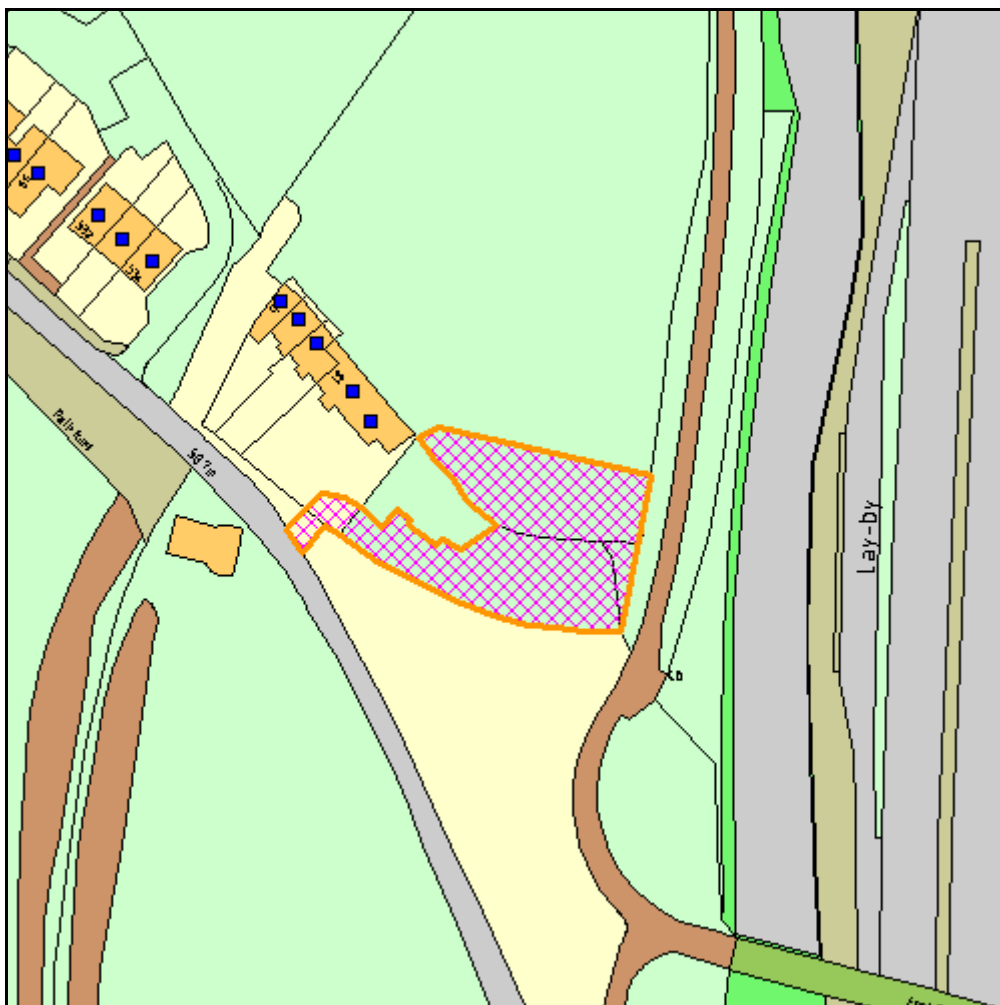
To be emailed to MemberReferral@southglos.gov.uk

CIRCULATED SCHEDULE - 11 June 2021

ITEM NO.	APPLICATION NO.	RECOMMENDATION	LOCATION	WARD	PARISH
1	P20/12945/F	Approve with Conditions	61 Siston Common Siston South Gloucestershire BS15 4PA	New Cheltenham	Siston Parish Council
2	P20/17298/ADV	Approve with Conditions	7 - 8 Avon Road Charfield South Gloucestershire GL12 8TT	Charfield	Charfield Parish Council
3	P20/22430/F	Refusal	The Elms Upper Tockington Road Tockington South Gloucestershire BS32 4LQ	Severn Vale	Olveston Parish Council
4	P20/23019/RVC	Approve with Conditions	72 Magpie Bottom Lane Kingswood South Gloucestershire BS15 8HD	Hanham	
5	P21/00345/RVC	Approve with Conditions	Grove Farm Coxgrove Hill Pucklechurch South Gloucestershire BS16 9NL	Boyd Valley	Pucklechurch Parish Council
6	P21/01332/F	Approve with Conditions	Land Off Catbrain Hill Easter Compton South Gloucestershire	Charlton And Cribbs	Almondsbury Parish Council

CIRCULATED SCHEDULE NO. 23/21 - 11th June 2021

App No.:	P20/12945/F	Applicant:	Flim And Flam Developments Ltd
Site:	61 Siston Common Siston South Gloucestershire BS15 4PA	Date Reg:	13th August 2020
Proposal:	Erection of 1no attached dwelling to form end of terrace with ancillary parking, turning head and driveway; together with proposed enlargement of rear gardens for existing Plots 1 and 2 previously permitted under PK16/2625/F.	Parish:	Siston Parish Council
Map Ref:	366483 174575	Ward:	New Cheltenham
Application Category:	Minor	Target Date:	6th October 2020



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 100023410, 2008. **N.T.S.** **P20/12945/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 made by the Parish Council.

1. THE PROPOSAL

- 1.1 The applicant seeks full planning permission for the erection of a single attached dwelling to form an end of terrace with ancillary parking, turning head and driveway; together with proposed enlargement of rear gardens for existing Plots 1 and 2 previously permitted under PK16/2625/F.
- 1.2 The application site relates to 61 Siston Common, within the settlement boundary. The site is bounded by open grassed meadow to the north and Common land to the South, with the Bristol/Bath cycle path to the east and residential development to the west, including a pair of semi-detached dwellings granted permission in 2016. In 2017 an additional detached dwelling was refused and dismissed at appeal. This application seeks to erect a third dwelling to the pair of semis to create a small terrace. It is noted that the ground level rises from west to east through the site up to the cycle path, which looks down onto the site.
- 1.3 During the course of the application revised plans were received to exclude land not within the ownership of the applicant.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework February 2019
National Planning Guidance
- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1	High Quality Design
CS2	Green Infrastructure
CS3	Renewable and Low Carbon Energy Generation
CS4	Renewable or Low Carbon District Heat Networks
CS5	Location of Development
CS6	Infrastructure and Developer Contributions
CS8	Improving Accessibility
CS9	Managing the Environment and Heritage
CS16	Housing Density
CS17	Housing Diversity
CS29	Communities of the East Fringe of Bristol

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

PSP1	Local Distinctiveness
PSP2	Landscape
PSP3	Trees and Woodland
PSP5	Undesignated Open Spaces
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
PSP22	Unstable Land
PSP38	Development within Existing Residential Curtilages
PSP43	Private Amenity Space Standards

2.3 Supplementary Planning Guidance

Trees on Development Sites SPG (Adopted) Nov. 2005.

South Gloucestershire Household Design (Adopted) 2021)

Community Infrastructure Levy (CIL) & Section 106 Planning Obligations Guide
SPD – (Adopted) March 2015

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

The South Gloucestershire Landscape Character Assessment (Adopted) Nov
2014 – Westerleigh Vale and Oldland Ridge LCA12.

3. RELEVANT PLANNING HISTORY

- 3.1 PK16/2625/F Erection of 2no dwellings, 1no double garage with access,
parking and associated works.
Approved 21.9.16

- 3.2 PK17/4411/F Erection of 1 no. detached dwelling and associated works.
Refused 15.11.17

Reason 1:

The proposal by virtue of its layout, design, scale and relationship with the existing pattern of development in the locality would result in an incongruous and cramped form of development which would fail to respect the character, distinctiveness and amenity of the surrounding area. Additionally due to the cramped nature of the proposal it would be considered to have an adverse impact on the amenity of neighbouring occupiers and the dwelling proposed due to the relationship and separation distances between primary living accommodation. The proposal is therefore considered contrary to Policies CS1 and CS9 of the Local Plan Core Strategy (2013); PSP1, PSP2, PSP5, PSP17 and PSP38 of the Policies Sites and Places DPD (2017); and relevant provisions of the NPPF (2012).

Reason 2:

The site is located on Siston Common which is a sensitive and important landscape and area of open space within the urban area. The proposal would result in encroachment into an area that is currently open. Additionally the area

is of local historic and cultural significance due to its historic uses. Due to the location, scale and appearance of the proposal it has been considered to result in significant harm to the character and amenity of this landscape. The proposal is therefore contrary to the provisions of PSP1, PSP2 and PSP5 of the Policies Sites and Places DPD (2017), Policy CS9 of the Local Plan Core Strategy (2013) and the provisions of the National Planning Policy Framework.

Reason 3:

Insufficient or out of date information has been provided with regard to Coal Mining/Land Stability in order to adequately assess the impact of the development. Insufficient information has been submitted and as a result the proposal is considered to currently fail Policy PSP22, Policy CS9 of the Local Plan Core Strategy (2013); and the provisions of the National Planning Policy Framework.

Appeal dismissed: 11.10.18

- 3.3 PK18/0345/NMA Non-material amendment to planning permission PK16/2625/F to alter the size and position of the first floor south east facing bedroom window in dwelling no 2. Enlarge the first floor north east facing bedroom window in dwelling no 2. Enlarge the ground floor bi-folding doors on the rear elevation of dwelling no 1.
No objection 27.2.18

4. **CONSULTATION RESPONSES**

- 4.1 Siston Parish Council
Members do not object to the erection of the dwelling, however, members are very concerned with the limited onsite parking capacity and turning availability. This is a single track road bounded by common land which offers no roadside parking.
If approval is given, members would ask that all existing hedges be retained and any trees removed for the purposes of construction be replaced with new.

Internal Consultees

- 4.2 Highway Structures
Details of excavations and the temporary support that is to be provided during construction of the common shared driveway are to be submitted to satisfy the highway authority that support to the highway and open space land is provided at all times.

If the application includes a structure that will support the highway or support the land above a highway. No construction is to be carried out without first providing the Highway Structures team with documents in accordance with CG 300 Technical approval of highway structures of the Design Manual for Roads and Bridges that will allow formal Technical Approval of the proposals to be carried out. The applicant will be required to pay the fees associated with the review of the submission whether they are accepted or rejected.

Update:

Drawings received during the course of the application are considered acceptable.

If the application includes a boundary wall / fence alongside the public highway or open space land then the responsibility for maintenance for this structure will fall to the property owner.

- 4.3 Commons Steward:
Query use of common land.

Update:

Revised plans show no common land would be affected in the scheme.

- 4.4 Ecology:
No objection subject to conditions.

Statutory / External Consultees

- 4.5 Transport
No objection

- 4.6 Coal Authority
No objection subject to conditions

- 4.7 Flood Risk Management Team
Additional information required.

Updated comments:

Following submission of more details, there is no objection to this scheme.

Other Representations

- 4.8 Local Residents
None received

5. ANALYSIS OF PROPOSAL

- 5.1 The applicant seeks permission to create an end of terrace dwelling and to increase the garden areas for this and two existing dwellings.

- 5.2 Principle of Development
The application stands to be assessed using the above listed policies and all material considerations. The site lies within the settlement boundary where both local and national planning policy encourages development. However, careful consideration must be given to its sensitive location within the Siston Common area and note must be taken of the refused scheme and subsequent dismissed appeal to ascertain the differences between that and what is now proposed. Other areas of consideration include the overall design, impact on

- residential amenity and on transport matters and the increase in garden areas of the existing and proposed dwelling.
- 5.3 Location of development:
The site is located at the end of an existing linear strand of development within Siston Common. Siston Common is recognised as a special landscape feature comprising *“open area(s) of common with a mix of rough, unimproved grassland with thickets of hawthorn, and blackthorn scrub, small groups of trees and informal hedges”*. (LCA 12).
- 5.4 As acknowledged in the approved and refused applications the site is unusual being within the urban area (as defined by adopted policy maps) but has a distinctively semi-rural character. One of Siston Common’s distinctive features is its openness. Another is the older terraced cottages, of modest scale and of traditional materials.
- 5.5 The proposal would create an end of terrace dwelling. This form of development would significantly differ from the detached dwelling previously proposed (and refused) here and would still allow an area of openness to be present and experienced especially from the cycle track on higher ground to the east.
- 5.6 A sympathetic approach to design and materials is also proposed and this is discussed in more detail below.
- 5.7 Moving on to the proposed garden space: The gardens for the new dwelling and for the existing pair of semis approved under PK16/2625/F, would be to the north of the site. This area of land is not within the common. It is noted that the proposed new dwelling would use the side garden of one of the semis and subsequently reduce its amenity space. It is acknowledged that the land forms part of the wider openness associated with this area. On the other hand the proposal would add another house to the housing supply. Overall, given the common land would remain protected the inclusion of this small area of land as residential amenity space is considered acceptable subject to conditions discussed in the landscape section below.
- 5.8 Design and Visual Appearance:
Properties along this road tend to be older houses. The newly erected pair of semis in their style, massing and appearance have taken this into account and were considered an appropriate addition to the street scene. In the same way this proposed new addition would create a small terrace to complement the existing built form. It is acknowledged that the property would be slightly larger and create an unconventional terrace, but the overall design has ensured the scheme is not presented as a large, solid block being broken up by the stepped building lines and by ‘turning the corner’ slightly. This feature adds interest and ensures the overall bulk and massing is reduced.
- 5.9 With regards to materials, the proposed 4 bed dwelling would match those already used in the existing pair of semis and in this way would be in keeping with the character of the area.

- 5.10 Overall the proposal is considered to accord with adopted design policy and can be supported.
- 5.11 Residential amenity:
Garden space for the existing pair of semis is located to the rear with the front area taken up by driveway. The property positioned to the east also had a side garden to accompany and make up for its small rear space. In this proposal the new dwelling would occupy the side garden meant to serve this particular semi. To mitigate the loss this application proposes using land to the north of the site to increase the rear gardens of the existing pair of semis and to create a large rear garden for the new dwelling.
- 5.12 It is acknowledged that this area is within the ownership of the applicant and is not part of the Common. However, it does form an important part of the character of the area and its inclusion in any residential curtilage requires careful consideration. This will be discussed in the below section. In terms of the amount of garden space proposed this is acceptable and would accord with adopted standards.
- 5.13 Given its rural location with an absence of neighbours save for the pair of semis to which it would be attached, there would be no adverse issues of overlooking or inter-visibility
- 5.14 In this respect the proposal is considered to accord with policy and can be recommended for approval.
- 5.15 Landscape
The previously approved scheme for the pair of semis had originally included a large detached dwelling at the head of the cul-de-sac. That part of the scheme was withdrawn and a subsequent separate application for a detached dwelling rejected and dismissed at appeal. The detached dwelling was considered to not be in-keeping with the existing street scene and area in general due to its position and appearance. This current application proposes to continue the built form to create a terrace, which would be a style firstly, more appropriate to this particular rural location and secondly, would retain a gap or green buffer between the development and the open space of the common and wider landscape features.
- 5.16 In this way the erection of a new dwelling is acceptable in landscape terms but the inclusion of more land into residential use requires further examination.
- 5.17 Plans show that the area to the north of the existing semis and this proposed dwelling would be used for residential gardens. It is noted that the proposed new dwelling would use the side garden of one of the semis thereby reducing and removing some of its allotted garden area. The area of land is within the ownership of the applicant and is not Common land. It therefore falls to this application to place some conditions on the use of the land and this can be done by means of a detailed landscape scheme to be submitted showing the types of hedges and trees to be planted (for the entire development site). It would also be necessary to remove permitted development rights to prevent

indiscriminate further development. These conditions would ensure a sympathetic treatment and continued protection of the general openness.

5.18 Transport:

The proposed scheme comprises a 4 bed dwelling. Adopted policy requires 2 off-street parking spaces for a property of this size. The design indicates the new dwelling would have an integrated garage and a parking space to the eastern side. This would achieve the 2 spaces required. However, given this is in effect a cul-de-sac, on site turning must be achievable and the scheme must not interfere with the parking arrangement or amount of parking serving the existing pair of semis.

5.19 Vehicle tracking was submitted with the application and shows that vehicles would be able to manoeuvre and turn at the end of the site outside/adjacent to the proposed new dwelling. Parking arrangements for the existing dwellings show a parking space outside each of the properties plus 2 tandem parking spaces within the site. The double garage is for the adjoining end of terrace dwelling to the west, not within this more recent new development.

5.20 Comments made by the Parish with regards to the parking are noted and the level of on-site parking when compared to the previous scheme, has been reduced by the introduction of this new dwelling, however, given the existing houses are 2 bed dwellings and the proposed is a 4 bed, the level of parking provision accords with adopted policy. Furthermore, the introduction of a single dwelling would not give rise to an adverse situation on this lightly trafficked road as such there are no transport objections to the scheme.

5.21 Prior to commencement conditions:

The applicant has agreed to landscape and coal mining conditions being prior to commencement.

5.22 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.

5.23 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.

5.24 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.

6. CONCLUSION

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

7. RECOMMENDATION

- 7.1 It is recommended that the application be **APPROVED** subject to conditions attached to the decision notice.

CONDITIONS

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

Reason

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

2. Development to proceed in accordance with the following plans:

As received by the LPA on 17.2.21:

Site location plan - P001 B

Existing and proposed site plan - P002 D

Proposed roof plan - P021 H

Existing and proposed long/street elevations - P051 B

Proposed tracking to north east corner - P060 A

Proposed site plan - ground and first floor - P10 H

Parking layout plan - P100 A

Site plan - P111 B

Proposed elevations plan - third house - P50 E

Drainage plan - 115 B

As received by the LPA on 19.2.21:

Shared driveway construction details

Reason

To ensure a satisfactory standard of external appearance, amenity space and to remain in keeping with the character of the area and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; PSP1 and PSP43 of the Policies Sites and Places Plan (Adopted) 2017 and the National Planning Policy Framework.

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

Reason

To ensure a satisfactory standard of external appearance and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; PSP1 of the Policies Sites and Places Plan (Adopted) 2017 and the National Planning Policy Framework.

4. Prior to the commencement of the development hereby approved, a scheme of landscaping, which shall include details of all existing trees and hedgerows on and adjacent to the land and details of any to be retained, together with measures for their protection during the course of the development; proposed planting (and times of planting) plus a 5-year maintenance schedule, boundary treatments and areas of hard-surfacing shall be submitted to the Local Planning Authority for approval. Development shall be carried out in accordance with the agreed details.

Reason

To ensure the satisfactory appearance of the development and to protect the landscape character in general to accord with Policies CS1 and CS9 of The South Gloucestershire Local Plan Core Strategy (Adopted) 2013; Policies PSP1 and PSP2 of the Policies Sites and Places Plan (Adopted) 2017 and the provisions of the NPPF. This is a prior to commencement condition to ensure that those trees/hedgerows to be retained are adequately protected for the whole duration of the development and to avoid any unnecessary remedial action.

5. Prior to the commencement of the development hereby approved, site investigation works shall be carried out to identify if any shallow mining works are present beneath the site. In the event that the site investigations confirm the need for remedial works to treat any mine entries and/or areas of shallow mine workings these works shall be carried out prior to the commencement of the development.

Reason

To ensure the safety and stability of the proposed development having regard to past Coal Mining within the area and to accord with CS9 of the South Gloucestershire Local Plan : Core Strategy (Adopted) 2013. This is a prior commencement condition to ensure that the site is safe for development before works commence.

6. Prior to the relevant part of the works hereby approved, samples or details of the proposed external facing materials to be used shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the works shall be carried out in full accordance with the samples or details so approved.

Reason

To ensure a satisfactory standard of external appearance and to remain in keeping with the character of the area and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; PSP1 of the Policies Sites and Places Plan (Adopted) 2017 and the National Planning Policy Framework.

7. Prior to first occupation, a scheme for the provision of artificial bat boxes and bird nest boxes (house martin, house sparrow and starling), their numbers and locations, should be drawn up and agreed with the Council in writing for the additional building. All works are to be carried out in accordance with said scheme.

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.

This is a prior to commencement condition to avoid an unnecessary remedial action in the future.

8. That prior to first occupation a bat-friendly lighting scheme should be drawn up and agreed with the Council in writing for the new property. All works are to be carried out in accordance with said scheme

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.

This is a prior to commencement condition to avoid an unnecessary remedial action in the future.

9. Prior to the first occupation of the houses hereby approved, the access, car parking facilities and turning areas shall be implemented in accordance with the approved Existing and proposed site plan - P002 D received on 17.2.21 and maintained as such thereafter.

Reason

To ensure the satisfactory provision of parking facilities and in the interest of highway safety and the amenity of the area, and to accord with Policy CS8 of the South Gloucestershire Local Plan; Core Strategy (Adopted) December 2013; Policy PSP16 of the Policies Sites and Places Plan (Adopted) 2017 and the NPPF in general.

10. Development shall proceed as per the Shared driveway construction details plan received by the LPA on 19.2.21.

Reason

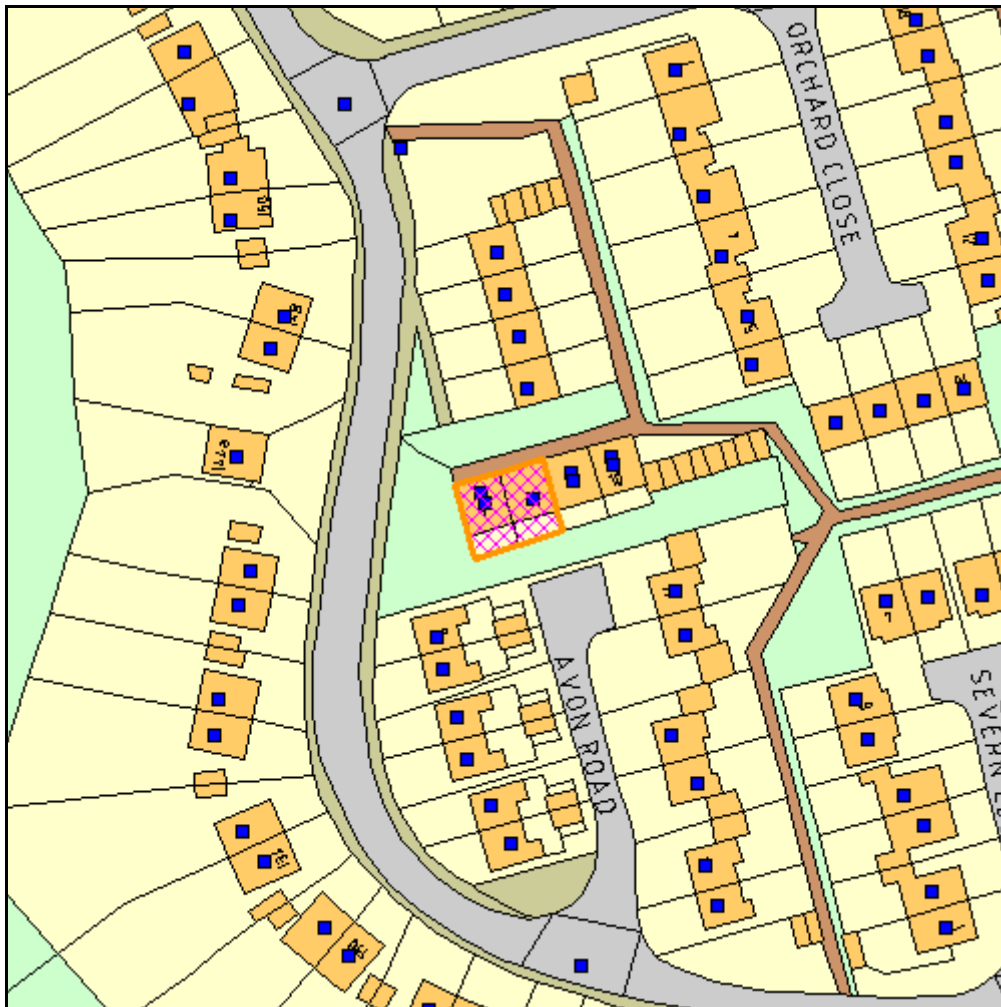
In the interests of highway safety, and to accord with Policy CS1 and CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

Case Officer: Anne Joseph

Authorising Officer: David Stockdale

CIRCULATED SCHEDULE NO. 23/21 - 11th June 2021

App No.:	P20/17298/ADV	Applicant:	Mr Gregg Gardner Late Stop (SW) Ltd
Site:	7 - 8 Avon Road Charfield South Gloucestershire GL12 8TT	Date Reg:	7th October 2020
Proposal:	Retention of 3 no. externally illuminated fascia signs and 11 no. non-illuminated window graphics.	Parish:	Charfield Parish Council
Map Ref:	372025 191965	Ward:	Charfield
Application Category:	Minor	Target Date:	27th November 2020



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

REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

The application has been put on Circulated Schedule due to the Objection comment received from the Parish Council and 5no. Objection comments received from Local Residents.

It should be noted that the Parish Council's Objection comment is in relation to the illuminations for the 3no. fascia signs. As set out in paragraph 5.10 below, a condition would be included with any consent requiring that the illuminations for the 3no. fascia signs are disabled permanently.

1. THE PROPOSAL

1.1 The proposal seeks retrospective planning consent to install 3no. externally illuminated fascia signs and 11no. non-illuminated window graphics at 7-8 Avon Road, Charfield. The application site comprises a local convenience store on the ground floor of a terrace of shops with residential units above. The site is bordered to the north, south and west by residential properties and is located within the defined Charfield Settlement Boundary.

1.2 The proposed advertisements are as follows:

- 2no. externally illuminated fascia signs measuring 7.02 x 0.31 metres;
- 1no. externally illuminated fascia sign measuring 2.42 x 0.31 metres; and
- 11no. non-illuminated window graphics of differing sizes.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework February 2019

National Planning Practice Guidance

The Town and Country Planning (Control of Advertisements) (England) Regulations 2007

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design

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

PSP1 Local Distinctiveness

PSP8 Residential Amenity

PSP11 Transport Impact Management

2.3 Supplementary Planning Guidance

Shopfronts and Advertisements SPD (Adopted) April 2012

3. RELEVANT PLANNING HISTORY

- 3.1 N31/1/ADV
Display of a non-illuminated 91.5cm. (36ins.) projecting advertisement of dimensions 76cm. (30ins.) x 61cm. (24ins.) to read Newsagent in black plastic letters on a Perspex background.
Approved (14/04/1983)
- 3.2 N317/ADV
Display of a 36ins. projecting internally illuminated shop sign of dimensions 30ins. x 24ins. to read Newsagent in red letters on a white background.
Refusal (23/12/1982)

4. CONSULTATION RESPONSES

- 4.1 Charfield Parish Council
Objection – The lights proposed are intrusively bright, and a lower luminescence should be used. The external lights should not be switched on outside of normal trading hours.
- 4.2 Ecology Officer
There are records of annex II species barbastelle within close proximity to the site, though they are unlikely to commute through a residential area other species of bats will potentially commute through the village, as it is in a rural location. Bright lights can deter species, even more light tolerant species such as common pipistrelle.
- I have noted that there are timers attached to the lights and the recommended timings between May and September are below for when the lights should be switched off, outside of this there will be no limit regarding bats, however measures should be taken to shield the light to prevent light spill as bats will occasionally forage during winter months.
- May - 21:00 - 05:00
June - 21:15 - 04:45
July - 21:00 - 05:00
August - 20:15 - 05:45
September - 19:00 - 06:30
- 4.3 Environmental Protection
It would appear that the luminosity of these signs is too strong and causing a nuisance to neighbours. If these signs were to be retained, we would ask for the brightness to be lowered so as to stop causing a light disturbance. We would also want the lights to be turned off when the shop is not opened.
- 4.4 Sustainable Transport
No comments

4.5 Local Residents

1 support comments from local residents have been submitted, making the following points:

Other Issues

- The lights act as a deterrent for anti-social behaviour and protect workers.
- The lights attract insects for bats that have been spotted in the local area to feed on.
- Illuminating the store will be necessary for those who commute early and want to use the store safely.

2 general comments from local residents have been submitted, making the following points:

Residential Amenity

- The lights are extremely bright and not always turned off at night or turned on early in the morning. They light up the rooms of neighbouring properties and make it difficult for residents to sleep.
- The lights were never needed before and the shop still managed.

5 objections from local residents have been submitted, making the following points:

Design and Visual Amenity

- The side of the shop is an eyesore with the posters and air conditioning units.
- Additional banners have been added to the outside of the shop and walls facing the road.
- The new signage and lights are unnecessary, create a cluttered appearance, and detract from the street scene.

Residential Amenity

- The lights are extremely bright and not always turned off at night or turned on early in the morning. They light up the rooms of neighbouring properties and make it difficult for residents to sleep.
- Air conditioning units have been installed that cause excessive noise throughout the evening.

Other Issues

- Lighting and light spill is known to be detrimental to wildlife. There are protected species of bats known to forage in adjacent fields that could be impacted by the lights.
- All the changes have been carried out without consulting surrounding homes or local residents.

5. ANALYSIS OF PROPOSAL

5.1 The application seeks advertising consent to display advertising signage at a local convenience store in Charfield. The proposal includes: 3no. externally illuminated fascia signs; and 11no. non-illuminated window graphic.

5.2 Principle of Development

Guidance within the National Planning Policy Framework stipulates that advertisements should be only subject to control in the interests of amenity, public safety and their cumulative impacts. Design and design quality is assessed in terms of visual amenity and cumulative impact under Policy CS1 of the South Gloucestershire Core Strategy. Residential amenity is assessed under Policy PSP8 of the South Gloucestershire Policies, Sites and Places Plan. Public safety is considered to ensure that the signage is not detrimental to highway safety or presents a traffic hazard.

5.3 Design and Visual Amenity

The application seeks advertising consent for 14 advertising signs in total: 3no. externally illuminated fascia signs; and 11no. non-illuminated window graphic. The Shopfronts and Advertisements SPD states that 'Where replacement or alteration of existing shopfronts or advertisements is proposed it is essential that their replacements are designed to a high standard and use good quality materials that respect the proportions and character of the building and its setting within the street scene'.

5.4 All of these proposed advertising signs are typical of what is expected to be seen on a local convenience store of this kind and it is not considered that the application building is of historical or architectural significance. It is considered that the amount of signage is proportional to use as a local convenience store and would not detrimentally impact the visual amenity of the site or its context.

5.5 On the basis of the assessment set out above, it is not considered that the proposal would detract from the appearance of the building or negatively impact the visual amenity of the streetscene or character of the area.

5.6 Residential Amenity

Policy PSP8 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. 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.

5.7 The Shopfronts and Advertisements SPD states that 'Illumination should be appropriate to the context and general character of the street as well as being discreetly sited on the building itself. The intensity of illumination should allow the sign to be easily read but not cause a distracting glare' and that 'Many retail areas are also residential and in these areas a less intrusive approach to illumination is essential'.

5.8 The local convenience store, that is the subject of this application, is situated within a predominantly residential area and is bordered to the north, south and west by residential properties. The proposed externally illuminated fascia signs are located on the northern and western elevations of the building, directly facing a number of residential properties.

- 5.9 It is considered that the 3no. externally illuminated fascia signs would create unacceptable living conditions for the current and future occupiers of the neighbouring residential properties to the north and west. The proposed illuminations would be excessive for their location, intrusive for neighbouring residential properties, and would have a dominant and overbearing impact on the residential amenity of neighbouring properties.
- 5.10 It should however be noted that if the proposed illuminations for the 3no. fascia signs were to be permanently disabled, effectively making the fascia signs non-illuminated, these concerns would be eased. Officers are therefore minded to recommend the application for approval but with a condition attached requiring that the illuminations for the 3no. fascia signs are permanently disabled.
- 5.11 The 11no. non-illuminated window graphics are considered acceptable.
- 5.12 On the basis of the assessment set out above, it is considered that the proposal would not result in any unacceptable impacts on the amenity of neighbours provided that the illuminations for the 3no. fascia signs are permanently disabled.
- 5.13 Public Safety
There are no public safety or highway safety concerns associated with this application.
- 5.14 Equalities
The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society; it sets out the different ways in which it is unlawful to treat someone. As a result of this Act the public sector equality duty came into force. Among other things those subject to the equality duty must have due regard to: eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity and foster good relations between people who share a protected characteristic and those who do not. The general equality duty therefore requires organisations to consider how they could positively contribute to the advancement of equality and good relations. It requires equality considerations to be reflected into the design of policies and the delivery of services.
- 5.15 With regards to the above this planning application is considered to have a neutral impact on equality.
- 5.16 Other Matters
A number of matters raised from the consultation responses have not been addressed in the main body of this report. These will be considered below:
- 5.17 Concerns have been raised about the proposed illuminations impact on wildlife and specifically protected species of bats. The National Planning Policy Framework stipulates that advertisements should be only subject to control in the interests of amenity, public safety and their cumulative impacts. The proposed advertisements cannot therefore be controlled in the interest of just ecology but as seen in paragraph 5.10 above, a condition would be included

with any consent requiring that the proposed illuminations for the 3no. fascia signs are disabled permanently.

- 5.18 Support has been received for the proposed illuminations as a deterrent for anti-social behaviour and protection of workers. This is noted but there are other ways to achieve these benefits without significantly detrimentally impacting the residential amenity of neighbouring properties.
- 5.19 Concerns have been raised about the instillation of air conditioning units causing excessive noise. This does not form part of this application so has not been considered in this report. Concerns have also been raised about all these works being carried out without consulting surrounding homes or local residents. As part of this application the required consultations have been sent out but consultations on future works that do not require planning consent would be up to the owner of the site.

6. CONCLUSION

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

7. RECOMMENDATION

- 7.1 It is recommended that the application be **APPROVED** subject to the conditions included on the decision notice.

CONDITIONS

1. Notwithstanding the details provided with the application, specifically on the Proposed Signage drawings (Received 02/10/2020) and the application form, the illuminations (LED trough lighting) for the 3no. fascia signs shall be disabled within 3 weeks of this permission being granted and shall remain so thereafter.

Reason

To protect the residential amenity of the neighbouring occupiers and to accord with Policy PSP8 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; the Shopfronts and Advertisements SPD (Adopted) April 2012; and the National Planning Policy Framework.

2. The development/works hereby permitted shall only be implemented in accordance with the plans as set out in the plans list below:
Site Location Plan (Received 02/10/2020)
Annotated Block Plan (Received 23/09/2020)

Previous Signage (Received 02/10/2020)
Proposed Signage (Received 02/10/2020)

Reason

To define the terms and extent of the permission.

Case Officer: Oliver Phippen

Authorising Officer: David Stockdale

CIRCULATED SCHEDULE NO. 23/21 - 11th June 2021

App No.:	P20/22430/F	Applicant:	Mr Bruce Farr
Site:	The Elms Upper Tockington Road Tockington South Gloucestershire BS32 4LQ	Date Reg:	16th November 2020
Proposal:	Erection of an agricultural building (Part retrospective)	Parish:	Olveston Parish Council
Map Ref:	360628 186573	Ward:	Severn Vale
Application Category:	Minor	Target Date:	6th January 2021



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 100023410, 2008. **N.T.S.** **P20/22430/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

The application appears on the Circulated Schedule as there are 3no. or more comments made by members of the public which are contrary to the officer recommendation.

1. THE PROPOSAL

- 1.1 The proposal seeks part-retrospective planning permission for erection of agricultural building.
- 1.2 The application site relates to The Elms, Upper Tockington Road, Tockington. The building in question is located outside of any defined settlement boundary and is washed over by Bristol and Bath Green Belt. It is approximately 52m away from Tockington Conservation Area. The development is located within the curtilage of a listed building (The Elms). A Public Right of Way is located about 22m to the west from the building.
- 1.3 This planning application is part retrospective. There are some changes proposed to the external appearance of the building, compared to how it was originally erected.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework
National Planning Practice Guidance

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1	High Quality Design
CS4a	Sustainable Development
CS5	Location of Development
CS8	Improving Accessibility
CS9	Managing the Environment and Heritage
CS34	Rural Areas

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

PSP1	Local Distinctiveness
PSP2	Landscape
PSP3	Trees and Woodland
PSP7	Development in the Green Belt
PSP8	Residential Amenity
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP17	Heritage Assets and the Historic Environment

PSP28 Rural Economy
PSP29 Agricultural Development

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist
Development in the Green Belt
Tockington Conservation Area SPD

3. RELEVANT PLANNING HISTORY

There is a substantial planning history associated with this site, most relevant of which is listed below.

- 3.1 P20/10022/CLE
Continued use of land as (Class B8) storage.

Refused: 28 July 2020.

- 3.2 P20/09736/PNA
Prior notification of the intention to erect 1no. agricultural building for the storage of machinery, fodder and feed stuffs.

Refused: 30 June 2020.

- 3.3 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.

Appeal Dismissed: 02 January 2020.

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).

Appeal Dismissed: 02 January 2020.

- 3.4 PT16/4815/PNA
Prior notification of the intention to erect an agricultural building for the storage of fodder, food stuffs and machinery.

No objection: 15 September 2016.

- 3.5 PT09/0962/PNA
Prior notification of the intention to erect 1 no. agricultural building for storage use.

No objection: 18 June 2009.

- 3.6 P89/3031
Erection of agricultural workers dwelling and garage; installation of septic tank.

Refused: 11 July 1990.

4. CONSULTATION RESPONSES

- 4.1 Olveston Parish Council
The committee **object** on the grounds that other buildings have subsequently been seeking 'change of use' and we would seek proof of what 'agriculture use' as we cannot see any need.

4.2 Other Consultees

Sustainable Transport
No objection.

Landscape Officer
No objection, subject to planting issues being addressed.

Lead Local Flood Authority
No objection.

Highway Structures
Wish to make no comment.

Conservation Officer
Wish to make no comment.

Other Representations

- 4.3 Local Residents
The Local Planning Authority received 20no. objection comments, 30no. support comments, and 2no. general comments. Main points summarised below:

Objection:

- The building should have been removed by early July 2020.
- The building was never used for agricultural purposes, but instead was used as B8 for storage and distribution.
- The building causes significant harm to the openness of the Green Belt.
- The building is too big.
- No special circumstances for this structure to be allowed to stay.
- Approving the application would set a negative precedent.
- The history of the site makes it hard to trust the current intentions.
- No care for the environment.
- Doubts about the legitimacy of the alleged current need for the barn.
- Why the needed barn cannot be built near the current tenant's barns?
- The applicant should not be allowed to make any applications trying to legitimize the building.
- The tenant could change his mind like he did before.
- Hardy Lane is overused by associated traffic.

Support:

- Expansion is very much required.
- Local businesses should be supported.
- The building fits well with the environment.
- If the applicant loses the income from the barn, he would not be able to support his charitable work.
- Local farming community should be supported.
- The barn is a legitimate building.
- There is a viable agricultural need for the building.
- To pull down this building would be a waste of money and time.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The application is part-retrospective for the erection of an agricultural building. The building measures 10m wide and 39.5m long, with the overall height of 4.8m (3.6 to the eaves). It is proposed to remove the concrete block walling along the north elevation, as well as the sheeting. The sheeting on the south and east elevations to be removed and replaced with spaced boarding. Existing mezzanine floor to be removed.

5.2 The building was constructed in early 2017 as part of Prior Notification submission. Subsequently it was determined that the building was constructed in breach of planning rules, and was eventually ordered to be demolished by early July 2020. At the time of the submission of the current planning application, the building in question still stands, despite the ruling by the Planning Inspectorate (Ref.: APP/P0119/C/18/3200307).

5.3 A number of objection comments mention that the building was erected unlawfully, and should have been demolished as per the ruling by the Planning Inspectorate, and therefore the current application should be automatically refused. However, the current planning application is materially different from

what was before the Inspector, and therefore must be assessed accordingly against the relevant local and national policies.

- 5.4 In regards to the principle of development, PSP29 (Agricultural Development) states the following:

Development proposal(s) for agricultural development outside the defined urban areas and settlement boundaries will be acceptable providing that in the case of new buildings:

*1) there are no existing suitable underused buildings, reasonably available; and
2) the proposal(s) is reasonably necessary for the purposes of the use and is clearly designed for that purpose.*

- 5.5 In regards to the above, the applicant submitted some supporting evidence which, among other things, include a viability assessment of the agricultural enterprise, and explanation of why there are no existing suitable underused buildings available.
- 5.6 In regards to part 2 of PSP29, the Local Planning Authority accepts that the proposal is reasonably necessary for the purposes of the use and is clearly designed for that purpose. Many objection comments mention that due to the history of the site it would be difficult to trust the applicant, as well as casting doubt about the legitimacy of the alleged current need for the barn. Whilst it is understandable why some local residents would think that, the Local Planning Authority does not have any concrete proof that the alleged current need for the barn is not legitimate. Therefore, the proposal is considered to be compliant with part 2 of PSP29.
- 5.7 In regards to part 1 of PSP29, the Local Planning Authority received some supporting evidence explaining why the existing buildings on site would not be suitable. It is alleged that the 4no. buildings in close proximity to the proposed barn would not be suitable for the intended purpose. 3no. of those buildings cannot be accessed by agricultural machinery due to the low eaves height. The fourth building, which is large enough to be accessed by a tractor, has been in continuous use for over ten years by Avon Turf Ltd. under B8 class use. A Certificate of Lawfulness application which would confirm the above was refused in 2020, as insufficient evidence had been submitted to support the application. It is worth noting that the decision was not challenged through the appeal process, nor was the application resubmitted with more sufficient evidence.
- 5.8 Whilst the applicant may not agree that the existing nearby buildings are suitable for the intended agricultural use, the Local Planning Authority considers the lawful use of the buildings to remain agricultural, as there is no Certificate of Lawfulness which would confirm the opposite. As such, it is considered that the proposal does not comply with part 1 of PSP29, and therefore cannot be supported in principle.

5.9 Green Belt

The National Planning Policy Framework states the following:

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

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

The current proposal is for an agricultural building, which falls under the above exception **a**. Therefore, the proposal is considered acceptable in Green Belt terms.

5.10 Design, Visual Amenity and Heritage

The proposed visual appearance of the building is more or less typical of an agricultural barn in the countryside. It is in a relatively discreet position within the site, within a larger context of the farm. Overall, the proposed agricultural building is considered acceptable in terms of design, visual amenity and heritage impact.

5.11 Residential Amenity

A number of local residents objecting to the application have mentioned the noise associated with the operations at the building, as well as the impact from the traffic on Hardy Lane. It is understood that this was mainly due to Victoria Food's daily operation, but they no longer occupy the premises. It is considered that any potential activity associated with the proposed agricultural operation would not generate as much noise and traffic as Victoria Foods did. Therefore,

it is unlikely to impact the residential amenity of neighbouring occupiers to a material degree.

5.12 Access and Transport

It is understood that the building would utilize the existing access. Therefore, there are no concerns with the proposal from transportation perspective.

5.13 Other Matters

If the applicant loses the income from the barn, he would not be able to support his charitable work. This does not represent a material consideration.

To pull down this building would be a waste of money and time. Whilst this may be true to a certain degree, it relates to legal matters associated with the building. The application is only assessed against the relevant local and national planning policies.

A number of support comments mention the need to support farmers and local businesses. The Local Planning Authority does not disagree with that, however, such need cannot outweigh the relevant material considerations related to this application.

5.14 Conclusion

The Local Planning Authority does not consider the submitted supporting evidence to be substantial enough to comply with part 1 of PSP29 (Agricultural Development), and therefore cannot support the application in principle.

5.15 Consideration of likely impact on Equalities

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

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

6. CONCLUSION

6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in

accordance with the policies of the Development Plan, unless material considerations indicate otherwise.

- 6.2 The recommendation to **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 the application be REFUSED for the following reason:

REASON FOR REFUSAL

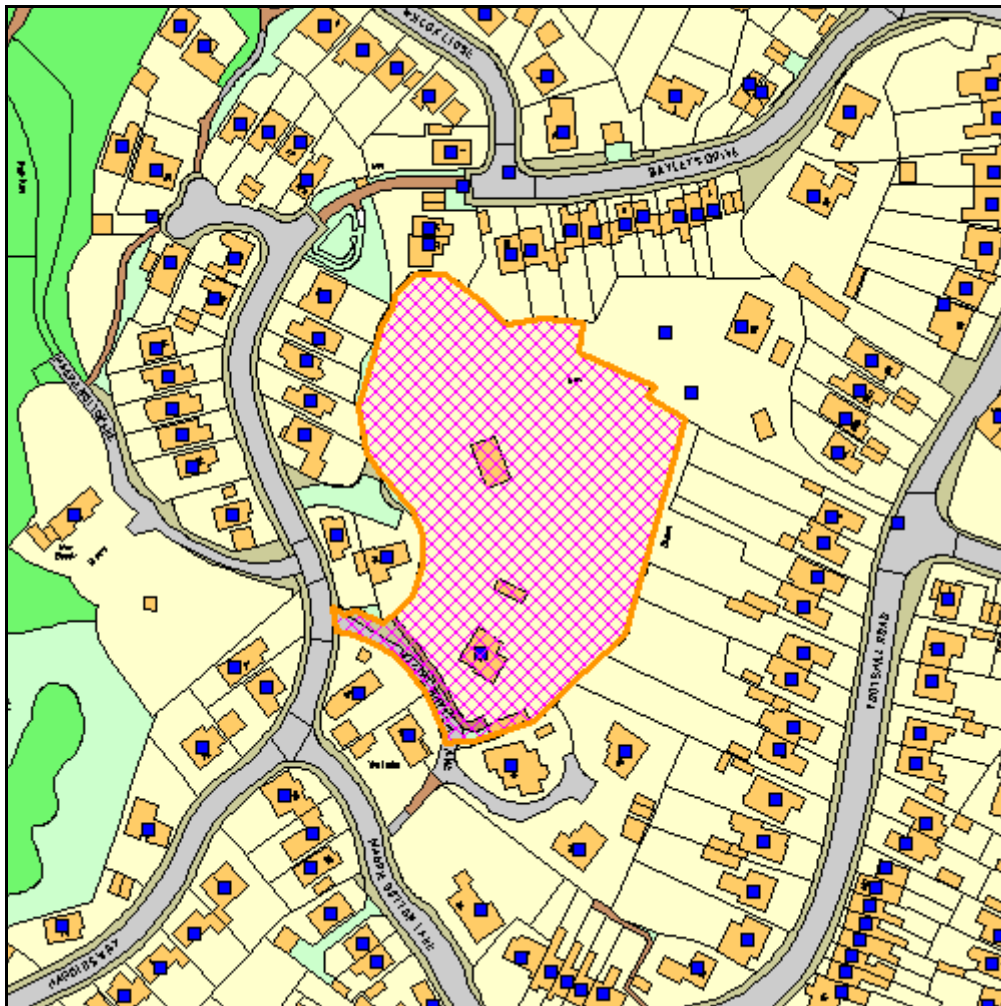
1. The submitted evidence are not substantial enough to prove that the proposal would be compliant with Part 1 of PSP29 (Agricultural Development), and as such the proposal fails to comply with Policy PSP29 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan.

Case Officer: Mykola Druziakin

Authorising Officer: David Stockdale

CIRCULATED SCHEDULE NO. 23/21 - 11th June 2021

App No.:	P20/23019/RVC	Applicant:	Mr And Mrs Hall
Site:	72 Magpie Bottom Lane Kingswood South Gloucestershire BS15 8HD	Date Reg:	27th November 2020
Proposal:	Variation of conditions 2 (To amend the approved plans) and 13 (To amend the approved highway works) attached to planning permission PK18/2493/F. Erection of 9 no. dwellings, extension and alterations to existing bungalow to form 1 no. dwelling with garage under. Alteration of access to Magpie Bottom Lane.	Parish:	
Map Ref:	364202 172816	Ward:	Hanham
Application Category:	Minor	Target Date:	19th January 2021



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

REASONS FOR REFERRING TO THE CIRCULATED SCHEDULE

This application has been referred to the Circulated Schedule following the receipt of objections from more than three local residents; the representations being contrary to the officer recommendation.

1. THE PROPOSAL

- 1.1 The application site consists of a bungalow (no. 72 Magpie Bottom Lane, Kingswood) and an adjacent former smallholding and associated outbuildings/sheds. The site lies within a suburban location within the East Fringe of Bristol and is surrounded by relatively low-density housing along Harold's Way to the West, Bayley's Drive to the North-West, Footshill Drive to the North and East, and Magpie Bottom Lane to the South. The site surroundings undulate with topography that rises to the North, East and West, thus creating a hollow area in which the application site sits. The site is for most part enclosed by a large number of trees, some of which are protected by Tree Preservation Order (TPO).
- 1.2 The site is accessed via no.72 which sits on the Southern edge of the site and within the cul-de-sac of Magpie Bottom Lane, which in turn is accessed off Harold's Way to the west.
- 1.3 Planning permission PK18/2493/F was granted in Oct. 2018 for the "Erection of 9 no. dwellings, extension and alterations to existing bungalow to form 1 no. dwelling with garage under. Alteration of access to Magpie Bottom Lane."
- 1.4 This current S73 application merely seeks to vary conditions 2 (approved plans) and 13 (approved highway works) to facilitate revisions to the proposed highways works to create the new access into the site from Magpie Bottom Lane.
- 1.5 Conditions 2 & 13 of PK18/2493/F originally read as follows:
 2. The development hereby approved shall be carried out in accordance with the following approved plans:
 - Location Plan Drawing No. 000 Rev A
 - Bungalow Existing Plans Drawing No. 16046/005 Rev A
 - Bungalow Existing Elevations Drawing No. 16046/006 Rev A
 - Proposed Site Sections Plots 7-9 Drawing No. 011 Rev B
 - Proposed Site Sections Plots 3-5 Drawing No. 012 Rev B
 - Proposed Site Elevations Drawing No. 13 Rev B
 - Typical 3 Bed House Plans Drawing No. 16046/020 Rev B
 - Typical 4 Bed House Plans Drawing No. 16046/020 Rev B
 - Typical 3 Bed House Elevations Drawing No. 16046/021 Rev B
 - Typical 4 Bed House Elevations Drawing No. 16046/021 Rev B
 - Typical 2 Bed Bungalow Plans Drawing No. 16046/026 Rev B

Typical 2 Bed Bungalow Elevations Drawing No. 16046/027 Rev B
Proposed Garage Level Drawing No. 16046/030 Rev A
Bungalow Proposed Ground & First Floors drawing No. 16046/031 Rev B
Bungalow Proposed Elevations Drawing No. 16046/032 Rev A
All received 24th May 2018
Proposed Site Plan Drawing No. 16046_010 Rev C
Received 26th June 2018

Reason

For the avoidance of doubt.

13. Prior to the commencement of development, the details of construction for the new retaining wall as well as the highway works (i.e. road and junction widening as shown in principle on 'Campbell Reith' plan titled 'MAGPIE BOTTOM LANE ROAD WIDENING GENERAL ARRANGMENT' plan (i.e. drawing no. 001 rev P4) shall be submitted to the Local Planning Authority and approved in writing. The proposal shall be carried out strictly in accordance with the approved details prior to the occupation of the buildings.

Reason

In the interest of highway safety and the amenity of the area, and to accord with Policy PSP11 of The South Gloucestershire Local Plan Policies Sites and Places Plan (Adopted) 8th Nov. 2017 and Policy CS8 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec.2013. This information is required as a pre-commencement condition because it is necessary to agree on the details of the construction to ensure the proposed new retaining wall and the highway works are designed and constructed appropriately to address the needs of the proposed development.

2. RELEVANT PLANNING HISTORY

- 2.1 PK14/028/SCR - Demolition of existing bungalow and erection of 22no. dwellings with associated roads and infrastructure. Widening of Magpie Bottom Lane to 4.1m to create new vehicular access.
EIA not required.
- 2.2 PK14/2550/F - Demolition of existing bungalow and erection of 22no. dwellings with associated roads and infrastructure. Widening of Magpie Bottom Lane to 4.1m to create new vehicular access.
Withdrawn 13 Oct. 2014

This application was withdrawn following concerns raised about the proposed access arrangements into the site along Magpie Bottom Lane, and lack of agreement on the provision of social housing.
- 2.3 PK17/5253/F - Erection of 9no. dwellings, two-storey rear extension and alterations to existing bungalow to form 1 no. dwelling with garage under.
Alteration of access to Magpie Bottom Lane.
Withdrawn 26 Feb. 2018

This application was withdrawn to enable a review of the scheme viability and proposed housing mix. The applicants having also decided to continue occupying their existing dwelling.

- 2.4 PK18/2493/F - Erection of 9 no. dwellings, extension and alterations to existing bungalow to form 1 no. dwelling with garage under. Alteration of access to Magpie Bottom Lane (Resubmission of planning application PK17/5253/F).
Approved 19th Oct. 2018

3. CONSULTATION RESPONSES

- 3.1 Parish Council
Not a parished area.

3.2 Other Consultees

Transportation D.C.

No objection subject to additional condition to secure electric vehicle charging points for each new dwelling.

Lead Local Flood Authority

No objection

Highway Structures

No comment.

Wessex Water

No response

Avon Fire and Rescue

No response

Police Community Safety Officer

Having viewed the information as submitted in relation to the variation the plans and information have no bearing on the applications ability to comply appropriately with crime prevention through environmental design principles.

Arts and Development

No comment

Waste Engineer

No response

Environmental Policy and Climate Change

No comment. This has no bearing on the Energy Strategy.

Community Infrastructure

No comment

Housing Enabling

No objection - No Affordable Housing is sought on this site as the size and number of dwellings does not meet the threshold for Affordable Housing and the site is not within an area of AONB as stated in the National Planning Policy Guidance and other requirements under Policy CS18 of the Council's adopted Core Strategy Development Plan Document.

Self Build

No response

NHS

No response

Children and Young People

No response

The Landscape Officer

No objection

The Ecology Officer

No objection

Avon Wildlife Trust

No response

The Archaeology Officer

No comment

The Tree Officer

No response

Urban Design Officer

No response

Environmental Policy and Climate Change Team

No response

Environment Agency

No response

The Coal Authority

The Coal Authority have no objection to the variation of condition as proposed subject to the existing Condition 12 being re-imposed on any new planning permission granted.

Other Representations

3.3 Local Residents

13no. local residents objected to the proposed variations as originally submitted; the concerns raised can be summarised as follows:

- Loss of green space
- Impact on wildlife
- Overdevelopment
- Increased pollution and noise
- Loss of views and privacy for properties in Bayley's Drive
- Adverse impact on Harold's Way and Magpie Bottom Lane during works
- Increased traffic in congested cul-de-sac
- The access is too tight
- The original access arrangements were impractical
- Increased danger for traffic and pedestrians at the junction of Harolds Way and Magpie Bottom Lane
- Reduced provision for pedestrians
- Condition 13 should remain a pre-commencement condition

Revised plans were subsequently submitted.

4. ANALYSIS OF PROPOSAL

4.1 Principle of Development

It is merely proposed to vary Conditions 2 & 13 of planning permission PK18/2493/F to allow the substitution of some of the previously approved plans, in order to facilitate revisions to the design of the proposed access works.

4.2 The scope of a removal/variation of condition application (section 73 application) is more limited than a full planning application. The Local Planning Authority may only consider the question of the condition(s), and **cannot revisit or fundamentally change the original permission**. It may be decided that the permission should be subject to the same conditions as were on the original permission; or that it should be subject to different conditions; or that permission may be granted unconditionally. There is a right of appeal in the usual way against any conditions imposed.

4.3 In assessing this application it is necessary to consider whether or not the relevant conditions no.2 & 13 or any variations thereto, satisfy the requirements of planning conditions as set out in the National Planning Policy Framework (NPPF). The NPPF requires all planning conditions to pass three tests, these being that conditions should be: –

- i. Necessary to make the development acceptable
- ii. Directly related to the development
- iii. Fairly and reasonably related in scale and kind

4.4 Policy CS4 of The South Gloucestershire Local Plan Core Strategy accords with para. 38 of the NPPF, in enforcing the presumption in favour of sustainable development. Core Strategy Policy CS4A states that:- 'when considering proposals for sustainable development, the Council will take a positive approach and will work pro-actively with applicants to find solutions so that sustainable development can be approved wherever possible'.

- 4.5 Chapter 9 of the NPPF promotes sustainable transport and states that development should only be prevented on transport grounds where the residual cumulative impacts of development are 'severe'.

Justification for the Proposed Amendments

- 4.6 The originally approved 'in principle access' arrangements to serve the proposed development, are currently not able to be implemented due to the physical constraints on site and future maintenance requirements for any retaining features. Particularly with reference to the need to cut into the existing adopted embankment and the requirement for a 29m long retaining wall.

Analysis

Transportation Matters

- 4.7 The applicant and consultant team have undertaken an extensive review of the originally permitted 9 dwelling scheme (PK18/2493/F) in order to formulate a change to the access arrangements, in order to optimise and refine the permitted access for the scheme to allow it to be implemented.
- 4.8 The applicant has been unable to negotiate technical approval of the originally 'permitted in principle' access scheme. In recent discussions with South Gloucestershire Council's technical highway team, concerns were raised by all parties in respect of the practicalities of widening the access to the approved 5.7m and the installation of the retaining structure including associated future maintenance and replacement requirements.
- 4.9 The Council's highways technical team have informally advised that the previously 'approved in principle' scheme was impractical and difficult to implement due to the physical constraints of the site, including cutting into the existing adopted embankment and the requirement for a 29m long retaining wall, due to its complex design, proximity to the site boundary and the removal of trees.
- 4.10 Following protracted negotiations between the applicants and the Council's Transportation D.M. officer and Highways Structures Team, a revised scheme has now been agreed. A summary of the changes is set out below:
- * Access revised to minimum width of 4.8m before widening to the agreed 5.7m.
 - * Mass concrete retaining wall provided with a maximum retained height of 950mm.
 - * 1m flat area provided at back of wall and a boundary fence provided to adjacent properties.
 - * Retaining wall set back 600mm from road to provide adopted verge.
 - * Land drain provided at back of retaining wall and connected to highway drainage within the roadway.

The revised plans are as follows:

- * Proposed Site Plan (Ref: 010 E): Quattro Design Architects
- * Access Arrangements Retaining Wall (Ref: 1600-P3): Campbell Reith
- * Option General Arrangement (Ref: 5045-P4): Campbell Reith

* 4 No. Technical Data Sheets

- 4.11 Access to the site is to be maintained from Magpie Bottom Lane and this will be improved. It is intended to widen the access road (i.e. Magpie Bottom Lane) along its full length. The new road width will be between 4.8m to 5.7 m - at its junction with Harold's Way, the plan shows the road to be about 5.1m wide. The road widening would necessitate the construction of a section of retaining wall along Magpie Bottom Lane. The details of the new retaining wall have now been agreed by the Council's structural team. The new retaining wall would be set back from the edge of the carriageway by 0.6m wide. The proposed road widening plus the new retaining wall will take place within the context of highway boundary ownership. The access road leading to the development site will continue to operate as a shared-surfaced road as per the existing situation.
- 4.12 Revised 'Swept path analysis' plans for the proposed access have now been submitted. This shows that the proposed widening is adequate for all types of vehicular traffic that are likely to be generated by the development. The auto-track details demonstrate that two private cars can pass one another at the Magpie Bottom Lane junction with Harold's Way and this is considered satisfactory. The proposed road widening would also assist with access by service vehicles.
- 4.13 Having reviewed the access details, the Transportation Officer can confirm that the revised plans are now acceptable and the proposed access arrangement is adequate to serve the development. In terms of traffic, it is worth noting that the council has previously agreed the development of nine new houses on this site. The proposal submitted with this application does not involve any change to the scale of the development on site hence, the level of traffic will not increase compared to what the Council previously approved on site (in association with the application no. PK18/2493/F).
- 4.14 In terms of road safety, it is standard practice for new highway works, to be subject to an independent safety audit report. The applicant would be required to commission an independent safety audit for the scheme and to implement its recommendations.
- 4.15 Having considered all the relevant issues on this therefore, the Transportation Officer has no objection to the application and is now satisfied with:
- a) condition no. 2 (as attached to planning application Pk18/2493/F) to be amended to include the revised plans and
 - b) condition no. 13 can also be amended to say that "prior to the first occupation of any dwelling on site, all highway works including the retaining wall etc. (as shown on the amended and approved plans) shall be completed to full satisfaction of the Highway Authority".
- 4.16 Given the passage of time since the original approval of PK18/2493/F and the recent implications of climate change, it is now considered justified to impose an additional condition to secure electric vehicle charging points for each of the new dwellings; the applicant has indicated an acceptance of such a condition.

4.17 Design Matters

The retaining wall would be appropriately faced with brick so as to be in-keeping with the locality and street scene.

Impact on Residential Amenity

4.18 Officers are satisfied that the proposed revisions have little or no additional impact on residential amenity, over and above the scheme that was previously approved.

4.19 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.

5. CONCLUSION

5.1 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.

5.2 The recommendation to **grant** planning permission has been taken having regard to the policies and proposals in the Development Plan set out above, and to all the relevant material considerations set out in the report.

6. RECOMMENDATION

6.1 That Planning permission PK18/2493/F be re-issued as P20/23019/RVC with **Condition 2** revised to read as follows:

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

Site Location Plan Drawing No. 000 Rev A received 17th Nov 2020
Bungalow Existing Plans Drawing No. 16046/005 Rev A Received 24th May 2018
Bungalow Existing Elevations Drawing No. 16046/006 Rev A Received 24th May 2018
Proposed Site Sections Plots 7-9 Drawing No. 011 Rev B Received 24th May 2018

Proposed Site Sections Plots 3-5 Drawing No. 012 Rev B Received 24th May 2018
Proposed Site Elevations Drawing No. 13 Rev B Received 24th May 2018
Typical 3 Bed House Plans Drawing No. 16046/020 Rev B Received 24th May 2018
Typical 4 Bed House Plans Drawing No. 16046/020 Rev B Received 24th May 2018
Typical 3 Bed House Elevations Drawing No. 16046/021 Rev B Received 24th May 2018
Typical 4 Bed House Elevations Drawing No. 16046/021 Rev B Received 24th May 2018
Typical 2 Bed Bungalow Plans Drawing No. 16046/026 Rev B Received 24th May 2018
Typical 2 Bed Bungalow Elevations Drawing No. 16046/027 Rev B Received 24th May 2018
Proposed Garage Level Drawing No. 16046/030 Rev A Received 24th May 2018
Bungalow Proposed Ground & First Floors drawing No. 16046/031 Rev B received 24th May 2018
Bungalow Proposed Elevations Drawing No. 16046/032 Rev A received 24th May 2018
Proposed Site Plan Drawing No. 16046_010 Rev E
Received 26th May 2021
Access Arrangements Retaining Wall Drawing No. 13381-CRH-XX-XX-SK-S-1600 Rev P3 Received 26th May 2021
S278 Vehicle Tracking Sketch Drawing No. 13381-CRH-XX-XX-SK-C-5043 Rev P3 Received 26th May 2021
S278 Vehicle Tracking Large Car Access Drawing No. 13381-CRH-XX-XX-SK-C-5044 Rev P2 Received 26th May 2021
4.8M Option - General Arrangement Drawing No. 13381-CRH-XX-XX-SK-C-5045 Rev P5 Received 26th May 2021

Reason

For the avoidance of doubt and to define the terms and extent of the permission.

And **Condition 13 (now condition 12)** to read as follows:

13. Prior to the first occupation of any of the dwellings hereby approved, the access arrangements shall be implemented in full accordance with the approved Access Arrangements Retaining Wall Drawing No. 13381-CRH-XX-XX-SK-S-1600 Rev P3 Received 26th May 2021.

Reason

In the interest of highway safety and the amenity of the area, and to accord with Policy PSP11 of The South Gloucestershire Local Plan Policies, Sites and Places Plan (Adopted) 8th Nov. 2017 and Policy CS8 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec.2013.

With all other relevant conditions carried over and a further condition (now 13) added as follows:

13. Prior to the first occupation of the houses hereby approved, electrical vehicle charging points shall be provided for each dwelling and subsequently maintained thereafter for that purpose.

Reason

To promote sustainable forms of travel and to mitigate the increased numbers of vehicles using the site and to accord with Policy PSP11 of the South Gloucestershire Local Plan : Policies, Sites and Places Plan (Adopted) 8th Nov. 2017 and Policy CS8 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec. 2013.

CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of the original permission PK18/2493/F i.e. 19th Oct. 2018.

Reason

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

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

Site Location Plan Drawing No. 000 Rev A received 17th Nov 2020

Bungalow Existing Plans Drawing No. 16046/005 Rev A Received 24th May 2018

Bungalow Existing Elevations Drawing No. 16046/006 Rev A Received 24th May 2018

Proposed Site Sections Plots 7-9 Drawing No. 011 Rev B Received 24th May 2018

Proposed Site Sections Plots 3-5 Drawing No. 012 Rev B Received 24th May 2018

Proposed Site Elevations Drawing No. 13 Rev B Received 24th May 2018

Typical 3 Bed House Plans Drawing No. 16046/020 Rev B Received 24th May 2018

Typical 4 Bed House Plans Drawing No. 16046/020 Rev B Received 24th May 2018

Typical 3 Bed House Elevations Drawing No. 16046/021 Rev B Received 24th May 2018

Typical 4 Bed House Elevations Drawing No. 16046/021 Rev B Received 24th May 2018

Typical 2 Bed Bungalow Plans Drawing No. 16046/026 Rev B Received 24th May 2018

Typical 2 Bed Bungalow Elevations Drawing No. 16046/027 Rev B Received 24th May 2018

Proposed Garage Level Drawing No. 16046/030 Rev A Received 24th May 2018

Bungalow Proposed Ground & First Floors drawing No. 16046/031 Rev B received 24th May 2018

Bungalow Proposed Elevations Drawing No. 16046/032 Rev A received 24th May 2018

Proposed Site Plan Drawing No. 16046_010 Rev E

Received 26th May 2021

Access Arrangements Retaining Wall Drawing No. 13381-CRH-XX-XX-SK-S-1600 Rev P3 Received 26th May 2021

S278 Vehicle Tracking Sketch Drawing No. 13381-CRH-XX-XX-SK-C-5043 Rev P3 Received 26th May 2021

S278 Vehicle Tracking Large Car Access Drawing No. 13381-CRH-XX-XX-SK-C-5044
Rev P2 Received 26th May 2021
4.8M Option - General Arrangement Drawing No. 13381-CRH-XX-XX-SK-C-5045
Rev P5 Received 26th May 2021
Ibstock Data Sheet/Crackstop Technical Data Sheet/Crackstop Leaflet/Ancon SPB
Wall Ties Received 26th May 2021

Reason

For the avoidance of doubt and to define the terms and extent of the permission.

3. The hours of working on site during the period of construction shall be restricted to 07.30hrs to 18.00hrs Mon to Fri. and 08.00hrs to 13.00hrs Sat, 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 the site.

Reason

To protect the residential amenity of the neighbouring occupiers and to accord with Policies PSP8 and PSP21 of The South Gloucestershire Local Plan: Policies Sites and Places Plan (Adopted) 8th Nov. 2017 and the requirements of the NPPF.

4. Upon completion of the building works or prior to the first occupation of any of the dwellings hereby approved (whichever occurs the soonest), a scheme of landscaping, which shall include details of proposed planting (and times of planting); boundary treatments and areas of hardsurfacing, shall be submitted to the Local Planning Authority for approval. The development shall be carried out in accordance with the agreed details.

Reason

To protect the character and appearance of the area to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013, Policy PSP2 of The South Gloucestershire Local Plan Policies Sites and Places Plan (Adopted) 8th Nov. 2017 and the National Planning Policy Framework.

5. The development hereby approved shall be carried out in strict accordance with the Arboricultural Method Statement included in plan TC1, Appendix B contained at para. 5.4 of the submitted Arboricultural Impact Assessment & Method Statement by treecall Consulting Ltd. dated May 2017.

Reason

To protect the TPO'd Trees and character and appearance of the area to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013, Policy PSP2 of The South Gloucestershire Local Plan Policies Sites and Places Plan (Adopted) 8th Nov. 2017 and the National Planning Policy Framework.

6. No building hereby permitted shall be occupied until the car/vehicle parking areas shown on the approved plans has been completed, and thereafter, the areas shall be kept free of obstruction and available for the parking of vehicles associated with the development.

Reason

To ensure the satisfactory provision of car and parking facilities and in the interest of highway safety and the amenity of the area, and to accord with Policies PSP11 and PSP16 of The South Gloucestershire Local Plan Policies Sites and Places Plan (Adopted) 8th Nov. 2017 and Policy CS8 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec.2013.

7. Parts A & B have been previously discharged under application DOC19/15942. Still pending are:-
- C) Verification Strategy - Prior to first occupation, where works have been required to mitigate contaminants (under condition B) a report providing details of the verification demonstrating that all necessary remediation works have been completed satisfactorily shall be submitted to and agreed in writing by the Local Planning Authority.
 - D) 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 possible ground contamination and to accord with policy CS9 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013 and Policy PSP21 of The South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) 8th Nov. 2017.

8. The development hereby approved shall be carried out in full accordance with the Drainage Strategy Report No. 13381-CRH-XX-XX-RP-C-001 by Campbell Reith January 2020 as approved under application DOC20/0036.

Reason

In the interests of flood risk to accord with Policies CS1 and CS5 of The South Gloucestershire Local Plan Core Strategy (Adopted), Policy PSP20 of The Policies Sites and Places Plan (Adopted) 8th Nov. 2017 and the requirements of the NPPF.

9. Prior to the first occupation of any of the dwellings hereby approved, a "lighting design strategy for biodiversity" for the site shall be submitted to and approved in writing by the local planning authority. The strategy shall:
- a) identify those areas/features on site that are particularly sensitive for bats and badgers that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
 - b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly

demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason

In the interests of protected species and to accord with Policy CS9 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec. 2013 and Policy PSP19 of The Policies, Sites and Places Plan (Adopted) Nov. 2017.

10. The works hereby approved shall be carried out strictly in accordance with the approved Badger Method Statement by Ecology Solutions Dec. 2019 as approved under application DOC20/00036; and shall be retained in that manner thereafter.

Reason

In the interests of protected species and biodiversity of the site and to accord with Policy CS9 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec. 2013 and Policy PSP19 of The Policies, Sites and Places Plan (Adopted) Nov. 2017.

11. The development hereby approved shall be carried out in full accordance with the mitigation measures outlined with the Intrusive Coal Mining Investigation & Ground Contamination Assessment by Ground Investigation Limited 25th Oct. 2019.

Reason

Appropriate mitigation is required to ensure the future safety of the occupiers of the development and prevent the need for retrospective mitigation after the development is completed and to take account of the past mining activities within the area. In accordance with Policy CS9 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec. 2013 and Policy PSP22 of The South Gloucestershire Local Plan: Policies Sites and Places Plan (Adopted) Nov. 2017.

12. Prior to the first occupation of any of the dwellings hereby approved, the access arrangements shall be implemented in full accordance with the approved Access Arrangements Retaining Wall Drawing No. 13381-CRH-XX-XX-SK-S-1600 Rev P3 Received 26th May 2021.

Reason

In the interest of highway safety and the amenity of the area, and to accord with Policy PSP11 of The South Gloucestershire Local Plan Policies Sites and Places Plan (Adopted) 8th Nov. 2017 and Policy CS8 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec.2013.

13. Prior to the first occupation of the houses hereby approved, electrical vehicle charging points shall be provided for each dwelling and subsequently maintained thereafter for that purpose.

Reason

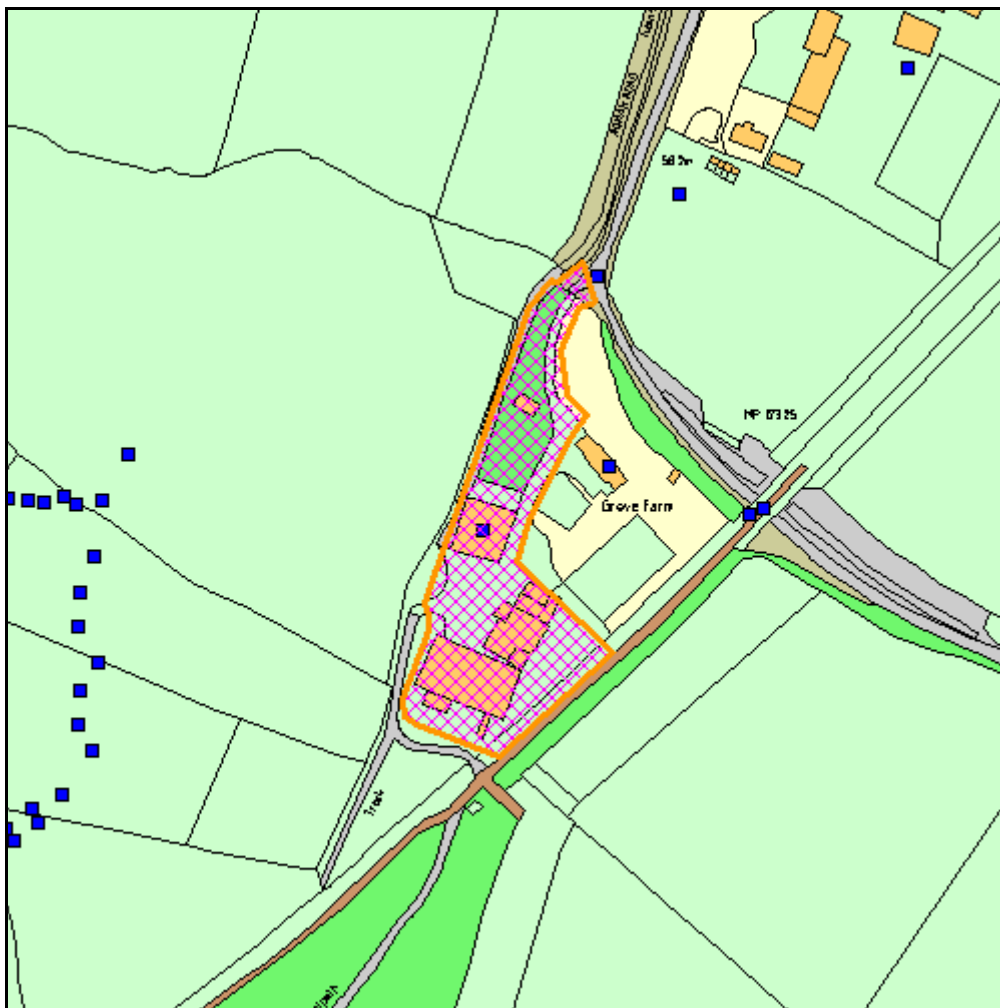
To promote sustainable forms of travel and to mitigate the increased numbers of vehicles using the site and to accord with Policy PSP11 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) 8th Nov. 2017 and Policy CS8 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec. 2013.

Case Officer: Roger Hemming

Authorising Officer: David Stockdale

CIRCULATED SCHEDULE NO. 23/21 - 11th June 2021

App No.:	P21/00345/RVC	Applicant:	Prestige Development (Bristol) Ltd
Site:	Grove Farm Coxgrove Hill Pucklechurch South Gloucestershire BS16 9NL	Date Reg:	9th February 2021
Proposal:	Variation of condition 6 of PK18/4150/F to substitute plans to make minor amendments to houses on plots 2-6.	Parish:	Pucklechurch Parish Council
Map Ref:	368322 177367	Ward:	Boyd Valley
Application Category:	Major	Target Date:	22nd April 2021



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 100023410, 2008. **N.T.S.** **P21/00345/RVC**

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

REASONS FOR REPORTING TO CIRCULATED SCHEDULE

A representation has been made by the parish council, 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 This application is made under section 73 of the Town and Country Planning Act 1990 (as amended). Applications made under this section seek to develop land without compliance with conditions previously attached to planning permissions. In this instance, the applicant seeks permission to vary condition 6 attached to permission PK18/4150/F to amend the approved elevations and plans relating to the units at plots 2, 4 and 6.
- 1.2 Application PK18/4150/F granted planning permission for the erection of 9no. detached dwellings with altered access and associated works at Grove Farm, Coxgrove Hill, Pucklechurch. Permission was granted on 30th January 2020. The permission was subject to a Section 106 legal agreement.
- 1.3 The application site previously comprised a yard in an equestrian use. The site is adjacent to the Bristol to Bath Cycle Path to the south east with the Lyde Green Housing development to the north west. The site is accessed via Coxgrove Hill.
- 1.4 Revised plans were received during the course of the application.

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
CS6	Infrastructure and Developer Contributions
CS8	Improving Accessibility
CS9	Managing the Environment and Heritage
CS15	Distribution of Housing
CS16	Housing Density
CS17	Housing Diversity
CS18	Affordable Housing

CS24	Green Infrastructure, sport and recreation standards
CS29	Communities of the East Fringe of Bristol Urban Area

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

PSP1	Local Distinctiveness
PSP2	Landscape
PSP3	Trees and Woodland
PSP8	Residential Amenity
PSP10	Active Travel Routes
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP17	Managing the Environment and Heritage
PSP19	Wider Biodiversity
PSP20	Flood Risk
PSP21	Environmental Pollution and Impacts
PSP30	Horse Related Development
PSP43	Private Amenity Space Standards
PSP44	Open Space, Sport and Recreation

2.3 Supplementary Planning Guidance

Design Checklist SPD (Adopted) 2007

Residential Parking Standards SPD (Adopted) 2013

Waste Collection: Guidance for new developments SPD (Adopted) January 2015.

Revised Landscape Character Assessment SPD (Adopted 2014)

Renewables SPD (Adopted 2014)

CIL Charging Schedule and the CIL and S106 SPD (Adopted 2015)

Green Infrastructure SPD (Adopted 2021)

Sustainable Drainage Systems (SUDS) SPD (Adopted 2021)

Trees and Development Sites SPD (Adopted 2021)

3. **RELEVANT PLANNING HISTORY**

Application Site

3.1 **P20/23919/RVC**

Variation of condition 6 attached to permission PK18/4150/F to amend the approved elevations and plans relating to plot 1. Erection of 9no. detached dwellings with altered access and associated works.

Status: Pending Decision

3.2 **P20/13716/RVC**

Erection of 9no. detached dwellings with altered access and associated works. Variation of condition 6 attached to planning permission PK18/4150/F to substitute the approved floor plan and elevation drawings of units 2-9 inclusive.

Refused: 21.10.2020

3.3 PK18/4150/F

Erection of 9no. detached dwellings with altered access and associated works.

Approved: 29.01.2020

3.4 PK17/5683/F

Erection of 10 no. detached dwellings with access, parking, hard/soft landscape works, drainage and associated works.

Refused: 26.03.2018

3.5 PK17/3654/F

Demolition of existing stables and erection of replacement stable block.

Approved: 08.11.2017

Adjacent Site

3.6 PK04/1965/O

Urban extension on 99 hectares of land comprising of :-Residential development of up to 2550 dwellings; up to 100,000m2 of B1, B2, B8 and C1 employment floorspace. Up to 2,450 m2 of small scale A1, A2, A3, A4 and A5 uses. One, 2 - form entry primary school, a land reservation for a second 2 - form entry primary school and a land reservation for a secondary school. Community facilities including a community hall and cricket pavilion (Class D1) and health centre. Transportation infrastructure comprising connections to the Folly roundabout on Westerleigh Road and the Rosary roundabout on the Ring Road and the construction of the internal road network. A network of footways and cycleways. Structural landscaping. Formal and informal open space. Surface water attenuation areas. (Outline) with means of access to be determined.

Approved: 14.06.2013

3.7 P19/09100/RVC

Urban extension on 99 hectares of land comprising of :- Residential development of up to 2550 dwellings; up to 100,000m2 of B1, B2, B8 and C1 employment floorspace. Up to 2,450 m2 of small scale A1,A2, A3 A4 and A5 uses. One, 2 - form entry primary school, a land reservation for a second 2 - form entry primary school and a land reservation for a secondary school. Community facilities including a community hall and cricket pavilion (class D1). Transportation infrastructure comprising connections to the Folly roundabout on Westerleigh Road and the Rosary roundabout on the Ring Road and the construction of the internal road network. A network of footways and cycleways.

Structural landscaping. Formal and informal open space. Surface water attenuation areas. (Outline) with means of access to be determined. **Variation of Condition relating to trigger for construction of Tiger Tail on M32 attached to approved Outline application.**

Approved: 17.10.2019

- 3.8 Development Control East Committee on 15th February 2013 approved the Detailed Masterplan associated with outline planning permission PK04/1965/O at Emersons Green East.

4. CONSULTATION RESPONSES

- 4.1 Pucklechurch Parish Council
Objection - This is not a minor material amendment to the design as suggested. The properties have been built incorporating the alterations and what is being requested is to accept 'as built' rather than 'as plan'. Such substantive changes should be requested in accordance with proper planning practice and may be in contravention of the good quality of external appearance required under Policy PSP1 and CS1 of the adopted South Gloucestershire Core Strategy.

- 4.2 Westerleigh Parish Council
No comments received

Internal Consultees

- 4.3 Arts and Development Officer
No comment

- 4.4 Archaeology Officer
No comment

- 4.5 Children and Young People
No comment

- 4.6 Conservation Officer
No objection

- 4.7 Ecology Officer
No comment

- 4.8 Environmental Policy
No comment

- 4.9 Environmental Protection
No objection

- 4.10 Highway Structures
There are structures on Coxgrove Hill Road that have a height restriction. The applicant should route vehicles appropriately, and should contact the Highway Structures team for further details.

- 4.11 Housing Enabling
No comment
- 4.12 Landscape Officer
No objection
- 4.13 Lead Local Flood Authority
No objection
- 4.14 Open Spaces Society
No comment
- 4.15 Public Open Space
No comment
- 4.16 Public Rights of Way
No objection
- 4.17 Self Build Officer
No comment
- 4.18 Sustainable Transport
No objection
- 4.19 Tree Officer
No objection
- 4.20 Urban Design Officer
No objection
- 4.21 Waste Engineer
No comment

External Consultees

- 4.22 Avon Fire and Rescue
No comment
- 4.23 Avon Wildlife Trust
No comment
- 4.24 Historic England
No comment
- 4.25 Police Community Safety
No objection or comments
- 4.26 NHS
No comment

4.27 Wales and West Utilities

No comment

4.28 Wessex Water

No comment

Other Representations

4.29 Local Residents

No comments received

5. ANALYSIS OF PROPOSAL

5.1 This application seeks to vary a condition in order to make alterations to the design of units 2, 4 and 6 within a 9-unit development.

Principle of Development

5.2 Applications made under s73 of the Act seek permission for the development of land without compliance with conditions subject to which a previous planning permission was granted. With applications made under s73, the Local Planning Authority shall consider only the conditions subject to which planning permission was granted; the principle of development is therefore established.

5.3 If the Local Planning Authority decides that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, the Authority should grant permission accordingly. If the Authority decides that planning permission should be granted subject to the same conditions, then the application should be refused.

5.4 Therefore, an analysis of other conditions attached to the previous planning consent should also be undertaken against the provisions of paragraph 55 of the National Planning Policy Framework.

Analysis of Variation

5.5 In terms of proposed changes, the applicant is seeking to make a number of changes to the housetypes at plots 2, 4 and 6. These are summarised as follows:

- Fenestration – removing the windows from the gable ends and resizing the bedroom windows at the front.
- Cladding – removal of sections at the front under the landing and ensuite, and ground floor rooms.
- Removal of one of two chimneys from each unit.
- Photovoltaic Panels – moved from the rear to the front.
- Bifold door – one larger bifold door to replace the 2 smaller bifold doors at the rear.
- Rear dormer – amend form of rear dormer from pitched roof to flat roof.

5.6 Design and Visual Amenity

Policy CS1 of the Core Strategy seeks to ensure that development proposals are of the highest possible standards and design. This means that developments should have appropriate: siting, form, scale, height, massing, detailing, colour and materials which are informed by, respect, and enhance the character, distinctiveness and amenity of both the site and its context. Policy CS1 is fully compliant with design guidance in the NPPF.

5.7 Officers have reviewed the amended plans against those approved, and conclude that whilst several changes are proposed, the overall impact on the appearance of the units and the development as a whole would be relatively modest. The overall design concept would remain largely consistent with the originally approved scheme. A more detailed assessment of each proposed amendment is set out below.

5.8 In terms of the proposed changes to front and side windows and the rear bi-fold doors, officers are satisfied that these changes would not compromise the overall appearance of the units. It is also considered that an adequate level of cladding would be retained to the front as to retain visual interest. The re-positioning of PV panels to the front is also considered an acceptable change, with solar panels being a common feature of many residential units. In terms of the dormer, given the modest scale of the dormer and overall contemporary design, the change from pitched to flat roof is considered acceptable.

5.9 In terms of chimneys, the originally approved plans included the provision of two chimneys at the property; set at either end of the ridge line. As part of this s73 application the applicant originally sought to remove both chimneys. Officers however raised concern, with the chimneys considered to be a positive architectural feature of the original scheme. Following discussions with the applicant, it was agreed that one of the two chimneys would be retained. Officers are satisfied that this would aid in breaking up the roof lines of the properties. Revised plans were subsequently submitted, and following this minor change, it is concluded that the proposed amendments would be acceptable with regards to design and visual amenity. The proposals are therefore compliant with policy CS1.

5.10 Other Considerations

The changes proposed comprise relatively minor changes to the appearance of the units. There would be no significant changes to the layout, form and massing of the development. As such, it is not considered that the proposed changes would have any impact in terms of residential amenity or highway safety, or result in any significant environmental impacts.

5.11 Parish Comments

The objections raised by the parish council are acknowledged. However officers are satisfied that the proposed changes are sufficiently modest as to be considered through a section 73 application. The changes relate specifically to the appearance of three units, and would not alter the overall scope of the development. The concerns raised regarding whether the changes have already been implemented are also noted. Whilst the applicant would be at risk

of enforcement action if they do not implement a development in accordance with their permission, it would not prevent the s73 application from being determined.

5.12 S106 Legal Agreement

It is acknowledged that the original permission (PK18/4150/F) was granted subject to a s106 legal agreement ensuring the payment of a Scheduled Ancient Monument Contribution to the Council (in the sum of £10,000). The trigger for payment of this sum was upon occupation of the fifth dwelling approved by planning permission PK18/4150/F. Officers acknowledge that a s73 application would stand as a permission in its own right, and as such a varied legal agreement would ordinarily need to be agreed. However the applicant has provided evidence that the payment has already been made to the Council. Officers within the Council have also confirmed that the payment has been received. On the basis that the payment has been made and the legal agreement does not include a repayment clause, officers are satisfied that the required contribution has been made and would not be affected by the section 73 application. The application can therefore be determined without securing a new agreement.

Other Conditions

- 5.13 As any permission granted under this application would stand as a planning permission in its own right, all other conditions should be reviewed. The conditions should only be reapplied where it is necessary to do so. A total of 24 conditions were attached to the original permission PK18/4150/F. These are reviewed in turn below.
- 5.14 Condition 1 attached to PK18/4150/F required the development to commence within 3 years of the granting of permission; with the decision issued on 30th January 2020. It is understood that the works have commenced and a number of the units at the site are either complete or nearing completion. Furthermore, officers have reviewed the list of conditions and are satisfied that all pre-commencement conditions have been discharged. As such condition 1 does not need to be carried forwards given that the development has lawfully commenced.
- 5.15 Condition 2 relates to protective fencing, and required fencing to be erected prior to commencement and thereafter retained. Given that the development has commenced, the condition will be carried forwards as a compliance condition requiring the fencing to remain in place for the duration of the development. Condition 3 comprises a compliance condition which secured the provision of landscaping. This condition will be re-applied. Condition 4 required street lighting to be provided prior to occupation, and this condition will be carried forwards.
- 5.16 Condition 5 required materials to be agreed. This condition has now been discharged and will be carried forwards as a compliance condition. Condition 6 relates to plans and is the subject of this application. The condition will be amended accordingly. Conditions 7 and 8 are compliance conditions relating to ecological mitigation. The conditions will be re-applied to any consent.

- 5.17 Condition 9 required a Landscape and Ecological Management Plan to be submitted and approved prior to the occupation of the development. This condition has not been discharged, and will therefore be re-applied to any decision and require discharge in the future. Condition 10 required further ecological surveys to be undertaken prior to commencement. The condition has been discharged and will be carried forwards as a compliance condition.
- 5.18 Conditions 11 and 12 required details of the proposed drainage strategy to be agreed prior to the commencement of development. The conditions have been discharged and will be re-applied as compliance conditions. Condition 13 is a compliance condition relating to the illumination and driveways and will be re-applied. Condition 14 required a Travel Plan to be agreed. The condition has been discharged and will be carried forwards as compliance. Condition 15 is a compliance condition relating to bin storage and will be re-applied.
- 5.19 Condition 16 required evidence of building energy performance to be provided prior to occupation. This condition has not been discharged and will be re-applied. Condition 17 is a compliance condition relating to PV panels and will be re-applied. Condition 18 relates to pollution during construction. The condition has been discharged and will be carried forwards as compliance. Conditions 19 and 20 relate to public rights of way, and required details to be agreed prior to occupation. Both conditions have been discharged and will be amended and re-attached accordingly.
- 5.20 Condition 21 relates to the provision of windows at units on plots 7 and 8. This compliance condition will be re-applied. Condition 22 required a sample panel of dry stone walling to be erected and approved prior to the occupation of plots 8 and 9. This condition has not been discharged and will be re-applied in its current form. Condition 23 is a compliance condition relating to access and will be carried forwards. Condition 24 relates to contamination. The condition has been discharged and will be re-applied as a compliance condition.
- 5.21 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.
- 5.22 With regards to the above this planning application is considered to have a neutral impact on equality.

6. CONCLUSION

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

7. RECOMMENDATION

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

CONDITIONS

1. The protective fencing erected at the site (in accordance with Drawing 190-GF-TPI-NB March 2018 - Assured Trees - agreed under application PK18/4150/F) shall be retained as such throughout the construction period and until the completion of the development hereby approved. All development shall also be carried out only in accordance with the Arboricultural Impact Assessment and Arboricultural Method Statement approved under application PK18/4150/F. Thereafter, the trees and hedges shall be retained.

Reason

To protect the character and appearance of the area and to accord with Policy CS2 of the South Gloucestershire Local Plan; Core Strategy (Adopted) December 2013 and Policy PSP2 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017.

2. All planting, seeding or turfing comprised in the soft landscaping details approved under application PK18/4150/F, which shall include additional areas of neutral grassland, shall be carried out no later than the first planting and seeding season following the substantive completion of the development hereby approved, and any trees or plants (retained or planted) which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting seasons with others of a size and species as shall reasonably be specified by the Local Planning Authority.

Reason

To prevent losses or damage and to achieve the earliest possible establishment of the landscape and its retention, and protect the character and appearance of the area, to accord with Policy CS2 of the South Gloucestershire Local Plan; Core Strategy (Adopted) December 2013 and Policy PSP2 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017.

3. Street lighting to the Council's adoptable standards and which prevents light spill over bat commuting/foraging habitat (European Protected Species habitat) shall be provided in accordance with the details agreed under discharge of conditions application DOC20/00183, and prior to the first occupation of the dwellings hereby approved.

Reason

In the interests of the provision of a satisfactory lighting scheme, and to prevent harm to protected species, to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan; Core Strategy (Adopted) December 2013 and Policies PSP1 and PSP19 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017.

4. In respect of the external finish of the dwellings hereby approved and the requirements of condition 5 attached to PK18/4150/F, the development shall be carried out in accordance with the details agreed under discharge of conditions application DOC20/00076.

Reason

To ensure a good quality of external appearance and to accord with Policy CS1 of the South Gloucestershire Local Plan; Core Strategy (Adopted) December 2013 and Policy PSP1 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017.

5. The development shall conform in all aspects with the approved plans and documents shown on the application as listed in the schedule of drawings in the list below, unless variations are agreed by the Local Planning Authority in order to discharge other conditions attached to this decision.

In respect of Plots 2, 4 and 6, in accordance with the following plan approved under this s73 application:

Proposed Plans and Elevations Plots 2 to 6 (Drawing no. 2947/404c - received by LPA on 7th May 2021)

In respect of the remainder of the development, in accordance with the following plans associated with application PK18/4150/F:

Site Location Plan 2947 420 location plan
Proposed Site Plan with Drainage 2947 401b site plan drainage (2)
Proposed Site Plan with Drainage 2947 401e site plan
Proposed Site Plan with Drainage 2947 401f site plan k
Proposed Plans and Elevations 2947 403a plot 1 plans and elevations

Proposed Plans and Elevations 2947 405 proposed plans and elevations plots 7 8 and 9
Proposed Plans and Elevations
Pedestrian Link Plan 2947 421 link drawing k
Landscaping Proposals 1289-02 Rev C Hard Landscape Proposals (Cambium)
Landscaping Proposals 1289-01 Rev H Soft Landscape Proposals (Cambium)
Landscape Ecology Plan (Cambium)

Design & Access Statement DESIGN_AND_ACCESS_STATEMENT-6286479 Stokes Morgan Ltd
Building for Life BUILDING_FOR_LIFE_REVIEW-6286476 Stokes Morgan
Drainage Strategy
ARCHAEOLOGICAL_DESK_BASED_ASSESSMENT_AND_HERTITAGE_IMPACT_STATEMENT-6286486
ARCHAEOLOGICAL_EVALUATION_REPORT-6286484 Avon Archaeology
ARBORICULTURAL_IMPACT_ASSESSMENT_AND_METHOD_STATEMENT-6286490 Assured Trees Consultancy
Transport Assessment 190425 1283 GFS Transport Report Stokes Morgan
Ecological Assessment
Sustainability Statement SUSTAINABILITY_STATEMENT-6286482

Reason

For the avoidance of doubt and to ensure that the scheme is implemented in full accordance with the plans submitted and assessed.

6. The development hereby approved shall accord with the mitigation strategy for wildlife as detailed in the Soft Landscaping Plan and Ecology Assessment approved under application PK18/4150/F, prior to the occupation of either plot 8 or plot 9.

Reason

To protect the wildlife and the ecological interests of the site, and to accord with Policy CS9 of the South Gloucestershire Local Plan; Core Strategy (Adopted) December 2013 and Policy PSP19 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017.

7. The strategy to avoid harm to habitats, birds, reptiles (slow-worm), hedgehogs and great crested newts, as detailed on the Ecological Assessment November 2017 (Ethos) approved under application PK18/4150/F shall be carried out in accordance with said statement.

Reason

To protect the wildlife and the ecological interests of the site, and to accord with Policy CS9 of the South Gloucestershire Local Plan; Core Strategy (Adopted) December 2013 and Policy PSP19 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017.

8. Prior to the first occupation of the development hereby approved, a Landscape and Ecological Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan should accord with the plans and mitigation strategies approved under application PK18/4150/F and include details of the existing habitat to be safeguarded (hedges, grassland); any new habitat to be created (species-rich grassland, scrub); and its management. It should also include a programme of monitoring of all works for a period of 5 years. All works are to be carried out in accordance with said plan.

Reason

To protect the wildlife and the ecological interests of the site, and to accord with Policy CS9 of the South Gloucestershire Local Plan; Core Strategy (Adopted) December

2013 and Policy PSP19 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017.

9. In respect of the protection of badgers and the requirements of condition 10 attached to PK18/4150/F, the development shall proceed in accordance with the details agreed under discharge of conditions application DOC20/00066.

Reason

To protect the wildlife and the ecological interests of the site, and to accord with Policy CS9 of the South Gloucestershire Local Plan; Core Strategy (Adopted) December 2013 and Policy PSP19 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017.

10. In respect of the surface water and foul drainage strategy for the site and the requirements of condition 11 attached to PK18/4150/F, the development shall proceed in accordance with the details agreed under discharge of conditions application DOC20/00066.

Reason

To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system and to ensure that a satisfactory means of drainage is provided, to accord with Policy CS9 of the South Gloucestershire Local Plan; Core Strategy (Adopted) December 2013 and Policy PSP20 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017.

11. In respect of the Sewage Package Treatment Plan for the development and the requirements of condition 12 attached to PK18/4150/F, the development shall proceed in accordance with the details agreed under discharge of conditions application DOC20/00066.

Reason

To ensure that a satisfactory means of foul drainage is provided, to accord with Policy CS9 of the South Gloucestershire Local Plan; Core Strategy (Adopted) December 2013 and Policy PSP20 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017.

12. Driveways in which the external car parking area is provided between two side elevations of dwellings shall be provided with external lighting to illuminate this area and external lighting to BS5489:2013 shall be provided for the private driveways/communal car parking areas.

Reason

In the interests of personal safety and crime prevention, to accord with Policy CS1 of the South Gloucestershire Local Plan; Core Strategy (Adopted) December 2013.

13. In respect of the Travel Plan for the development and the requirements of condition 14 attached to PK18/4150/F, the development shall proceed in accordance with the details agreed under discharge of conditions application DOC20/00183.

Reason

In the interests of sustainable development and in accordance with Policy CS26 of the South Gloucestershire Local Plan; Core Strategy (Adopted) December 2013.

14. The bin storage shown on the drawings approved under application PK18/4150/F shall be provided before the buildings are first occupied, and thereafter retained for that purpose.

Reason

To ensure appropriate bin storage for the proposed dwellings and to accord with Policy CS1 of the South Gloucestershire Local Plan; Core Strategy (Adopted) December 2013.

15. The development hereby approved shall be built to the fabric/energy efficiency measures set out in the Sustainability Statement approved under application PK18/4150/F and evidence shall be provided to the Local Planning Authority prior to the occupation of any of the dwellings to demonstrate that the building performance set out in the Energy Statement has been achieved.

Reason

To achieve improved energy conservation and protect environmental resources, to accord with Policy CS1 of the South Gloucestershire Local Plan; Core Strategy (Adopted) December 2013; Policy PSP6 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017.

16. The proposed solar PV systems shall be installed and operational prior to the occupation of the dwellings which will have them installed as per the details agreed under application PK18/4150/F (or any amended details agreed under this Section 73 application) to achieve a minimum 20% carbon reduction through reduced energy demand.

Reason

To achieve improved energy conservation and protect environmental resources, to accord with Policy CS1 of the South Gloucestershire Local Plan; Core Strategy (Adopted) December 2013; Policy PSP6 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017.

17. In respect of the prevention of pollution during the construction phase and the requirements of condition 18 attached to PK18/4150/F, the development shall proceed in accordance with the details agreed under discharge of conditions application DOC20/00066.

Reason

To prevent pollution and to accord with Policy CS9 of the South Gloucestershire Local Plan; Core Strategy (Adopted) December 2013.

18. In respect of the 2m wide footpath link from the edge of the turning area to the front of plot 7 and 8, to the Bristol to Bath Railway Path bell mouth, and the requirements of condition 19 attached to PK18/4150/F, the development shall proceed in accordance with the details agreed under discharge of conditions application DOC20/00076.

Reason

To provide adequate pedestrian access to the site, to accord with 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.

19. In respect of public footpath LPU 36/10 which runs to the rear of plots 1-8 and links to the open space at the north of the site, and the requirements of condition 20 attached to PK18/4150/F, the development shall proceed in accordance with the details agreed under discharge of conditions application DOC20/00076.

Reason

To provide adequate pedestrian access to the site, to accord with 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.

20. In accordance with the comments of the Crime Prevention Officer, notwithstanding the plans approved under application PK18/4150/F, the dwellings on plots 7 and 8 shall be constructed each with a window in the side elevation adjacent to the pedestrian footpath link running between these two plots.

Reason

In the interests of security and in accordance with Policy CS1 of the South Gloucestershire Local Plan; Core Strategy (Adopted) December 2013, and the provisions of the NPPF.

21. Prior to the occupation of either plot 9 or plot 8, a representative sample panel of the proposed dry stone walling of at least one metre square to show the stone colour, texture, profile and coursing shall be erected on site and approved in writing by the Local Planning Authority. The dry stone wall shall be completed in its entirety in accordance with the Soft Landscaping plan approved under application PK18/4150/F, and the development shall be completed strictly in accordance with the approved panel, which shall be retained on site until completion of development for consistency.

Reason

To enhance the adjacent Site of Nature Conservation Interest, and in the interests of visual amenity and in accordance with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and Policy PSP17 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017.

22. All access, car parking and turning facilities shall be provided in accordance with the plans approved under application PK18/4150/F, and prior to the first occupation of the dwellings hereby approved.

Reason

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

Policies PSP11 and PSP16 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017.

23. In respect of land contamination issues and the requirements of Parts A and B of condition 24 attached to application PK18/4150/F, the development shall proceed in accordance with the details agreed under discharge of conditions application DOC20/00129.

In respect of Parts C and D of condition 24, prior to occupation of any of the dwellings hereby approved, where works have been required to mitigate contaminants (under section B) a report verifying that all necessary works have been completed satisfactorily shall be submitted to and agreed in writing by the Local Planning Authority. If unexpected contamination is found after the development is begun, development shall immediately cease upon the part of the site affected. The Local Planning Authority must be informed immediately in writing. A further investigation and risk assessment should be undertaken and where necessary an additional remediation scheme prepared. The findings and report should be submitted to and agreed in writing with the Local Planning Authority prior to works recommencing. Thereafter the works shall be implemented in accordance with any further mitigation measures so agreed.

Reason

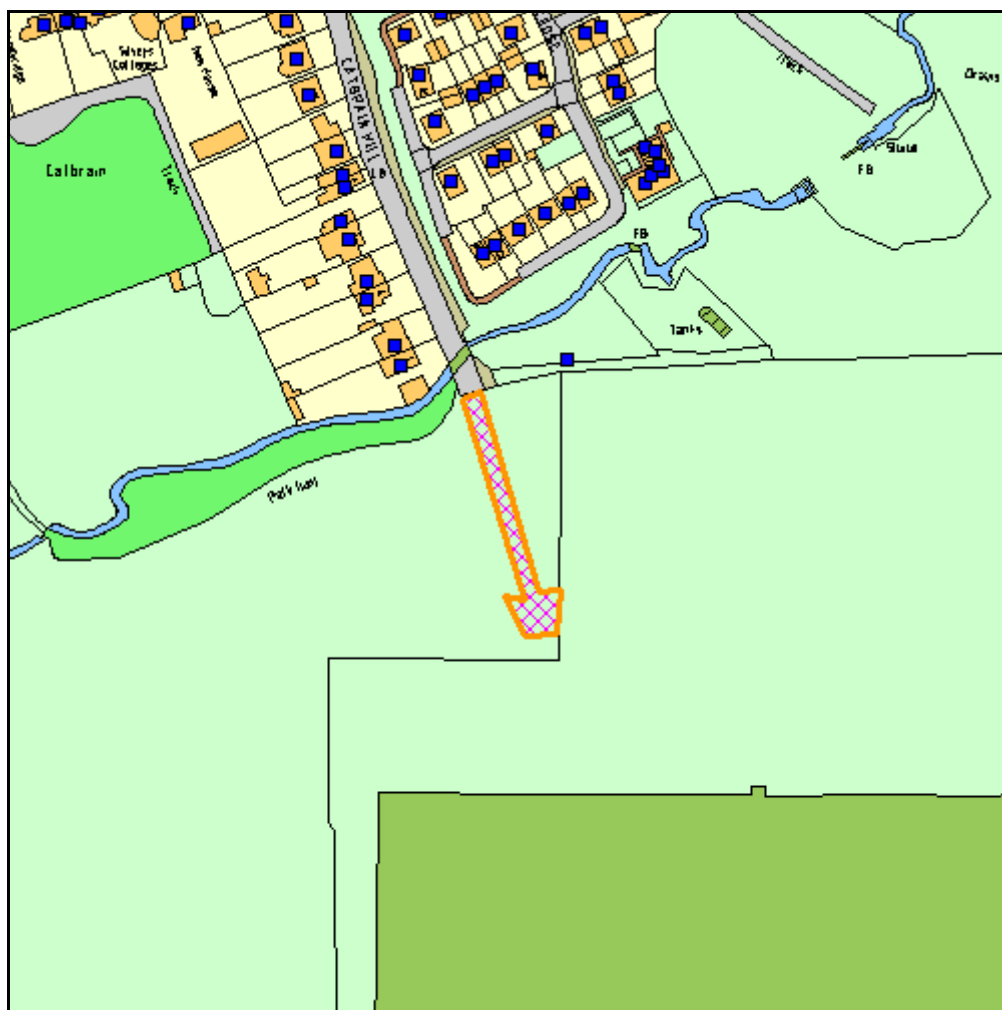
To prevent pollution and to protect the residential amenity of future occupants, to accord with Policy CS9 of the South Gloucestershire Local Plan; Core Strategy (Adopted) December 2013.

Case Officer: Patrick Jackson

Authorising Officer: Jonathan Ryan

CIRCULATED SCHEDULE NO. 23/21 - 11th June 2021

App No.:	P21/01332/F	Applicant:	Wessex Water Services Ltd
Site:	Land Off Catbrain Hill Easter Compton South Gloucestershire	Date Reg:	12th March 2021
Proposal:	Installation of a 5.7m ventilation column required in association with the North Bristol Relief Sewer.	Parish:	Almondsbury Parish Council
Map Ref:	357567 180557	Ward:	Charlton And Cribbs
Application Category:	Minor	Target Date:	4th May 2021



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 100023410, 2008. **N.T.S.** **P21/01332/F**

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

INTRODUCTION

This application appears on the Circulated Schedule, as a result of consultation responses received, contrary to Officer recommendation.

1. THE PROPOSAL

1.1 The application seeks full planning permission for the installation of a 5.7m ventilation column required in association with the North Bristol Relief Sewer.

1.2 The application site is land Off Catbrain Hill near Easter Compton.

2. POLICY CONTEXT

2.1 National Guidance
National Planning Policy Framework
National Planning Policy Guidance

2.2 South Gloucestershire Local Plan Core Strategy Adopted December 2013
CS1 High Quality Design
CS4a Presumption in Favour of Sustainable Development
CS26 Cibbs/Patchway New Neighbourhood

South Gloucestershire Local Plan: Policies, Sites and Places Plan Adopted November 2017
PSP1 Local Distinctiveness
PSP8 Residential Amenity

3. RELEVANT PLANNING HISTORY

PT18/030/SCR - Screening opinion for a new sewer connection (various sites in vicinity). EIA not required. 7/1/19

P20/21785/F - Installation of 1 no. 5.7m ventilation column required in association with the North Bristol Relief Sewer. Similar proposals at land at Bristol Golf Club, Almondsbury. Approved 21/1/21

The proposal is associated with and necessitated by the North Bristol Relief Sewer Scheme.

PT14/3867/O - Mixed use development on 143.73 hectares of land comprising: residential development for up to 2,675 dwellings and apartments (comprising 2,635 x Use Class C3 and 40 x Live Work Units - Sui Generis); 24ha of stand-alone employment land (comprising up to 12ha Use Class B1a and a minimum of 12ha Use Class B1b/c, B2) ; 120 Bed Hotel up to 3,800 sqm (Use Class C1); Rail Station (0.45ha Use Class Sui Generis); Education provision to include a Secondary School (8.31ha), 2 no. Primary Schools (total 5ha) and 2 no. Children's Nurseries (total 0.8ha) (all Use Class D1); Community Centre

incorporating Library, Built Sports facilities and Doctors surgery up to 3,400 sqm (Use Classes D1 & D2); Dental Surgery up to 800sqm; (Use Class D1); 70 Bed Extra Care Facility up to 12,500sqm (Use Class C2); Shops/Financial Services/Food and Drink facilities up to 4,787sqm (Use Classes A1, A2, A3, A4 and A5) - comprising Retail Supermarket up to 2,787sqm gross maximum (Use Class A1); Business Offices up to 500sqm (Use Class B1) together with; supporting infrastructure and facilities including demolition, ground works and remediation, highways, utilities, landscaping, sustainable urban drainage system, wildlife water basins and public open space. Outline application including access, with all other matters reserved. Approved 01.03.2018.

4. CONSULTATION RESPONSES

4.1 Almondsbury Parish Council

No comments received

Environmental Protection

No objection

Archaeology

No objection in principle.

Drainage

No objection

Sustainable Transportation

No objection

Highways Structures

No comments

4.2 Local Residents

8 letters of objection have been received by local residents, raising the following points:

- people were informed at the start of the project that all associated works would be underground
- concern that it will be a blot on the landscape
- will be visible in the wider landscape
- concern over potential smells/fumes
- increase in odour from sewer relief
- location near to houses is a concern
- may impact upon children's play area
- other/higher land near the motorway would be more suitable
- hedges have been ripped out and not replaced

5. ANALYSIS OF PROPOSAL

5.1 Principle Of Development

The proposal is associated with and necessitated by the North Bristol Relief Sewer Scheme. It is stated that the proposal and location are required to regulate the pressure within the new sewer during its filling and emptying

cycles. The ventilation column falls outside of Wessex Water's permitted development rights as the sewerage undertaker for the region, therefore planning permission for the erection of the ventilation column is required. Therefore it is solely the installation of the vent under consideration of this application.

The site is located within the area of CS26 (Cribbs/Patchway New Neighbourhood), on the airfield site, which has planning consent under reference PT14/3867/O, cited above. Consideration of approved residential, and other uses, will also therefore need to be taken into account in the assessment of the current application.

5.3 Landscape

The proposed development would consist of the installation of a ventilation column, this would be 5.7 metres high and 0.375m in diameter. It would be of dark green coated steel finish. Given the scale, design and location of the proposals the proposals would not be considered to give rise to a material or significant visual impact on the wider landscape area at this location, such as to warrant objection and sustain refusal on these grounds.

5.4 Residential Amenity

The proposed ventilation column is more than 80m from the boundary of the nearest existing residential properties. In terms of the existing outline approval for the wider site, the applicants have provided a residential amenity statement acknowledging the future development. No development is currently being undertaken at the western extent of the former airfield; however, it is necessary to assess the installation of the ventilation column with regard to the future development proposed in this area. Ongoing consultation with the developers project team pre and post submission of this ventilation column planning application has confirmed that to date the design for the western extent of the airfield has not yet been finalised and therefore it has not been possible to confirm the optimum location of the ventilation column in relation to the wider development of the airfield in the years to come. However, the proposed ventilation column is required in association with the new NBRS manhole which will likely provide a wastewater connection point for the future development at the western section of the former airfield. For this reason, the ventilation column is intrinsically linked to the future development in this part of the former airfield. Wessex Water and the developers are to continue liaison as the design of the mixed-use development at the Filton airfield progresses and should a future issue arise relating to the location or appearance of the ventilation column, mitigation measures will be explored to ensure that the column does not affect future residential amenity. The ongoing design considerations of the development of the site similarly will be able to take the required ventilation pipe into account.

5.5 An odour risk assessment has been undertaken for the new sewer which has determined low levels of odour source. During normal operating conditions, and when water levels are relatively static, natural ventilation would not occur. It is considered that odorous emissions could only arise during storm conditions when the vent would be required and this would be a relatively rare and short occurrence. Due to the height of the column and the relatively isolated nature of

the site, exposure adjacent to the column is unlikely. Given therefore the location and nature of the proposed vent and distance to any receptors the proposals would not be considered to give rise to material or significant residential amenity impacts such as to warrant objection and sustain refusal on these grounds.

5.6 Drainage

The proposal are for drainage infrastructure. There is no objection to the proposed development on drainage grounds.

5.7 Highways

It is not considered that this equipment is likely to materially alter travel demand at this site or raise any safety concerns, there are no highways or transportation objections.

5.8 Ecology

An Ecological Assessment report was submitted with the application. A condition securing compliance with mitigation methods is recommended.

5.9 Archaeology

Further to ongoing discussions with Council's archaeologist an watching brief condition is recommended to address any potential for archaeological findings.

5.10 Equalities

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

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

6. CONCLUSION

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

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

7. RECOMMENDATION

- 7.1 That planning permission is granted, subject to the conditions recommended.

CONDITIONS

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

Reason

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

2. The development/works hereby permitted shall only be implemented in accordance with the plans as set out in the plans list below:
Location Plan, Site Plan, Block Plan and Ventilation Column Details, (Refs C9855/7911A, 7912A, 7913A and 7914B), received by the Council on the 9th March 2021.

Reason

To define the terms and extent of the permission.

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

Reason

In the interest of archaeological investigation or recording, and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

This is a pre-commencement condition to ensure archaeological issues are addressed within the development at an early stage.

4. The mitigation detailed within the Ecological Assessment Report dated 26th June 2020 shall be strictly adhered to and implemented as part of the development hereby approved.

Reason

To ensure the works are carried out in an appropriate manner and in the interests of the protected species and wildlife habitat, 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.

Case Officer: Simon Ford

Authorising Officer: David Stockdale