

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: 16/21

Date to Members: 23/04/2021

Member's Deadline: 29/04/2021 (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 23 April 2021

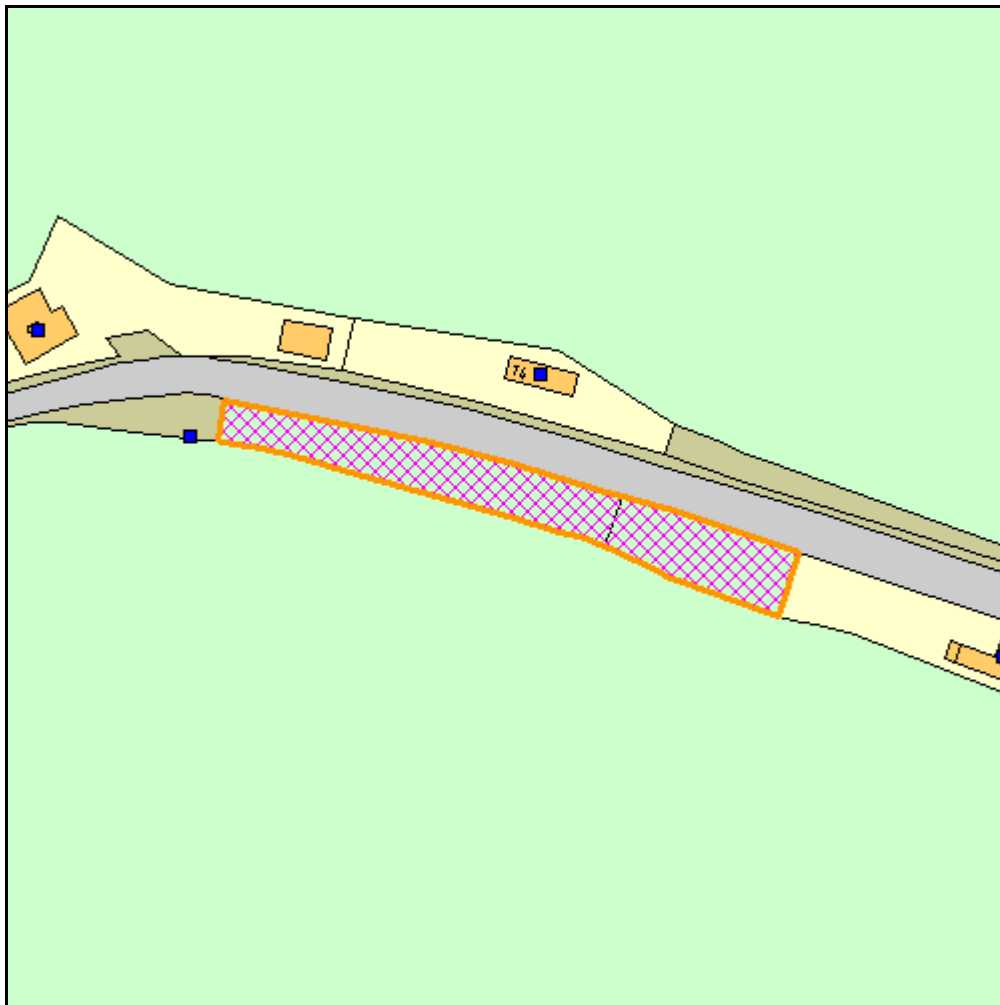
ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	P20/04054/RVC	Approve with Conditions	85A Parkfield Road Pucklechurch South Gloucestershire BS16 9PS	Boyd Valley	Pucklechurch Parish Council
2	P20/19213/O	Approved Subject to Section 106	The Railway Inn Station Road Yate South Gloucestershire BS37 5HT	Yate North	Yate Town Council
3	P20/20615/RVC	Approve with Conditions	Gallagher Retail Park Aldermoor Way Longwell Green South Gloucestershire BS30 7ES	Longwell Green	Oldland Parish Council
4	P20/21008/F	Refusal	Land To The Rear Of The Lodge Forty Acre Lane Alveston South Gloucestershire BS35 3QU	Severn Vale	Alveston Parish Council
5	P21/00159/F	Approve with Conditions	668 Southmead Road Filton South Gloucestershire BS34 7RD	Filton	Filton Town Council
6	P21/00341/F	Approve with Conditions	37 Eighth Avenue Filton South Gloucestershire BS7 0QS	Filton	Filton Town Council
7	P21/00717/F	Approve with Conditions	2 Gullivers Place Chipping Sodbury South Gloucestershire BS37 6HP	Dodington	Dodington Parish Council
8	P21/02141/NMA	No Objection	Land Off New Passage Road, And The A403 (Severn Road) South Gloucestershire Severnside	Pilning And Severn Beach	Aust Parish Council

Schedule Number	Officers Deadline reports to support	Date to Members	Members deadline	Decisions issued from
17/21	12 O'Clock Wednesday 28 th April	9am Thursday 29 th April	5pm Thursday 6 th May	Friday 7 th May
18/21	Normal			
19/21	Normal			
20/21	Normal			
21/21	12 O'Clock Wednesday 26 th May	9am Thursday 27 th May	5pm Thursday 3 rd June	Friday 4 th June

[Dates and officer deadlines for Circulated Schedule May Bank Holidays 2021](#)

CIRCULATED SCHEDULE NO. 16/21 -23rd April 2021

App No.:	P20/04054/RVC	Applicant:	Mrs S Ayres
Site:	85A Parkfield Road Pucklechurch South Gloucestershire BS16 9PS	Date Reg:	9th March 2020
Proposal:	Variation of condition 7 attached to permission PK18/4015/RVC to allow up to 3 no. mobile homes and 3 no. caravans on the site. (PK18/4015/RVC-Removal of condition 9 attached to planning permission PK14/1477/F to make the travellers site permanent.) (PK14/1477/F-Change of use of agricultural land to Gypsy and Traveller Site (1 pitch), erection of access gates and installation of cess pit (Retrospective). Retention of amenity building. Resubmission of PK13/2621/F.)	Parish:	Pucklechurch Parish Council
Map Ref:	369506 176899	Ward:	Boyd Valley
Application Category:	Minor	Target Date:	29th April 2020



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100023410, 2008. **N.T.S.** **P20/04054/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 Referring to the Circulated Schedule

This application has been referred to the Circulated Schedule following the receipt of an objection from Pucklechurch Parish Council and more than 3no. (7no) responses from local residents who object to the proposal; all of which are contrary to the officer recommendation.

1. THE PROPOSAL

- 1.1 The application relates to a plot of land lying to the south of Parkfield Road, to the west of Pucklechurch. The site lies within the open countryside and the Bristol & Bath Green Belt. There is currently a mobile home, touring caravan, amenity block and gates on the land, the site being occupied by a family of Gypsy & Traveller status. Vehicular access is directly from Parkfield Road.
- 1.2 A retrospective, temporary 5 year planning permission PK14/1477/F was granted 8th August 2014 for the use of the site as a private Gypsy & Traveller site and consequent retention of the mobile home, amenity block and access gates. The permission was granted subject to a number of conditions.
- 1.3 Condition 1 limited the occupation of the site to Mrs Sandra Ayres and any resident spouse and dependants and reads as follows:

The use hereby permitted shall be carried on only by Mrs Sandra Ayres and any resident spouse and dependants. When the premises cease to be occupied by Mrs Sandra Ayres, the use hereby permitted shall cease and all materials and equipment brought on to the premises in connection with the use, shall be removed and the land restored to its former condition (including restoration of the access to its former field gate status).

Reason

The development is inappropriate within the Green Belt and has only been granted planning permission given the personal circumstances of Mrs Sandra Ayres; to accord with Green Belt Policy embodied within the NPPF and Policies CS5 and CS34 of The South Gloucestershire Local Plan : Core Strategy (Adopted) 11th Dec. 2013 and The 'Development in the Green Belt' SPD Adopted June 2007.

- 1.4 Condition 9 limited the permission to a period of 5 years and reads as follows:

The use hereby permitted shall be carried on for a limited period, with that period being 5 years from the date of this decision or if the premises cease to be occupied by Mrs S Ayres whichever is the shorter. Following this period the use shall cease and all materials and equipment brought onto the premises in connection with the use shall be removed and the land restored to its former condition.

Reason

The development is inappropriate in the Green Belt and has only been granted planning permission based on a cumulative case of very special circumstances. Part of that case related to the unmet need to provide sufficient sites for residential Gypsy sites, and the lack of a likely appropriate alternative. The temporary period will allow the progression of the Sites, Policies and Places Development Plan Document to run its course, which will consider the provision of Gypsy site pitches through the plan-led system. This approach accords with national policy on traveller's sites, the NPPF and policies CS5, CS21 and CS34 of The South Gloucestershire Local Plan Core Strategy (Adopted) December 2013.

- 1.5 A subsequent application PK18/4015/RVC was approved to remove Condition 9, this removed the temporary 5-year time limit. The resultant consent was 'permanent' only in as much as it was personal only to Mrs Sandra Ayres (see Condition 1).
- 1.6 This current application P20/04054/RVC seeks to vary condition 7 of PK18/4015/RVC from:
- 7. No more than one mobile home and caravan, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 shall be stationed on the site at any one time.*
- 1,7 To as follows:
- 7. No more than three mobile homes and three caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 shall be stationed on the site at any one time.*
- 1.8 The purpose of the application is to increase the number of caravans from 2 (1 mobile home and 1 touring caravan) to 6 (3 mobile homes and 3 touring caravans).
- 1.9 The additional caravans are required for the applicant's sons and their families who already live on the site; i.e. E & L Ayres and two children 8 & 2 years old; and A Ayres who is due to marry and needs his own home.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012
 NPPF accompanying document Planning Policy for Traveller Sites March 2012
 Ministerial Statement by the Rt. Hon. Brandon Lewis MP 2 July 2013.
 National Planning Practice Guidance (NPPG)

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013
 Policy CS1 High Quality Design
 Policy CS5 Location of Development

Policy CS9 Managing the Environment and Heritage
 Policy CS21 Gypsy and Traveller Accommodation
 Policy CS34 Rural Areas

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

PSP1 Local Distinctiveness

PSP2 Landscape

PSP7 Development in the Green Belt

PSP8 Residential Amenity

PSP11 Transport Impact Management

PSP16 Parking Standards

PSP19 Wider Biodiversity

PSP20 Flood Risk, Surface Water and Watercourse Management

PSP21 Environmental Pollution and Impacts

PSP40 Residential Development in the Countryside

PSP43 Private Amenity Space Standards

2.3 Supplementary Planning Guidance

The South Gloucestershire Design Check List SPD Adopted August 2007

Development in the Green Belt SPD Adopted June 2007

South Gloucestershire Landscape Character Assessment (SPD) (Revised and Proposed for Adoption Nov 2014)

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

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

Relevant Case Law

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

3. RELEVANT PLANNING HISTORY

- 3.1 N1189 - Erection of detached house (Outline)
 Refused 13 March 1975
Inappropriate development in the Green Belt
 Appeal dismissed.
- 3.2 P95/1603/CL - Certificate of Lawfulness – Use of land for the stationing of a Mobile Home for residential purposes.
 Refused May 1996
Insufficient evidence
- 3.3 P97/4580/CL - Certificate of Lawfulness – for existing use of land for stationing of residential caravan with ancillary building.
 No decision

- 3.4 PK05/1991/F - Stationing of 1no. caravan with amenity unit.
Refused 21 August 2006
Appeal Ref: APP/P0119/A/07/2037329 allowed 21 Aug 2007 subject to 9 conditions, significantly the conditions allowed a 4 year personal consent to Mrs Wendy Ayres and for one caravan only.
- 3.5 PK11/3976/F - Change of use of land to gypsy and traveller caravan site to facilitate the retention of 1no. existing mobile home and 1no. amenity unit.
Finally disposed 16 July 2013
- 3.6 PK13/2621/F - Change of use of land to gypsy caravan site comprising of 1 no. mobile home, amenity unit and entrance gates.
Refused 19 March 2014 for the following reason:
- The site is located within the Bristol/Bath Green Belt and the proposal does not fall within the limited categories of development normally considered appropriate within the Green Belt. In addition, the applicant has not demonstrated that very special circumstances apply, such that the normal presumption against development in the Green Belt should be overridden. The proposal is therefore contrary to guidance contained in the National Planning Policy Framework (NPPF); and policies CS5 and CS34 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013; and the South Gloucestershire Development in the Green Belt SPD (Adopted) and having regard to the Ministerial Statement "Planning and Travellers" 2nd July 2013.*
- 3.7 PK14/1477/F - Change of Use of agricultural land to Gypsy and Traveller Site (1 pitch), erection of access gates and installation of cess pit (Retrospective). Retention of amenity building. Resubmission of PK13/2621/F.
Approved 8th August 2014
- 3.8 PK18/4015/RVC - Removal of condition 9 attached to planning permission PK14/1477/F to make the travellers site permanent.
Approved 14th Feb. 2019 (personal to Mrs Sandra Ayres)

4. **CONSULTATION RESPONSES**

- 4.1 Pucklechurch Parish Council
Objection - :Pucklechurch Parish Council reviewed this application at its Full Council meeting held on Wednesday 18th March 2020 and resolved to object on account of it constituting inappropriate development of the Green Belt. The site was only given permission for the accommodation of vehicles associated with one pitch on account of very special circumstances relevant to the residency of one particular individual, Condition 7 should remain unchanged as this reduces the impact on the local visual amenity and the openness of the Green Belt particularly when this site is viewed from the direction of Kings Lane. Intensification of the site at this location would be detrimental to retaining the character of this rural area beyond the development boundary of Pucklechurch Village which has already been impacted by the decision to allow the one pitch site.

4.2 Other Consultees

Children and Young People

No response

Corporate Travellers Unit

The Council's Corporate Traveller Unit Manager has confirmed that Mr and Mrs Ayres along with their children are part of the Gypsy community and have resided at the application site for some 20 years now.

The family have strong links to South Gloucestershire through education, work, children and health issues, as well as extended family members and friends from the settled community.

The current living arrangement is unsustainable due to overcrowding. Both sons need their own homes and all need to be near each other for help and support.

Transportation D.C.

No objection

Lead Local Flood Authority

No objection

Strategic Planning Policy Officer

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

Planning Enforcement

No response

Landscape Officer

No objection

Other Representations

4.3 Local Residents

A total of 13no. responses have been received from local residents; 7no objecting and 6no in support.

The concerns raised by the objectors are summarised as follows:

- Inappropriate development in the Green Belt, harmful to openness.
- Dangerous access.
- Increased traffic on the lane.
- Not in character.

- The original permission was personal only based on very special circumstances.
- Adverse impact on visual amenity of the Green Belt and Landscape.
- Too close to residential dwellings.
- Contrary to Condition 6 of PK18/4015/RVC – vehicle turning areas.
- The sons are adults and therefore no longer dependents.
- Encroachment into the Green Belt.
- Increase urban sprawl.
- Existing cesspit not big enough.
- Adverse impact on wildlife.

The comments made in support are summarised as follows:

- The Ayres family are valued members of the Pucklechurch community.
- Should be approved in the interests of inclusiveness.
- The family have long associations with the Parish of Pucklechurch.
- The family are well respected and are a bonus to the community.
- The site is kept tidy and quiet.
- Will enable the family to stay together.
- There would be no extra traffic on the access – merely an upgrade of the existing situation.
- Will provide a better quality of life for the family.
- The children already attend the local school.
- The family are excellent neighbours.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy CS21 of the Core Strategy is the principal policy in the development plan with regard to gypsy and traveller accommodation. It states, primarily, that a review of accommodation will be undertaken as part of the Policies, Sites and Places Plan or a replacement local plan, but that applications in the meantime will be considered having regard to the level of need and most recent government guidance. A further review is yet to be undertaken, and as such CS21 remains the principal policy.

5.2 The policy outlines that additional provision will be addressed through the **'intensification of existing sites'** (my emphasis) in the first instance. The policy then goes on to provide a selection criteria when considering applications and indicates that sites within a reasonable distance of facilities and services would be preferential to those in more remote locations - this site lies close to Pucklechurch and its facilities and therefore meets this criterion. It is also stipulated that in the Green Belt, development will only be acceptable where 'very special circumstances' can be demonstrated.

5.3 The acceptance in principle of the use of the land as a Gypsy/Traveller site has already been established with the grant of PK14/1477/F and subsequently PK18/4015/RVC. This current application merely seeks to vary condition 7 of the latest permission to allow additional caravans on the site to accommodate people **already living on the site** albeit in very cramped conditions.

- 5.4 Officers wish to stress that the scope of a variation/removal 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.
- 5.5 In assessing this application it is necessary to consider whether or not the relevant condition(s) or any variations satisfy the requirements of planning conditions as set out in the National Planning Policy Framework (NPPF). The NPPF requires all planning conditions to pass three tests, 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
- 5.6 In assessing this application, officers must consider the reason why Condition 7 was originally imposed and whether or not anything has changed in the interim that would now justify its variation.

Applicant's Justification for the variation of Condition 7

- 5.7 The applicant has submitted the following information as justification for the variation of Condition 7 (the attachments referenced can be viewed on the Council's Website; the confidential medical records are not in the public domain but can be made available to Members upon request):

The urgent and pressing unmet need for sites in South Gloucestershire

The Gypsy and Traveller Accommodation Assessment (GTAA) 2017 Explanatory Note February 2018 sets out its approach to meeting Gypsy and Traveller need and gives a figure of 75 by 2032.

It is suggested that this is given substantial weight.

The lack of a 5-year supply of sites

A recent appeal decision in South Gloucestershire 1 (see APP/P0119/W/16/3165761 – Land at Northwick Rd, Pilning Allowed Aug. 2017) stated (para. 27):

Lack of a five year supply of sites: It is an agreed position that the Council cannot demonstrate a five-year supply in respect of gypsy and traveller sites, as sought in paragraph 10 of Planning Policy for Traveller Sites. Paragraph 27 goes on to state that this is a significant material consideration in any planning decision for the grant of temporary permission, but further states the exception where the site is on Green Belt land, as here. However, the application is for permanent use as the appellant's first and second positions, and the consideration of very special circumstances remains as set out in both the Framework and Planning Policy for Traveller Sites. The effect of the stated exception in the Green Belt is over the weight to be applied, now

advised to be less than significant, and moderate weight is afforded this matter here.

The same approach should be applied here.

The ministerial direction

In 2006 the council was directed by the Secretary Of State (SoS) to amend its Local Development Scheme to include a Gypsy & Traveller Development Plan Document (DPD). The SoS, via the formal Direction, was explicit in stating that there is a clear and immediate need to bring forward a specific Gypsy and Traveller DPD containing site allocations. This direction is still in force, and has never been complied with. It is a situation unique to South Gloucestershire and as such should be afforded significant weight not least due to the failure of the council to comply.

The longstanding failure of policy to provide sites

There has been a failure since 1994 to identify land for Gypsy and Traveller use despite successive government policy requiring as much.

This failure of policy to provide sites should be taken as a separate material consideration in its own right. This was the approach taken in APP/P0119/W/16/3165761 para. 26:

Failure of policy: The Pucklechurch Decision sets out the arguments and concludes that there has been a failure of policy as a distinct and separable consideration. The previous Decision on this appeal site, in 2015, was cited then in concluding that 'the general need for sites in the District was a significant factor weighing in favour of the appeal proposal'. Since that time and since the 2016 Pucklechurch appeal, there has been limited, if any, tangible progress. A finding of a failure of policy to deliver sites remains and significant weight attaches to this.

Again, the same approach should be taken here.

The likelihood that Green Belt sites will need to be used

This was another factor considered in APP/P0119/W/16/3165761 para. 28

The likely location of sites: Some 25% only of the Council's area is outside the Green Belt or areas that are otherwise constrained. Whilst this is mainly to the north, where access to services was stated by the appellant to be less convenient, it was also stated by the Ward Councillor that non-Green Belt areas near Thornbury do have ready access to a choice of schools and other services. However, it is also the fact that the sites proposed to be put forward under the now abandoned Development Plan Document were in the Green Belt. The intention there was to remove each site from the Green Belt as an exceptional circumstance provided for in paragraph 83 of the Framework. There does therefore appear to be a reasonable likelihood of Green Belt land being needed for the provision of sites, but not a certainty, so that moderate weight only is attached.

Again, the same approach should be taken here.

Personal Circumstances

The personal circumstances of the applicants are detailed in confidential letters attached (attachment CONF01). It is important to set out the case law with regard to the personal circumstances of an applicant. The leading case on this is Great Portland Estates plc v Westminster City Council (attachment PA06) which held at 750:

Personal circumstances of an occupier, personal hardship, the difficulties of businesses which are of value to the character of a community are not to be ignored in the administration of planning control. It would be inhuman pedantry to exclude from the control of our development the human factor. The human factor is always present, of course, indirectly as the background to the consideration of the character of land use. It can, however, and sometimes should, be given direct effect as an exceptional or special circumstance. But such circumstances, when they arise, fall to be considered not as a general rule but as exceptions to a general rule to be met in a specific case has to be made and the planning authority must give reasons for accepting it. It follows that, though the existence of such cases may be mentioned in a plan, this will only be necessary where it is prudent to emphasise that, notwithstanding the general policy, exceptions cannot be wholly excluded from consideration in the administration of planning control.

It is clear that as a matter of principle the personal circumstances of the applicant are able to be taken into account and can potentially outweigh any planning harm. Personal circumstances need to be taken in the context of the three following legal principles: best interests of the children, human rights, and the Equality Act.

Best Interests of the Children

The best interests of the children must be treated as a primary concern. There is now as a matter of law a requirement for a decision maker to treat the best interests of any children affected by a decision to grant/refuse planning permission/issue/uphold an enforcement notice as 'a primary consideration'.

The requirement comes from Article 3(1) of the UN Convention on the Rights of the Child (UNCRC) and is considered by the European Court of Human Rights to be part and parcel of the consideration of Article 8 rights in any case where a decision of a public body will affect children. In the UK law this translates into the statutory duty in Section 11 Children Act (2004). The case of *ZH (Tanzania) 3* (attachment PA07) is the lead judgment on this point.

Baroness Hale explained the source of the requirement and referred to the UN Guidelines which explain that best interests are not just about health and education (indeed in Gypsy and Traveller cases this includes matters such as the ability of the children to develop and maintain friendships; the children's interests in being protected from social isolation and the necessarily traumatic experience of eviction; and the adverse implications for health and safety implicit in roadside living).

Baroness Hale said that treating the best interests of children as 'a primary consideration':

... did not mean (as it would do in other contexts) that identifying their best interests would lead inexorably to a decision in conformity with those interests. Provided significant than the best interests of the children, it could conclude that the strength of the other considerations outweighed them. The important thing, therefore, is to consider those best interests first.

Lord Kerr gave his own judgment and arguably took the point a stage further stating:

*It is a universal theme of the various international and domestic instruments to which Lady Hale has referred that, in reaching decisions that will affect a child, a primacy of importance must be accorded to his or her best interests. This is not, it is agreed, a factor of limitless importance in the sense that it will prevail over all other considerations. It is a factor, however, that must rank higher than any other. It is not merely one consideration that weighs in the balance alongside other competing factors. **Where the best interests of the child clearly favour a certain course, that course should be followed unless countervailing reasons of considerable force displace them.** It is not necessary to express this in terms of a presumption but the primacy of this consideration needs to be made clear in emphatic terms. What is determined to be in a child's best interests should customarily dictate the outcome of cases such as the present, therefore, and it will require considerations of substantial moment to permit a different result. [our emphasis].*

In addition to this, we draw attention to the following extract from *Zoumbas v Secretary of State for the Home Department* (attachment PA08) which sets out the following legal principles with regard the best interests of the children:

10. In their written case counsel for Mr Zoumbas set out legal principles which were relevant in this case and which they derived from three decisions of this court, namely *ZH (Tanzania)* (above), *H v Lord Advocate* [2012 SC \(UKSC\) 308](#) and *H(H) v Deputy Prosecutor of the Italian Republic* [\[2013\] 1 AC 338](#). Those principles are not in doubt and Ms Drummond on behalf of the Secretary of State did not challenge them. We paraphrase them as follows:

(1) The best interests of a child are an integral part of the proportionality assessment under article 8 ECHR;

(2) In making that assessment, the best interests of a child must be a Primary consideration, although not always the only primary consideration; and the child's best interests do not of themselves have the status of the paramount consideration;

(3) Although the best interests of a child can be outweighed by the cumulative effect of other considerations, no other consideration can be treated as inherently more significant;

- (4) While different judges might approach the question of the best interests of a child in different ways, it is important to ask oneself the right questions in an orderly manner in order to avoid the risk that the best interests of a child might be undervalued when other important considerations were in play;
 - (5) It is important to have a clear idea of a child's circumstances and of what is in a child's best interests before one asks oneself whether those interests are outweighed by the force of other considerations;
 - (6) To that end there is no substitute for a careful examination of all relevant factors when the interests of a child are involved in an article 8 assessment; and
 - (7) A child must not be blamed for matters for which he or she is not responsible, such as the conduct of a parent.
11. These principles arise from the United Kingdom's international obligations under the United Nations Convention on the Rights of the Child, and in particular article 3.1 which provides:

"In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration."

That general principle of international law has influenced the way in which the Strasbourg court has interpreted the ECHR: Neulinger v Switzerland (2010) 28 BHRC 706, para 131.

28. The approach of the Secretary of State in a recent recovered appeal in Bromley (attachment PA09) mirrors the approach set out above:

The Secretary of State considers that the interests of the children within the extended family are of primary importance and he has afforded significant weight to the benefits of a settled base for continuity of education and access to healthcare (IR191). He agrees that the personal need for a settled site weighs significantly in favour of the appeal and that both schemes would resolve this need (IR192).

29. As there are children involved in this case, it is in their best interests to have a settled base from which to access education services. This is a consideration that as a matter of law should be afforded significant weight.

Human Rights

30. As a matter of principle the Article 8 rights of the applicants are engaged. There can be no dispute that if the applicants and their family were prevented from living in caravans on their land this falls within the scope of Article 8 as relating to their right to respect for their family life, private life and home.

Public Sector Equality Duty

31. Section 149 of the Equality Act 2010 states:

149 Public sector equality duty

- (1) A public authority must, in the exercise of its functions, have due regard to the need to—
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- (2) A person who is not a public authority but who exercises public functions must, in the exercise of those functions, have due regard to the matters mentioned in subsection (1).
- (3) Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to—
 - (a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
 - (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;
 - (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
- (4) The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.
- (5) Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to—
 - (a) tackle prejudice, and

- (b) promote understanding.
- (6) Compliance with the duties in this section may involve treating some persons more favourably than others; but that is not to be taken as permitting conduct that would otherwise be prohibited by or under this Act.
- (7) The relevant protected characteristics are—
- age
 - disability
 - gender reassignment
 - pregnancy and maternity
 - race
 - religion or belief
 - sex
 - sexual orientation
- (8) A reference to conduct that is prohibited by or under this Act includes a reference to—
- (a) a breach of an equality clause or rule;
- (b) a breach of a non-discrimination rule.
- (9) Schedule 18 (exceptions) has effect.

32. The LPA as the decision maker in the present case is subject to this duty.

33. It is useful to consider the effect of the potential of unauthorised encampments on community relations. It is useful to cite the approach taken in appeals at Land at The Workshop, Stokesley Road, Brompton, Northallerton, North Yorks (attachment PA10) where the Inspector found:

86. I have had due regard to the Public Sector Equality Duty (PSED) set out in the Equality Act 2010, which concerns the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. Having found that the appellant has gypsy status, he has a protected characteristic for the purposes of the PSED.

87. A refusal of permission for development that is acceptable in planning terms would fail to foster good relations between the site occupants and the settled community – and it could amount to unlawful discrimination. I am also concerned that the shortage of sites for travellers, if not the ‘need’ test set out in DP14 could indicate inequality of housing opportunity for gypsies. The Council’s efforts to bring forward gypsy sites may overcome any such inequality in time – and I note that CP1 seeks to reduce disadvantage. Even so the PSED adds weight to my overall conclusion that Appeal A should succeed on ground (a) and the

deemed planning application should be approved.

34. It is also useful to contextualise the inequalities faced by Gypsies and Travellers by referring to the 2012 DCLG Progress report by the ministerial working group on tackling inequalities experienced by Gypsies and Travellers which states:

1.1 Gypsies and Travellers experience, and are being held back by, some of the worst outcomes of any group, across a wide range of social indicators:

- In 2011 just 12% of Gypsy, Roma and Traveller pupils achieved five or more good GCSEs, including English and mathematics, compared with 58.2% of all pupils.
 - There is an excess prevalence of miscarriages, stillbirths, neonatal Deaths in Gypsy and Traveller communities.
 - Around 20% of traveller caravans are on unauthorised sites.
 - Studies have reported that Gypsy and Traveller communities are subjected to hostility and discrimination and in many places, lead separate, parallel lives from the wider community.

35. The wider academic body of knowledge supports these findings. In particular it is widely accepted that the lack of suitable and secure accommodation underpins many of the inequalities that Gypsies and Travellers encounter; see for instance the EHRC report Inequalities experienced by Gypsy and Traveller communities.

36. It is clear that as a matter of law, the PSED must be applied rigorously by the LPA to the facts of this case.

Conclusions

37. The council has been unable for the last 28 years to allocate sites for Gypsy and Traveller use against both national policy and a ministerial direction. This taken in combination with the other considerations set out above indicate that this application should be granted.

Analysis

- 5.8 The use of the site as a Gypsy & Traveller site is not in question here, the only matter to consider is the appropriateness or otherwise of varying condition 7 of PK18/4015/RVC to allow an increase in the number of caravans on the site from 2 (1 mobile home and 1 touring caravan) to 6 (3 mobile homes and 3 touring caravans).
- 5.9 The additional caravans are required to house the applicant's two sons, their respective partners and children, all of whom already live on the site within the existing mobile home (shared with the applicants Mr & Mrs John Ayres) and the touring caravan. The family's status as gypsies is not in question and neither is their right to occupy the site. Whilst the two sons and their partners are adults, they are still dependent on their parents/parents-in-law for accommodation,

given that there are no other available Gypsy sites in the County and this site was granted personal to Mrs Sandra Ayres.

- 5.10 PPTS states that the government's overarching aim is to ensure fair and equal treatment for travellers, in a way that facilitates the traditional and nomadic way of life of travellers while respecting the interests of the settled community (para 3).
- 5.11 Subject to this, there is a high level of need for Gypsy/Traveller pitches in South Gloucestershire. The proposed development would result in two additional pitches on an existing, authorised site and in doing so would meet the accommodation needs of the applicant's sons and their families in a manner consistent with Policy CS21 objectives around intensification. It also contributes to meeting the existing shortfall of sites in South Gloucestershire.
- 5.12 Notwithstanding this, in the case of proposals which come forward in the Green Belt, national policy is clear that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances (para 16).
- 5.13 In local planning policy terms, considerable weight can be applied to Policy CS21 of the adopted Core Strategy which states that:

"Provision will be made for Gypsy and/Traveller accommodation through the Policies, Sites and Places DPD or a replacement local plan (whichever is the sooner) following a review of the need for further pitches up to 2027. Additional provision will be addressed through the intensification of existing sites in the first instance."

The proposed variation to condition 7 would merely intensify the use of the site; there being no expansion of the site boundaries proposed; which complies with Policy CS21.

- 5.14 Policy CS21 considers that sites for Gypsies and Travellers will be considered appropriate where they meet the following criteria:
1. The development would not have unacceptable environmental effects; and
 2. The land is not the subject of unacceptable levels of noise disturbance, air pollution, smell, dust or contamination; and
 3. The proposal would not unacceptably prejudice the amenities of existing and new neighbouring residential occupiers; and
 4. Adequate provision is made for vehicular access, parking and manoeuvring.

These matters are considered below.

Unmet Need

- 5.15 85a Parkfield Road, Pucklechurch is an existing, authorised Gypsy & Traveller site which is safeguarded under Policy CS21 of the adopted Core Strategy (2013). The Council adopted the Core Strategy on 11 December 2013.

- 5.16 It is Council policy that existing, authorised Gypsy and Traveller sites are safeguarded until such time that it can be proven there is no longer an outstanding need for such sites (Policy CS21, Core Strategy). The Council's position is to retain its existing supply of sites capable of use by Gypsies and Travellers. To give up existing sites will only compound the existing shortfall and make the challenge of finding new sites more difficult. In the case of sites with temporary planning permission, the site will be retained, or 'safeguarded' until such time as the existing permission expires and their safeguarded status will no longer apply.
- 5.17 In February 2018 the Council published a Local Plan Consultation Document – the second (Regulation 18) stage of public consultation on the new SGLP. The consultation document included the Council's proposed approach to providing accommodation for Gypsies/Travellers and, as part of this, set out the Council's intention to continue with the approach of retaining its existing supply of sites capable of use by Gypsies and Travellers.
- 5.18 The change to national policy led to a need to refresh the Council's evidence base i.e. the GTAA 2013, which set the overall level of need for sites for Gypsy/Travellers and Travelling Show people, which the Council will need to provide for through its planning policy framework.
- 5.19 In progressing the new South Gloucestershire Local Plan, the Council published its refresh Gypsy and Traveller Accommodation Assessment (GTAA) 2017, together with an explanatory note in February 2017 (as part of the Regulation 18 Local Plan Consultation) which sets out its approach to meeting the needs of its travelling communities up to 2032. This can be viewed via the consultation website.
- 5.20 Based on the GTAA 2017, there is a need for 61 additional pitches for Gypsy/Travellers in South Gloucestershire by 2032. This proposal would in effect provide an additional 2no. new pitches on the already established Gypsy & Traveller site, which weighs in favour of the proposal.

Commentary

- 5.21 Officers must in the first instance consider the reason why the Condition (7) was imposed and that is stated on the Decision Notice for PK18/4015/RVC as:
- “To protect the visual amenity of the Green Belt and landscape in general to accord with Policy PSP2 of the South Gloucestershire Local Plan : Policies, Sites and Places Plan (Adopted) Nov. 2017 and Policy CS34 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec. 2013.”*
- 5.22 The key issue here is therefore to consider the visual impact that the additional caravans would have on the Green Belt and landscape character in general and weigh that in the balance against the justification provided by the applicant for the variation in the wording of the condition.

Green Belt Issues

- 5.23 The site lies within the Bristol & Bath Green Belt and the original development was considered to be inappropriate within the Green Belt. In order for the original application PK14/1477/F to be approved, the applicant needed to demonstrate the very special circumstances required to overcome the harm to the Green Belt by way of inappropriateness, and any other harm.
- 5.24 At that time, the Members of the D.C. East Committee accepted that there was a cumulative case for very special circumstances, these primarily being the health considerations of Mrs Sandra Ayres and the unmet need to provide sufficient residential Gypsy and Traveller Sites within the County. Mrs Ayres submitted a good deal of confidential medical history which was made available to the Members at that time. A five year temporary permission was duly granted, personal to Mrs Sandra Ayres.
- 5.25 A personal planning permission PK18/4015/RVC was subsequently granted to Mrs Sandra Ayres given the ongoing health issues of Mrs Ayres and the continued lack of provision of Gypsy & Traveller sites within the County. That situation has not altered.
- 5.26 The additional caravans proposed are considered to be inappropriate development within the Green Belt that require Very Special Circumstances to justify approval. The applicant's agent has submitted a very robust case in justification as laid out above and officers do not disagree with anything that has been said.
- 5.27 Notwithstanding Mrs Ayres ongoing health issues, confidential information has been submitted by the Acting Manager of Corporate Traveller Unit South. Glos. Council, to demonstrate that Mr & Mrs Ayres two sons and one daughter-in-law also have ongoing health issues as a result of the conditions they are currently living in. (this confidential information can be made available to Members upon request of the Case Officer or Planning Manager).
- 5.28 The family have strong links to South Glos. Through education, work, children and health as well as extended family members and friends from the settled community. It is not unusual for gypsies to live in large family groups where they give each other mutual support. Mrs Ayres relies heavily on family for support. The extra caravans would help to alleviate the current overcrowding and associated health issues that her family are suffering.
- 5.29 There is no doubt that the young children will benefit from a settled base where they can access education and healthcare.
- 5.30 Whilst the personal circumstances of the family are material, the ongoing lack of gypsy site provision together with the best interests of the children are considered to cumulatively provide the very special circumstances to justify the variation of the condition and thus allow the additional caravans to be stationed on the site.

Landscape Issues & Impact on Openness

- 5.31 The site comprises a linear parcel of land that extends along the south side of Parkfield Road, to the NW of the settlement of Pucklechurch, in open

countryside within the Green Belt. This area lies within LCA 6: Pucklechurch Ridge and Boyd Valley, as identified within the SGC Landscape Character Assessment SPD (Revised and Proposed for Adoption November 2014).

- 5.32 Tall native hedgerows lie either side of Parkfield Road, adjacent to the site, and further hedging extends along the southern site boundary. Existing residential development lies off Parkfield Road to both the west and east of the site. A large field adjoins the southern site boundary, beyond which lies the route of a public footpath on slightly higher ground.
- 5.33 The site lies in open countryside within the Green Belt. The proposals will result in the intensification of the use of the site by introducing 4no. additional caravans. However, the site lies within a well-defined landscape cell, which is physically and visually contained by tall hedging, with an existing access off Parkfield Road that will remain unaltered.
- 5.34 The Council's Landscape Architect states that views into the site will be largely limited to those from:
- the road access into the site, when the gate is open;
 - potential winter glimpses through boundary hedgerow branches; and
 - potential views from the public footpath lying to the south of the site.

As such, the proposals will have a negligible visual impact on the openness of the Green Belt and there is no landscape objection.

- 5.35 It is also worth noting what the Inspector said in his decision relating to another application for a Gypsy Site PT16/4188/F where he made reference to the Turner Case stating: *....the recent Court of Appeal case of Turner v SSCLG & East Dorset Council (2016) EWCA Civ 466 which confirmed that it was not irrational for an Inspector to determine that the impact on openness of moveable development such as caravans and mobile homes is less than the impact of an equivalent permanent structure.* That would clearly be the case here.

Environmental Issues

- 5.36 It has already been established that the site is suitable as a Gypsy & Traveller site. The site lies in the countryside and is not the subject of unacceptable levels of noise disturbance, air pollution, smell, dust or contamination. The additional 4no. caravans would not result in unacceptable environmental effects as they would be occupied by people who already live on the site. Foul waste is to be disposed of to the main sewer and surface water via an on-site infiltration and a soakaway. The Council's Drainage Engineer raises no objection to the proposal.

Impact on Residential Amenity

- 5.37 The nearest residential properties lie to the east of the site but the new caravans would be located at the western end of the site behind the existing mobile home and amenity block. Given that the caravans would be occupied by members of the existing family who already live on the site, there would be no additional disturbance for neighbouring occupiers over and above that which already occurs.

- 5.38 Due to overcrowding, the living conditions for Mrs Ayres sons and their families is considered by the Council's Corporate Traveller Unit Manager to be unsustainable. The additional caravans will resolve these matters of overcrowding.

Conclusion

- 5.39 Until such time as the timetable for adoption of the new South Gloucestershire Local Plan is known, officers consider that it would be unreasonable as a local planning authority to resist the variation of condition (7), which currently limits the number of caravans that can be stationed on the site to 2.
- 5.40 The variation of Condition 7 will improve the living conditions for the existing occupants. It should be stressed that all other conditions would be carried over and whilst Condition 1 will continue to ensure the site will remain as a Gypsy and Traveller Site but only for as long as Mrs Sandra Ayres occupies it.

5.41 Consideration of likely impact on Equalities

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

- 5.42 With regards to the above this planning application is considered to have a neutral impact on equality. Equalities have been given due consideration in the application of planning policy as discussed in this report.

6. CONCLUSION

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

7. RECOMMENDATION

- 7.1 That planning permission PK18/4015/RVC be re-issued as P20/04054/RVC with Condition 7 re-worded as follows:

“No more than three mobile homes and three touring caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 shall be stationed on the site at any one time.”

Reason

“To protect the visual amenity of the Green Belt and landscape in general to accord with Policy PSP2 of the South Gloucestershire Local Plan : Policies, Sites and Places Plan (Adopted) Nov. 2017 and Policy CS34 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec 2013.”

and all relevant planning conditions be carried over as follows:

CONDITIONS

1. The use hereby permitted shall be carried on only by Mrs. Sandra Ayres and any resident spouse and dependants. When the premises cease to be occupied by Mrs Sandra Ayres, the use hereby permitted shall cease and all materials and equipment brought on to the premises in connection with the use shall be removed and the land restored to its former condition (including restoration of the access to its former field gate status).

Reason

The development is inappropriate within the Green Belt and has only been granted planning permission given the personal circumstances of Mrs. Sandra Ayres; to accord with Green Belt Policy embodied within the NPPF and Policies CS5 and CS34 of The South Gloucestershire Local Plan : Core Strategy (Adopted) 11th Dec. 2013 and The 'Development in the Green Belt' SPD Adopted June 2007.

2. No external lighting shall be installed on the site without the prior written consent of the Local Planning Authority.

Reason

To protect the visual amenity of the Green Belt and landscape in general to accord with Policy PSP2 of the South Gloucestershire Local Plan : Policies, Sites and Places Plan (Adopted) Nov. 2017 and Policy CS34 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec 2013.

3. No commercial activities shall take place on the land, including the storage of materials.

Reason

To protect the visual amenity of the Green Belt and landscape in general to accord with Policy PSP2 of the South Gloucestershire Local Plan : Policies, Sites and Places Plan (Adopted) Nov. 2017 and Policy CS34 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec 2013.

4. The existing landscaping along the boundaries of the site shall be retained at all times unless otherwise agreed in writing by the Local Planning Authority.

Reason

To enhance the screening of the site to protect the visual amenity of the Green Belt and landscape in general, to accord with Policy PSP2 of the South Gloucestershire Local Plan : Policies, Sites and Places Plan (Adopted) Nov 2017 and Policy CS34 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec 2013.

5. The hedgerows of the site which abut the highway shall be kept trimmed to maintain at all times a visibility splay to the near side carriageway edge at the site access of not less than 2.0m x 13.0m to the left (west) and 2.0m x 38m to the right (east).

Reason

In the interests of highway safety and to accord with Policy PSP11 of The South Gloucestershire Local Plan : Policies, Sites and Places Plan (Adopted) Nov. 2017 and Policy CS21 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec 2013.

6. The existing turning and manoeuvring areas within the site shall be retained and those areas shall not thereafter be used for any purpose other than the turning and manoeuvring of vehicles.

Reason

In the interests of highway safety and to accord with Policy PSP11 of The South Gloucestershire Local Plan : Policies, Sites and Places Plan (Adopted) Nov. 2017 and Policy CS21 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec 2013.

7. No more than three mobile homes and three touring caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 shall be stationed on the site at any one time.

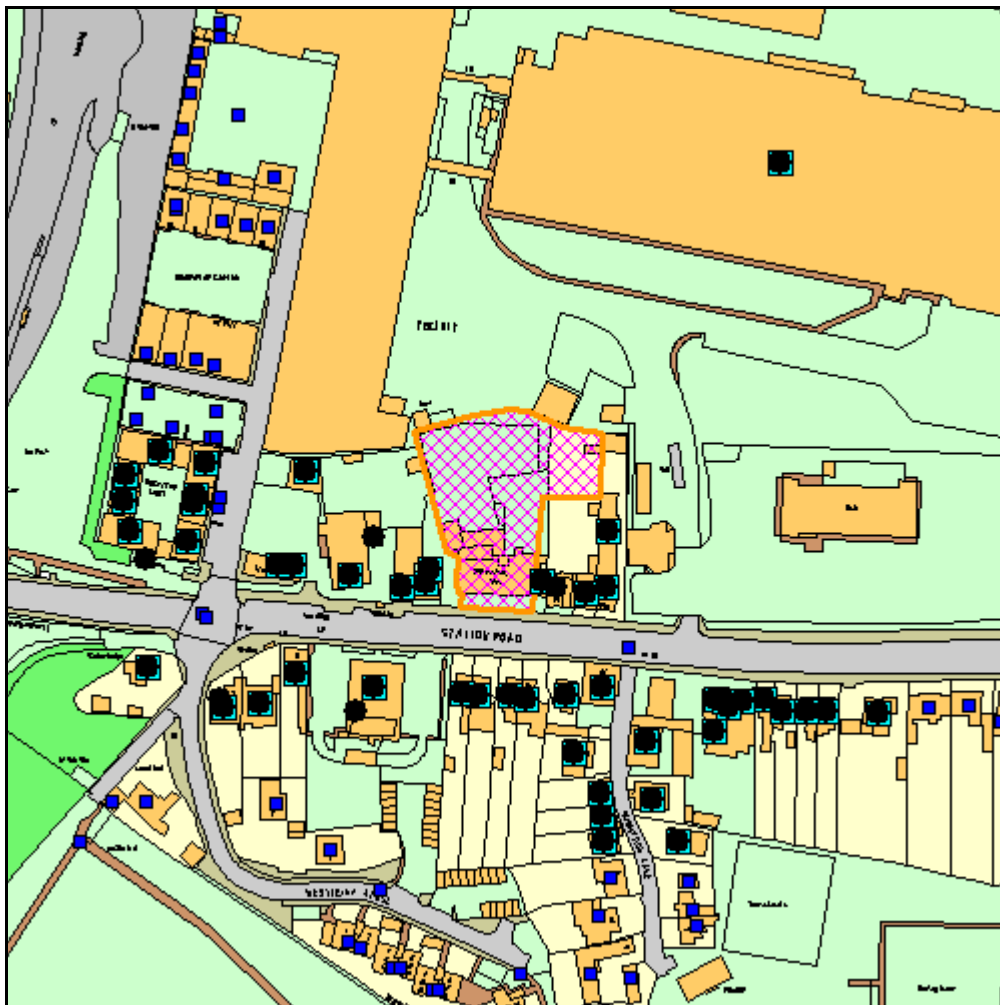
Reason

To protect the visual amenity of the Green Belt and landscape in general to accord with Policy PSP2 of the South Gloucestershire Local Plan : Policies, Sites and Places Plan (Adopted) Nov. 2017 and Policy CS34 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec 2013.

Case Officer: Roger Hemming
Authorising Officer: Marie Bath

CIRCULATED SCHEDULE NO. 16/21 -23rd April 2021

App No.:	P20/19213/O	Applicant:	The Railway Building Company
Site:	The Railway Inn Station Road Yate South Gloucestershire BS37 5HT	Date Reg:	8th October 2020
Proposal:	Erection of 40no. residential units with associated parking and hard/soft landscape works. (Outline) with access, siting and scale to be determined, all other matters reserved.	Parish:	Yate Town Council
Map Ref:	370322 182538	Ward:	Yate North
Application Category:	Major	Target Date:	4th January 2021



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P20/19213/O

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 Referral to Circulated Schedule

This application appears on the Circulated Schedule due to the objections received and also because the site is subject to a viability assessment.

1. THE PROPOSAL

- 1.1 This application seeks outline permission for the erection of 40no. residential units, with associated parking and hard/soft landscaping works, with access siting and scale to be determined, and all other matters reserved.
- 1.2 The site was formerly occupied by the Railway Inn, a locally listed building. The Railway Inn, as the name suggests, has connections with the railway and first appears on the 1844-1888 1st edition Ordnance Survey map of the area. Along with being a building of local historic interest, it was also one of a few buildings in the immediate vicinity that was considered to be architecturally distinctive and be of aesthetic merit. However, following an application to the local planning authority for its prior approval, the building has since been demolished to facilitate the redevelopment of the site.
- 1.3 The site is within the settlement of Yate, within the defined Town Centre and sits on a secondary shopping frontage. Approximately 555 metres from the site to the east is the primary shopping area of the town centre. The site is also within an area safeguarded for economic purposes under policy CS12(53). Access to the site is provided from the A432 Station Road. This is one of the principal access routes to the town and connects Yate to the A4174 Avon Ring Road (including associated road connections) and beyond to Bristol City Centre. A number of bus routes run along the A432 and the site is located within 50 metres of an eastbound bus stop and 70 metres of a westbound bus stop. Yate Railway Station is approximately 190 metres to the west of the site providing to regional and commuter rail services as well as connections to cross country and mainline rail services.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework February 2019
National Planning Practice Guidance
- 2.2 Development Plans
South Gloucestershire Local Plan Core Strategy Adopted December 2013
CS1 High Quality Design
CS2 Green Infrastructure
CS3 Renewable and Low Carbon Energy Generation
CS4 Renewable or Low Carbon District Heat Networks

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
 CS12 Safeguarded Areas for Economic Development
 CS13 Non-Safeguarded Economic Development Sites
 CS30 Yate and Chipping Sodbury

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

PSP1 Local Distinctiveness
 PSP5 Undesignated Open Spaces
 PSP6 Onsite Renewable and Low Carbon Energy
 PSP8 Residential Amenity
 PSP11 Transport Impact Management
 PSP16 Parking Standards
 PSP17 Heritage Assets and the Historic Environment
 PSP19 Wider Biodiversity
 PSP20 Flood Risk, Surface Water, and Watercourse Management
 PSP21 Environmental Pollution and Impacts
 PSP37 Internal Space Standards
 PSP43 Private Amenity Space Standards

2.3 Supplementary Planning Guidance

Design Checklist SPD (Adopted) August 2007
 Local List SPD (Adopted) March 2008
 Residential Parking Standard SPD (Adopted) December 2013
 Affordable Housing and ExtraCare SPD (Adopted) May 2014
 Renewables SPD (Adopted) November 2014
 CIL and S106 SPD (Adopted) March 2015
 Waste Collection SPD (Adopted) January 2015 (updated March 2017)

3. RELEVANT PLANNING HISTORY

- 3.1 P19/5548/O – Permit 09.03.2020 - Erection of 56 no. bed care home (Class C2) and 12 no. flats (Class C2) with associated works (in Outline) with access, layout and scale to be determined, all other matters reserved.
- 3.2 PK18/3578/O - Refused 01/05/2019 Erection of 10 no. dwellings (Outline) with access, appearance, scale and layout to be determined. All other matters reserved. (Re submission of PK17/2676/O).
- 3.3 PK18/1660/O - Refused 27/06/2018 - Erection of 43no apartments (Outline) with appearance, layout and scale to be determined. All other matters reserved.
- 3.4 PK17/2676/O - Non-determination 13/12/2017 - Demolition of existing building. Erection of 10 no. dwellings (Outline) with access and layout to be determined. All other matters reserved.

- 3.5 APP/P0119/W/17/3191394 - Appeal against non-determination of PK17/2676/O - Dismissed 09/04/2018
- 3.6 PK17/0888/PND - No objection 27/03/2017 - Prior approval of demolition of Public House and associated outbuildings.

4. **CONSULTATION RESPONSES**

- 4.1 Yate Town Council - *Objection*
No outdoor amenity space for Block A.
Inadequate screening of Block B from adjoining industrial uses.
Need full design of elevations to ensure consistent with street scene
Parking inadequate under the 2013 South Gloucestershire Parking Strategy - This requires 1.5 parking spaces for a 2 bed flat, and 1 for one bed dwellings, so this site should have 57 parking spaces, it only offers 40.
In addition, 8 visitor parking spaces are required by the South Glos Council standards. The applicant says visitor parking will be available on-street along Station Road and at local car parks.' This clearly predates the recent changes which have removed all on street parking on Station Road. The only free parking available for visitors would be Longs Drive, and that car park is needed for shoppers, but even if you did disregard visitors, the site is still 17 parking spaces short.
They propose to allocate 1 per flat, so the 2 bed flats produce a shortfall. No good reason is given for departing from these standards and it would set an extremely worrying precedent.
Inappropriate to introduce 3 storey dwellings into a 2 storey historic site, without detailed designs to show it would look. By reason of the massing of the building, from their outline designs in their design and access statement it does not look appropriate and will adversely affect the street scene.
Given the location there should be at least one space designed to disability parking standards and marked out for that purpose.
In terms of Affordable Housing Statement it states the following:
1. Policy CS18 requires 35% on-site affordable housing on all new housing developments. This is unless the developer demonstrates that the economic viability of a particular site is affected by specific factors which as result lowers the percentage provided without public subsidy, in which case other financial contributions should be sought to achieve the 35% requirement.
2. The application is accompanied by a viability report. This concludes that the development would not be viable with 35% on-site housing, and that only at 0% affordable housing can the proposal be shown to be deliverable and viable. As such, the proposed development does not include any affordable housing provision.
- 4.2 Transportation DC - This is a high-density development which fails to meet fully the council's parking standards. However, the site is in a sustainable location and there are mitigating circumstances specific to this which gives weight to less parking demand for the development. Therefore, this is a balance judgement decision.
- 4.3 Public Open Space - There is no on-site public open space proposed. This application is for a development of flats with only a small area of shared private amenity space therefore access to good quality public open space is paramount to the health and wellbeing of future residents. Off-site contributions of £186,066 are required.

- 4.4 Environmental Protection (Contaminated Land) – No objection subject to conditions.
- 4.5 Environmental Policy and Climate Change Team – No objections subject to further energy statement being submitted as Reserved Matters Stage.
- 4.6 Drainage – No objection subject to condition relating to detailed SUDS design.
- 4.7 Landscape – No objection subject to details submitted at reserved matters stage.
- 4.8 Urban Design – Unable to comment without more detailed information
- 4.9 Ecology – No objections subject to conditions relating to mitigation measures, lighting design strategy, and ecological enhancement scheme.
- 4.10 Avon and Somerset Constabulary – Not acceptable in current format.
- 4.11 Tree Officer – No objection providing works are carried out in accordance with Arboricultural Report and Tree Protection Plan.
- 4.12 Arts Development Officer – No objection subject to condition securing Public Arts Scheme.
- 4.13 Environmental Protection – Acoustic Report required due to proximity of road and rail source noise.
- 4.14 Housing Enabling – Housing Enabling accepts the District Valuer's findings.
- 4.15 Cllr comments:

Cllr Tristan Clark: *The applicants' have cynically regurgitated a slightly amended version of PK18/1660/O which was refused because it contravened many of the planning policies outlined in the Core Strategy and the Policies, Sites and Places Plan. This application should likewise be refused.*

The applicants' argument that they should provide 0% affordable housing on this site is a prime example of spurious profiteering. It is a slap in the face of residents of Yate and the surrounding area. Their analysis completely disregards Yate's status as one of South Gloucestershire's Priority Neighbourhoods. It completely disregards the most recent English Indices of Deprivation data for 2019 (<https://w.southglos.gov.uk/documents/IOD-2019-Priority-Neighbourhood-Analysis.pdf>) It is shameful to assert that this application would only be financially viable if they are permitted to make a profit of £1.5 million rather than £1.1 million. As a Priority Neighbourhood there is a pressing need for more affordable housing in Yate not less. By arguing that they should be completely exempt from the requirement to provide 35% affordable housing set out in CS18 the applicants are basically asserting a right to make greater profits at the expense of those residents on low incomes and those residents living within areas of multiple deprivation. This application should be refused for contravening Policy CS18 (amongst others).

Cllr Ruth Davies: *There is no on street parking since the new cycle lanes have been put in.*

It is totally unacceptable to have no affordable housing allocation from this development. This is a Priority Neighbourhood.

4.16 Local Residents:

1no support comment has been received, summarised as:

- Good location for public transport
- Existing site is derelict and an eyesore

1no general comment has been received, summarised as:

- Long planning history
- Adequate parking not provided
- Previous objections should apply
- Proposals should be in-keeping

19no objection comments have been received, summarised as:

- No additional off road parking available
- Proposals will cause congestion on side streets
- Development looks like a prison
- Out of keeping
- Previous application a farce
- No intention to build a care home
- Parking provision significantly under standards
- Parking at Station designed for commuters
- Charging points should be installed
- Access could compromise the safety of cyclists
- Block A should be moved back with parking provided to the front
- Flats likely to attract single purchasers or first time buyers
- No mix of society, will create ghetto environment
- Noisy industrial site to the rear
- Future problems from root growth
- Submitted Transport Report out of date
- Development is an attempt to maximise profit
- Developer has no social conscience
- Former Railway Inn should not have been demolished
- Design should have a nod to the former building and improve the appearance
- Vernacular architecture is red brick and pennant stone, with instances of Bath Stone lintels

5. ANALYSIS OF PROPOSAL

Principle of Development

- 5.1 The site is within the defined urban area of Yate, where under policy CS5 and CS30, development is directed. The site is also within a safeguarded employment area, Badminton Court/Dairy Crest as defined by policy CS12.
- 5.2 Policy CS12 seeks to retain employment uses falling into the “B” classes of the Use Classes Order. As the last use was a public house, it would have had a “D” use, now “Sui Generis” under the revised Use Class order. Redevelopment of

this site would therefore not lead to any significant loss of employment land (although the jobs connected with the pub are noted). The proposals do not involve the change of use from a B Class Use, and as such Policy CS12 does not require further assessment.

- 5.3 The proposal is for C3 use. Located within the urban area, the site may be suitable for residential development. Policy CS5 directs new development, of all kinds – except those where a rural location is essential – to the existing urban areas and defined settlements. Therefore, as the policy considerations set out above have been passed the site is, in principle, appropriate for residential development subject to the detailed analysis set out below.

Viability

- 5.4 This application has been submitted with a viability report. The viability report was assessed by an independent expert (the District Valuer) who concluded that, if full policy compliance S106 contributions are sought, the site is not viable.
- 5.5 Policy CS18 requires developers to achieve 35% on site affordable housing, normally without public subsidy, if development sites fall within the site size thresholds. In negotiating the maximum level of affordable housing, the council will have regard to the economic viability of the site and the factors underpinning it. To be fully policy compliance this application should provide 14no. dwellings on site on the tenure basis of 76% social rent (11) and 24% shared ownership (3).
- 5.6 PSP42, criteria 3 states the Council will “*encourage developers to provide serviced custom build plots on residential development site of over 10 dwellings*”, and criteria 5 states the Council will “*require the developer the investigate whether it is viable to provide self and custom build plots on sites where the Council has agreed it is unviable to provide policy compliant S106 contributions (including affordable housing)*”. As the proposal scheme is for flats, this is not considered to be a practical solution.
- 5.7 In accordance with policy CS6 and CS23, £186,066 is required for off-site contributions towards Public Open Space. In addition, contributions of £40,000 is required for sustainable travel vouchers for first occupants of the dwellings and Travel Information Packs.
- 5.6 The District Valuer’s report concluded that the site is not viable if it is policy compliant. Whilst the DV report is very detailed, the conclusion is that if the Council insist on a policy Compliant Scheme, with 14 affordable units, the residual land value would sit at £358,680, which is not considered viable against the Benchmark Land Value of £1,300,000.
- 5.7 Whilst officers understand the concerns often expressed when viability arguments are made by developers, all decisions must be made in accordance with the NPPF. Para 57 of the NPPF clarifies that viability should be taken into consideration when a planning application is determined but the weight to be given to the viability argument is a matter for the decision taker.

- 5.8 When continuing negotiations, the applicant put forward the proposal of providing an all private scheme, with financial contributions of £40,000 towards Travel Information Packs, £170,186 for CIL, and an additional contribution of £20,832 to be paid towards either Public Open Space or Affordable Housing. This was based on 20% profit.
- 5.9 The District Valuer's position however was that profit of 17.5% is entirely reasonable. This would result in financial contributions of £40,000 towards Travel Information Packs, £170,186 for CIL and an additional £133,487 to be paid towards either Public Open Space or Affordable Housing. The applicants have now accepted this position. Officers consider that the £133,487 should be provided to Affordable Housing in full, rather than split between Affordable Housing and Public Open Space. The contributions will be secured through a S106 legal agreement.

Transport

- 5.10 The application is seeking permission for the construction of two apartment buildings with a total of 40no. residential units. In support of the application, alongside the plans and Design and Access Statement, the applicant submitted a Technical (Transport) Note, together with a draft Travel Plan.
- 5.11 The main transportation and highway issues to be considered are access and parking.
- 5.12 The site is to be accessed by an existing private road which is shared with the highway contractor Kelly Bros, who operate a gated compound. The existing access road varies in width. It is proposed to formalise the existing access and to create a uniform access, to be 5.5m in carriageway and a 2m wide footway along the eastern side, plus a 0.5m buffer on the opposite side. This access was proposed as part of the previous Care Home application P19/5548/O, and was considered to be acceptable.
- 5.13 The proposed internal layout does appear to be somewhat cramped, however auto-track details suggest that access to all parking spaces can be achieved with vehicles being able to access and egress the site entrance in forward gear. As the access into the site is via a private road then refuse vehicles are unlikely to enter the site. The applicant is proposing that refuse collection from this site is to be carried out by a private contractor and auto-track details have been submitted accordingly.
- 5.14 Overall, Transportation DC are satisfied with the proposed access arrangements, and it is considered safe from a highway safety point of view.
- 5.15 The parking requirement for this development is assessed against PSP16. Under this policy, 1no parking space is required per 1bed. unit, 1.5no. parking spaces per 2bed. unit, 2no. spaced per 3bed. unit, plus an allocated visitor parking space per 5no. dwellings.

- 5.16 The scheme proposal in this case involves the provision of 6no. 1bed. units and 34no. 2bed. units. Calculating parking provision on the above mentioned development and based on the mix of different units proposed leads to a requirement of 57 parking spaces, excluding visitors spaces. The proposed plan submitted with the application shows a total of 40no. parking spaces, which the applicant proposes to be allocated as 1no. space per unit. No visitors parking is proposed. Assessment of the development purely on parking standards suggests that the proposed level of parking falls short of the Council's standard and as such is contrary to Policy PSP16.
- 5.17 It is however acknowledged that higher density housing can restrict the ability of a site to provide policy compliant parking. In such circumstances the sustainability of the site should be considered as referred to in para 5.68 of the PSP of the SG Local Plan: *"Parking provision that does not accord with the standards set out in Policy PSP16 and their cycle schedule may be acceptable. In such cases, conclusive factual statements confirming why deviation from the standards is necessary, must be included in the Transport Assessment. Where such departures from standard are agreed with the Highway Authority, a Travel Plan or other measures may be required to mitigate any intensified transport impact."* With this in mind, the applicant wishes to rely on the sustainability credential of the site location and their proposed mitigating measures.
- 5.18 In support of the application, the applicant has submitted a Technical Note. The site is in a sustainable location. There is a very good network of footway and cycle links in the area, and the site is on a bus route with bus stops in the immediate site frontage on Station Road. Yate Town Centre is within 15 minutes walking distance to the site. Along Station Road there are designated cycle lanes, these were recently promoted by the Council. There is good public transport links between this site and the surrounding area. Yate Railway Station is very close and Station Road provides excellent bus services towards Yate town centre and Bristol. In this context, Transportation DC agree with the findings as contained within the submitted Technical Report that the site is transport sustainably located with a range of facilities within a reasonable walk or cycle of the site that would encourage the use of more sustainable modes of transport.
- 5.19 The application is supported by a Travel Plan. The measures within the Travel Plan include Sustainable Travel Vouchers for the first occupants of the dwellings and Travel Information Packs. The Travel Vouchers comprise of £500 per dwelling per year, for a period of two years, to assist the purchase of sustainable travel modes such as bus or train travel and/or cycle acquisition and training. Transportation DC are satisfied that the provision of a Travel Plan and the supporting measures as proposed could be effective in reducing the reliance on the private car in this case.
- 5.20 In line with the Council's sustainability policy, the applicant is also proposing to provide 80no. cycle facilities on site.
- 5.21 Overall, Transportation DC consider that there are mitigating circumstances which are specific to this site and these may be given weight in favour of the development.

- 5.22 Previous applications and decisions of the Council must also be given appropriate weight. Most relevant to this scheme is application PK18/1660/O, for the erection of 43no. apartments. This was refused, amongst other reasons, for the failure to provide sufficient off-street parking and cycle facilities. The previous scheme provided 22 spaces where 57 were required, and also only provided 15 cycle spaces.
- 5.23 The previous application therefore had more of a significant deficit of both on-site parking and cycle provision than the application under consideration. In addition, the report for PK18/1660/O noted that a case could be made for lessened demand of parking due to the highly sustainable location, no such case was presented.
- 5.24 In summary, this is a high-density development which fails to meet fully the Council's parking standards. However, the site is in a sustainable location and there are mitigating circumstances specific to the site which gives weight to less parking demand for the development.
- 5.25 On balance, the proposal is not considered to cause significant impact upon the highway network, and is considered to comply with Policy PSP16, subject to the measures within the draft Travel Plan being secured by a S106 Agreement, and conditions on any approval requiring the provision of parking and manoeuvring area, electrical charging points for each space, provision of vehicular access and footway, and details of cycle parking.

Design and visual amenity

- 5.26 Although in outline there are certain elements of the proposal which are to be considered at this time. This includes siting and scale.
- 5.27 The layout includes two blocks. Block A, located to the front of the development, has been positioned to continue the existing building line. Behind this is a communal car park area, and to the rear of the site is Block B, with a small garden area surrounding Block B.
- 5.28 As with Transportation matters, previous applications and decisions of the Council must also be given appropriate weight. Application PK18/1660/O for 43 dwellings was refused due to a cramped layout, indicative of overdevelopment.
- 5.29 The applicant has since secured an additional parcel of land to the rear of the site. Block A has been simplified in terms of layout, whilst Block B is of a similar size. With the additional piece of land, the proposal is able to achieve a layout which provides suitable access to parking spaces as well as significant cycle storage, and the two blocks are separated by a larger distance. Overall, the layout of the site is most similar to application P19/5548/O, which was considered acceptable.
- 5.30 The site is difficult to redevelop given its narrow frontage. The proposal as presented would work within the existing built form and although partially back

- land, when this is compared to the nearby industrial buildings, is considered to be acceptable.
- 5.31 Scale refers to the physical dimensions of the proposed buildings. Indicative sections have been provided, which can be used to assess the scale of the proposal.
- 5.32 Block A, along Station Road, has been designed to reflect the scale of the Victorian properties along the road. It would be of a two and a half storey design, mirroring the proportions of the existing terrace to the west, albeit with a slightly higher ridgeline.
- 5.33 Block B to the rear is much greater in scale. The site is within the town centre, in close proximity to the railway station, and somewhere where more urban centred living would be appropriate. For urban living to be acceptable, density needs to be increased and some taller buildings may not be inappropriate. The proposed building would be 4 storeys. As discussed under application P19/5548/O, a building of four storeys in height is considered acceptable in this location. Appearance is yet to be determined. The building would be noticeably taller than many of the buildings in the vicinity. It is likely that considerable design work will be required on the appearance of the building, and this will need to include the roof formation. It is likely that a better roof structure could come forward at reserved matters stage, which would be more appropriate when the detailed design is proposed.
- 5.34 The context of the rear of the site is much more industrial in scale than the front. Towards the rear are large factory buildings and other industrial and trade counter units.
- 5.35 A condition will be applied to control the scale of this building. The condition will control this through the number of storeys; this will enable further design negotiations on roof structure and form when the appearance comes forward for consideration.
- 5.36 The concerns raised by the Council's Urban Designer are noted, however these largely arose due to the description originally advising that appearance was to be considered at outline stage. This was incorrect, and has since been revised. The Urban Designer does note that a thorough site and character analysis is required, and this will be expected to be produced at reserved matters stage.

Residential amenity

- 5.37 Development should not be permitted that has a prejudicial impact on residential amenity or which fails to provide adequate living conditions for future occupiers. A similar sized amenity area was accepted for the care home proposal.
- 5.38 It is also noted that application PK18/1660/O was refused on the lack of amenity space. The application provided no shared or private amenity areas.

- 5.39 Policy PSP43 requires 5sqm of private amenity space for one and two bedroom flats, resulting in a requirement of 200sqm. A 370sqm landscaped private shared amenity area is proposed to the rear of Block B. Plans have also been amended to indicate balcony areas to most flats, although detailed provision will be provided at reserved matters stage.
- 5.40 The proposed amenity area is less than ideal in terms of layout; the area is sited between a four storey block and an industrial site to the rear. However, the provision of balconies will mitigate some of this lack of provision.
- 5.41 It is also noted that within a short walk of the site is Westerleigh Common, which provides good open space for a variety of uses, including general recreation, sport, and nature conservation. With this in mind, the provision of amenity space is considered to be acceptable.
- 5.42 The development is adjacent to an industrial site and has the potential to be impacted by noise. Block A along Station Road is no different to existing residential accommodation, and therefore should not be subject to a noise assessment. It is likely that any unacceptable noise impacts could be mitigated in relation to Block B, and as such details can be required by condition.
- 5.43 The development would have most impact on the amenities of the adjacent properties on Station Road. The separation distances of between 25 to 30 metres reduced any perceived privacy impacts. It is concluded that the proposal would not have an adverse impact on amenity.
- 5.44 A condition should be applied to protect the amenities of nearby residents during the construction phase of the development.

Drainage

- 5.45 Concerns were initially raised by the Council's Flood and Water Management Team relating to methods of drainage and ownership details.
- 5.46 Additional information has been received relating to drainage details, which is proposed to be SUDS, e.g. soakaways. There is no objection in principle, subject to detailed drainage design being submitted prior to commencement of development. For the avoidance of doubt, the following details will be required:
- A clearly labelled drainage layout plan showing the exact location of any soakaways
 - Evidence is required to confirm that the ground is suitable for soakaways. Percolation/Soakage test results in accordance with BRE Digest 365 and as described in Building Regs H – Drainage and Waste Disposal
 - Evidence that the soakaway is appropriately sized in accordance with BRE Digest 365 Soakaway Design.
 - Sp. Note; - Soakaways must be located 5 Metres from any structure including the Public Highway
 - Sp. Note: - No surface water discharge will be permitted to an existing foul sewer without the expressed approval of the sewage undertaker.

Contaminated land

- 5.47 During the consideration of the application, a Phase 1 Site Investigation report has been submitted. The report comprises a comprehensive desk study and includes the observations from a site walkover. Relevant sources of potential contamination have been identified and a recommendation is made for an intrusive investigation.
- 5.48 The conclusions and recommendations of the report are accepted, however Appendix B and C to the report do not appear to have been submitted. Also, paragraph 1.2 of the report refers to the proposed use of the site as a “material recycling facility”. This is believed to be a typing error as paragraph 3.2 of the report correctly refers to the proposed residential use. There is no objections, subject to conditions requiring the submission of an amended desk study, investigation and remediation strategy, verification strategy, and unexpected contamination.

Environment and Climate Change

- 5.49 A Sustainable Energy Statement has been submitted, with the expectation that a further Energy Statement will be submitted at reserved matters stage.
- 5.50 The fabric-first approach is noted and welcome. In terms of outperforming building regulations, buildings are generally expected to achieve at least a 10% improvement in energy conservation. Developments are particularly encouraged to seek to achieve the equivalent of Code for Sustainable Homes Level 4, which equates to a 19% improvement on Building Regulations Part L.
- 5.51 The proposal to reduce air permeability to $5\text{m}^3/\text{m}^2.\text{hr}$ @50Pa is noted and supported. The applicant is encouraged to reduce this further to $3\text{m}^3/\text{m}^2$ @50Pa and to specify the use of the whole house mechanical ventilation to control ventilation and indoor air quality.
- 5.52 The proposal to install roof-mounted PV to reduce residual emissions by 20% is supported. The applicant is strongly encouraged to maximise the installation of roof-mounted PV according to available (unshaded) roof area of suitable orientation and tilt to maximise renewable power generation.
- 5.53 The applicant is strongly encouraged to specify renewable heating to provide a route to zero carbon heating (as the carbon intensity of grid electricity reduces over time). Examples include individual air source heat pumps and communal renewable energy systems such as communal ground source heat pump systems, communal air source heat pump systems, and hybrid air and water to water source heat pump systems.
- 5.54 Conditions will be applied to ensure one EV charge point per unit is provided. EV points should have a minimum power output of 7kW per dwelling. The District Network Operator should be consulted about the power requirement to the site and individual dwellings.
- 5.55 The scheme should be designed to be resilient to projected changes in the climate over the lifetime of the buildings (assumed to be 60 years). Changes

include increased average and peak summer temperatures and changes in rainfall patterns and intensity. The applicant should demonstrate resilience to overheating through the use of dynamic thermal modelling, using current and future weather files (2020, 2050 and 2080 – assuming a 60 year building life). The risk of overheating should be assessed against recognised criteria such as CIBSE TM52 or an appropriate equivalent standard. Where “falls” are identified these should be addressed through mitigations to the design. The use of fixed and seasonal shading including from trees and vegetation is actively encouraged.

Ecology

- 5.56 There is a limited amount of habitat that is of ecological value. The main constraints will be birds and hedgehogs. The development has opportunities to enhance the area ecologically. There are no objections, subject to conditions relating to mitigation, lighting design, and ecological enhancements.

Designing out Crime

- 5.57 Avon and Somerset Constabulary have been consulted, who offer advice and guidance on how the built environment can influence crime and disorder. It can be difficult to comment on outline applications due to the lack of details, however some suggestions have been made for consideration at reserved matters stage.
- 5.58 A key objective for new developments should be that they create safe and accessible environments where crime and disorder or fear of crime does not undermine quality of life or community cohesion. Design and access statements should demonstrate how crime prevention measures have been considered in the design of the proposal and how the design reflects the attributes of safe, sustainable places.
- 5.59 The submitted Design and Access Statement refers to Safer Places, however this is no longer recognised by the planning system. The applicant should instead use Crime Prevention through Environmental Design and Secured by Design to inform the design.
- 5.60 Concerns have been raised regarding the cycle storage and natural surveillance of this area. There should be windows proposed facing this area. The relocation of the bike storage room negotiated under this application from the back of block B to the front adjacent to the parking court will assist in natural surveillance.
- 5.61 Natural surveillance should be available to the car parking.
- 5.62 Access to the garden area to the rear of block B should be considered. In South Gloucestershire 66% of burglaries are via a rear ground floor window or door.

- 5.63 The Design and Access Statement makes reference to lighting but does not indicate the coverage or quality of the lighting, e.g. communal parking facilities must be lit to the relevant levels as recommended by BS 5489:2013.

Arboriculture

- 5.64 The application has been submitted with an Arboricultural Report, containing an Arboricultural Method Statement and Tree Protection measures. The report confirms the removal of T02, T03, T04, T05 and a section of H01 are to be removed. There is no objection to this, providing the tree protection measures and other recommendations within the Report are conditioned.

Arts Development

- 5.65 The NPPF highlights the social role of the planning system by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support health, social and cultural well-being.
- 5.66 The provision of public art is a key indicator of good design (building for life criteria) and should be seen as an opportunity to involve the local community in support of SGC Sustainable Community Strategy objectives.
- 5.67 Particular reference is made to the provision of public art within the NPPG. In the guidance which has been given in relation to well-designed public spaces the NPPG observes as follows: Public art and sculpture can play an important role in making interesting and exciting places that people enjoy using.
- 5.68 In light of this policy basis, any application approved should have a condition applied for a public art programme that is relevant and specific to the development and its locality. The programme should be integrated into the site and its phasing plan.

Consideration of likely impact on Equalities

- 5.69 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.

Planning Balance

- 5.70 The proposal is afforded significant weight as it is appropriate development in a sustainable location within the urban area of Yate. Modest weight can be afforded as the proposal would have a net gain of 40 dwellings to the 5 year housing supply. Additionally, off-site contributions for Affordable Housing will be achieved through a S106 agreement.
- 5.71 A material consideration is also that consent has previously been given outline consent for a similar layout, albeit for a different use.
- 5.72 Concerns have been raised in relation to private amenity space and off-street parking provision. On balance, these issues are considered to be acceptable.
- 5.73 Weighing against the application is the fact that it is not policy compliant in terms of Public Open Space or Affordable Housing provision.
- 5.74 Overall, the application merits outweigh the perceived harms of the development.

6. CONCLUSION

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

7. RECOMMENDATION

- 7.1 That authority be delegated to the Director Environment and Community Services to grant planning permission, subject to the conditions set out below and the applicant first voluntarily entering into an Agreement under Section 106 of the Town & Country Planning Act 1990 (as amended) to secure the following;

Transportation:

The provision of £40,000 for Sustainable Travel Vouchers for the first occupants of the dwellings and Travel Information Packs.

Affordable Housing:

The provision of £113,487 for off-site contributions to Affordable Housing.

As this is an outline application the S106 will require that a revised viability appraisal is submitted for assessment in line with futureproofing if:

1. The scheme changes from that currently proposed;
2. The scheme has not started within 3 years of any planning approval or if it does not achieve practical completion within 5 years of any planning approval and
3. Payment of £113,487 will be index linked and will be paid in full on commencement of development. This contribution will be secured via a Bilateral agreement or Unilateral Undertaking.

The mechanisms used to secure these viability reviews must also include the requirement that an agreed proportion of any uplift in net development value would be assessed and paid to the council as a financial contribution.

CONDITIONS

1. Approval of the details of the appearance of the buildings and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason:

This is an outline permission only and the reserved matters shall be made to the Local Planning Authority.

2. Plans and particulars of the reserved matters referred to in the condition above, relating to the appearance of any buildings to be erected, and the landscaping of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

Reason

This is an outline permission only and the reserved matters shall be made to the Local Planning Authority.

3. Application for approval of the reserved matters shall be made to the Local Planning Authority 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).

4. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason

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

5. The details of the appearance of the buildings shall limited the height of Block A (facing Station Road) to 9 metres and Block B (at the rear of the site) to a maximum of 4 storeys.

Reason

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

6. The details of the appearance of the building shall - in relation to Block B - indicate measures taken to ensure the amenities and living conditions future occupiers are not adversely affected by noise.

Reason:

In the interest of residential amenity and to accord with policy PSP8 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017 and the provisions of the National Planning Policy framework.

7. The details of the landscaping of the site shall include a scheme for the provision of electric vehicle charging facilities (1 per unit).

Reason:

To encourage means of sustainable, low (and zero) carbon, transportation, and to accord with Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013.

8. The details of the landscaping of the site shall include a scheme for the drainage of the site. For the avoidance of doubt, the site should be drained through sustainable drainage systems.

Reason

To ensure that a satisfactory means of drainage is provided, and to accord with policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

9. The details of the landscaping of the site shall include a scheme for the provision of public art.

Reason:

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

10. Desk Study - No development shall commence until the Appendix B and C to the Wesson Environmental Phase 1 report dated January 2021 have been submitted and paragraph 1.2 amended to refer to a proposed residential land use.

Reason:

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

11. Intrusive Investigation/Remediation Strategy - No development shall take place until detailed site investigations as recommended in the Wesson Environmental Phase 1 report have been carried out. The investigation shall include surveys/sampling and/or monitoring, to identify the extent, scale and nature of contamination. A report shall be submitted for the written approval of the local planning authority and include a conceptual model of the potential risks to human health; property/buildings and service pipes; adjoining land; ground waters and surface waters; and ecological systems.

Where unacceptable risks are identified, the report submitted shall include an appraisal of available remediation options; the proposed remediation objectives or criteria and identification of the preferred remediation option(s). The programme of the works to be undertaken should be described in detail and the methodology that will be applied to verify the works have been satisfactorily completed.

The approved remediation scheme shall be carried out before the development (or relevant phase of development) is occupied.

Reason:

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

12. 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.

Reason:

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

13. Any contamination found during the course of construction of the development that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found additional remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development (or relevant phase of development) is resumed or continued.

Reason:

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

14. The hours of working on site during the period of construction shall be restricted to
Monday - Friday 7:30am - 6:00pm
Saturday 8:00am - 1:00pm
No working shall take place on Sundays or Public Holidays.
The term working shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site

Reason

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

15. Prior to the commencement of development, a site-specific Construction Environmental Management Plan (CEMP), shall be submitted to and agreed in writing by the Local Planning Authority. The approved CEMP shall be fully complied with at all times.

For the avoidance of doubt, the CEMP shall address the following matters:

- (i) measures to control the tracking of mud off-site from vehicles;
- (ii) measures to control dust from the demolition and construction works approved;
- (iii) adequate provision of fuel oil storage, landing, delivery and use, and how any spillage can be dealt with and contained;
- (iv) adequate provision for the delivery and storage of materials;
- (v) adequate provision for contractor parking;
- (vi) a lorry routing schedule;
- (vii) Site Manager contact details; and,
- (viii) membership of considerate contractor scheme or similar.

Reason:

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

16. The development hereby approval shall not be occupied until the vehicular access, footway, car parking and manoeuvring areas have been provided in accordance with the submitted details.

Reason:

In the interest of highway safety, to promote sustainable transport choices and to accord with policy PSP11 and PSP16 of the South Gloucestershire Local Plan: Policies, Sites and Places (Adopted) November 2017.

17. The development hereby approval shall not be occupied until secure cycle parking has been provided, details of which will first have been submitted to and approved in writing by the Local Planning Authority.

Reason:

To encourage means of sustainable, low (and zero) carbon, transportation, and to accord with Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013.

18. The development shall proceed in strict accordance with the Mitigation Measures detailed in the response from Ecology dated 22 Oct 2020.

Reason:

In order to conserve and enhance the natural environment and to accord with Policy CS9 of the South Gloucestershire Local Plan Core Strategy 2013 and Policy CS19 of the South Gloucestershire Local Plan Policies Sites and Places Plan 2017.

19. Prior to occupation, a "lighting design strategy for biodiversity" for the boundary features and any native planting shall be submitted to and approved in writing by the local planning authority. The strategy shall:

- Identify those areas/features on site that are particularly sensitive for bats and hedgehog and 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
- 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 order to conserve and enhance the natural environment and to accord with Policy CS9 of the South Gloucestershire Local Plan Core Strategy 2013 and Policy CS19 of the South Gloucestershire Local Plan Policies Sites and Places Plan 2017.

20. Prior to first occupation, an ecological enhancement scheme is to be submitted to the local authority detailing suitable ecological enhancements that would provide biodiversity net gain.

Reason:

In order to conserve and enhance the natural environment and to accord with Policy CS9 of the South Gloucestershire Local Plan Core Strategy 2013 and Policy CS19 of the South Gloucestershire Local Plan Policies Sites and Places Plan 2017.

21. The development shall be carried out in strict accordance with the Arboricultural Report received on the 5th October 2020, including but not limited to Tree Protection Measures that shall be installed prior to the commencement of development.

Reason:

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

22. The development/works hereby permitted shall only be implemented in accordance with the plans as set out in the plans list below:

05 Oct 2020	001	THE LOCATION AND BLOCK PLAN
05 Oct 2020	004	BLOCK A FLOOR PLANS
25 Nov 2020	002B	PROPOSED SITE PLAN
15 Jan 2021	005A	PROPOSED BLOCK B FLOOR PLANS
15 Jan 2021	003A	PROPOSED SITE SECTIONS

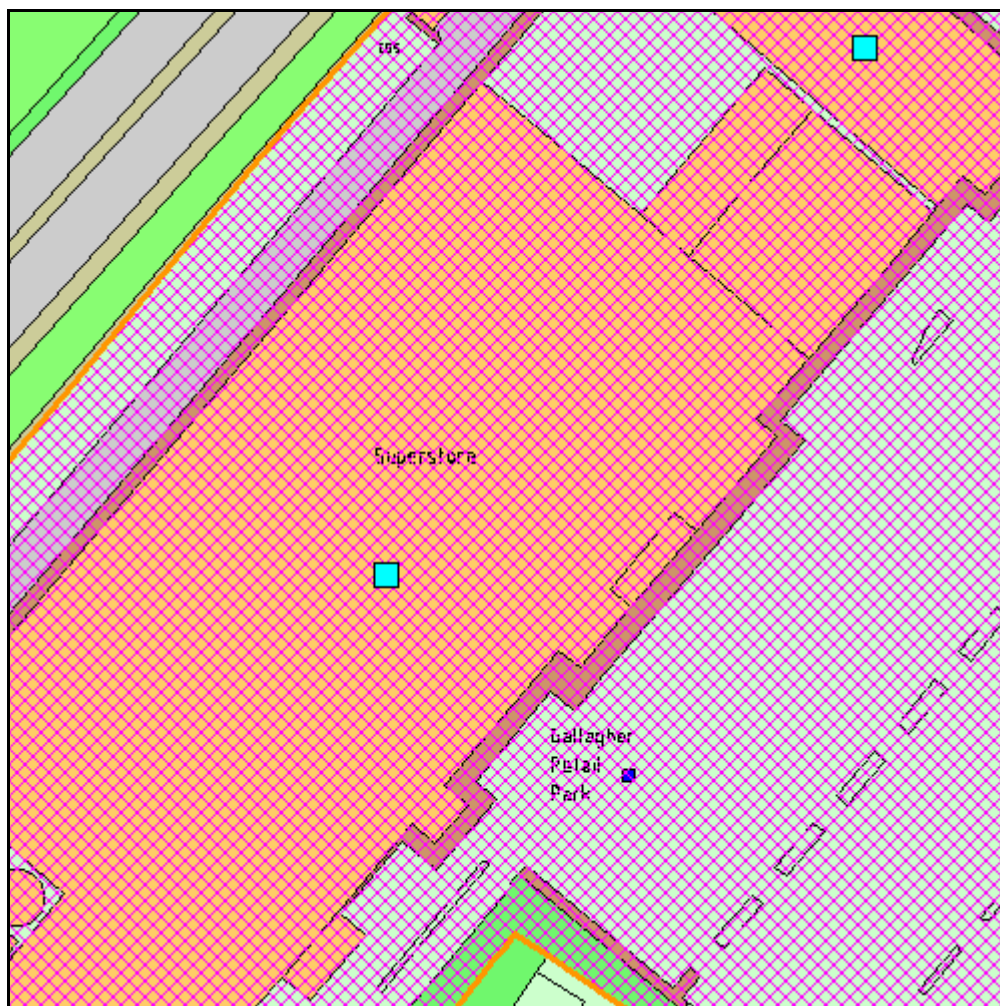
Reason:

To define the terms and extent of the permission.

Case Officer: Rae Mepham
Authorising Officer: Marie Bath

CIRCULATED SCHEDULE NO. 16/21 -23rd April 2021

App No.:	P20/20615/RVC	Applicant:	LAMITPF
Site:	Gallagher Retail Park Aldermoor Way Longwell Green South Gloucestershire BS30 7ES	Date Reg:	7th December 20
Proposal:	Variation of condition no. 3 attached to planning permission P96/4274 to alter the landscaping details and adding a timber fence. (Erection of non-food retail warehouses; bulk storage compound; garden centre; access roundabout; parking; landscaping and associated works).	Parish:	Oldland Parish Council
Map Ref:	365561 172027	Ward:	Longwell Green
Application Category:	Minor	Target Date:	28th January 2021



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P20/20615/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.

This application is referred to the Circulated Schedule as an objection from the Parish Council has been received that is contrary to the officer recommendation.

1. THE PROPOSAL

1.1 The application proposes the variation of condition no. 3 that was attached to planning permission P96/4274 to alter the landscaping details and add a timber fence. The original application as set out below in Section 3 was for the erection of non-food retail warehouses; bulk storage compound; garden centre; access roundabout; parking; landscaping and associated works.

1.2 Condition 3 read as follows:

The landscaping scheme on the approved plans shall be implemented so that all planting can be carried out during the first planting season following the occupation of the buildings or the completion of the development whichever is the sooner. Any planting removed, dying, being damaged or becoming diseased shall be replaced in the next planting season by specimens of a similar size and species to those originally required to be planted, unless the Local Planning Authority gives written consent to any variation.

1.3 The site is situated in an area of large commercial and retail units. A consent (P19/09461/HED) was previously given under the hedgerow regulations for the removal of shrubs and hedgerow with the purpose of replacing this with a low fence and grassed area. The applicant's justification is that the area accumulates rubbish and the hedge/shrubs allow for "concealment", and is gappy.

2. POLICY CONTEXT

2.1 National Guidance

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

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy (Adopted) December 2013

CS1	High Quality Design
CS2	Green Infrastructure
CS4a	Presumption in Favour of Sustainable Development
CS8	Improving Accessibility

CS9	Managing the Environment and Heritage
CS14	Town Centres and Retail
CS29	Communities of the East Fringe of Bristol

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

PSP2 -Landscape

PSP8 - Residential Amenity

PSP11 - Transport Impact Management

PSP16 - Parking Standards

PSP20 - Flood Risk, Surface Water and Watercourse Management

PSP21 - Environmental Pollution and Impacts

PSP31 - Town Centre Uses

2.3 Supplementary Planning Guidance

The South Gloucestershire Design Check List SPD (Adopted) 23 Aug 2007.

3. RELEVANT PLANNING HISTORY

- 3.1 P96/4274 Erection of non-food retail warehouses; bulk storage compound; garden centre; access roundabout; parking; landscaping and associated works. Approved with conditions 19th December 1997.

PK15/1027/F External alterations, installation of mezzanine floor and alterations to roof. Removal of condition no. 13 of P96/4274 stating the units must not be used for any other than Class A1 Use. Approved with conditions 30th October 2015

P19/09461/HED Removal of 142 metres of hedgerow. Approved 29th August 2019

4. CONSULTATION RESPONSES

4.1 Oldland Parish Council

The Parish Council objects to the variation of condition No.2 on grounds that the loss of vegetation would have a detrimental effect on the visual amenity of the site. At a time when the Parish Council is promoting a green agenda, the loss of such an extensive tract of greenery is to be avoided particularly in light of the increased traffic pollution from the access roads. The developer must accept responsibility for adequately maintaining the site and if a fence is required to deter pedestrian access, it should be located inside the vegetation.

4.2 Other Consultees

Sustainable Transport – No objection

Landscape Officer - the proposals are acceptable, subject to them supplying a method statement as our Tree Officer has requested, to ensure the knee rail posts avoid the RPAs of the existing trees.

As I said, I would query whether grass seeding the area around the fencing is the most practical solution, as it will be difficult to cut the new grass. I would propose

planting the area around the knee rail with groundcover planting, which would require minimal maintenance and would reduce desire line routes through the planting beds, which would happen if grassed.

A simple planting plan or plant schedule could be submitted for approval.

Tree Officer

Initial Comments

The proposed would see the installation of a small wooden railed fence through numerous RPA's of retained trees. The arb information submitted only consists of a tree condition survey and does not address the implications of construction within the RPA's of trees and the methodology to ensure trees are afforded adequate protection. Whilst I do not believe the proposed is impossible, there has been no methodology submitted and I would ask that an arboricultural method statement be submitted in support of the proposed.

Following the submission of a full Arboricultural Method Statement and subject to a condition to ensure that all works take place in accordance with that statement, no objection is raised.

Public Rights of Way Team – No objection raised

Other Representations

4.3 Local Residents

Two letters of objection have been received. The grounds of objection can be summarised as follows:

- The proposed development would result in the loss of hedgerow to the detriment of visual amenity, ecology/biodiversity and the environment

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

It is proposed to vary the terms of condition 3 imposed on planning permission PK06/0854/F as described in para. 1.2 above.

- 5.2 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.

- 5.3 In assessing this application it is necessary to consider whether or not the relevant condition no.3 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

- 5.4 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’.

5.5 Landscape and Visual Amenity

It is proposed to remove areas of low level hedgerow that front the road. The current application is seeking to vary condition 3 as set out above to reflect these changes.

In its place a low level knee rail would be installed together with low level ground cover planting.

Considerable negotiation has taken place to secure an appropriate arboricultural statement to ensure that all trees at the site are protected while the rail is installed given the potential for the development to impact upon the root protection areas. The tree officer is satisfied with the submitted details and a condition will be applied to ensure that all works take place in accordance with the said details.

Officers have carefully considered the loss of the hedgerow. Whilst undoubtedly contributing to the visual amenity of the area, it is low level and forms only part of the landscaping of the area. The adjacent trees will be retained. In view of this there is no objection from the Council’s landscape officer. On balance officers consider that the harm to the visual amenity of the area will not be of a significance to justify a refusal, providing conditions are imposed regarding the protection of the trees and the carrying out of new ground cover planting. A condition will be applied to the decision notice to secure alternative agreed planting prior to the commencement of these works to secure ground cover.

5.6 Other Conditions

The Case Officer has reviewed the original conditions and noted that the original consent was the subject of 19 planning conditions. These were largely pre-commencement conditions or were conditions relating to the construction of

the original building. These are no longer necessary given that the development has been built and established for a number of years. There are some conditions that will be retained.

Before discussing these it should be noted that in reviewing the history of the building, the Case Officer has noted that a consent was granted as follows in 2015.

PK15/1027/F External alterations, installation of mezzanine floor and alterations to roof. Removal of condition no. 13 of P96/4274 stating the units must not be used for any other than Class A1 Use.

Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, or any provisions equivalent to that class in any Statutory Instrument revoking and re-enacting that Order, the retail units hereby permitted shall not be used for a primary use other than within Class A1 of the Schedule of the Town and Country Planning (Use Classes) Order 1987 and shall not be used primarily for the sale of:(a) Food and drink to be consumed off the premises.(b) Fashion goods, clothing and footwear.(c) Books stationary and greetings cards other than specialist publications related to the use of the premises.(d) Toys and children's goods.(e) Jewellery, perfume and cosmetics.(f) China and glassware.(g) Musical instruments and equipment and recorded music.(h) Chemists and opticians goods and toiletries.(i) Pet products.

Reason: The use of the site for any other purpose other than for the sale of bulky non-food goods would conflict with the provisions of the Kingswood Local Plan which allocates land at Kingsfield, Longwell Green for retail warehousing.

The removal of the condition was approved and an alternative condition attached restricting food and drink uses was applied. However this only related to one unit within the overall site and was not a S73 consent that amended the original permission. Condition 13 therefore is still relevant for the site as a whole and is therefore still attached to this consent. The applicant is aware of this and has agreed to its retention.

Turning to the remaining conditions on the original consent, the following will be reapplied (with appropriate policies applied as this perhaps was not necessary in 1996):

Condition 1

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

NO LONGER RELEVANT – REMOVED

Condition 2

The development hereby permitted shall not be occupied until it has been completed in full accordance with the submitted approved drawings

NO LONGER RELEVANT – REMOVED

Condition 3

The subject this application:

The landscaping scheme on the approved plans shall be implemented so that all planting can be carried out during the first planting season following the occupation of the buildings or the completion of the development whichever is the sooner. Any planting removed, dying, being damaged or becoming diseased shall be replaced in the next planting season by specimens of a similar size and species to those originally required to be planted, unless the Local Planning Authority gives written consent to any variation.

REMOVED – Replaced with

- 1) A condition to ensure that works take place in accordance with the tree report. New Condition 11
- 2) A condition to secure replacement ground planting New Condition 10
- 3) The Informative listing the plans on the 1996 application to be made a condition to include the submitted plans New Condition 1.

Condition 4

All planting, seeding and turfing forming part of the approved landscape scheme shall be kept free of weeds and litter and maintained in a healthy condition.

Reason: To ensure that the appearance of the development is satisfactory.

RETAINED

Condition 5

The development shall not be occupied until the parking area, cycle ways and pedestrian paths shown on the approved drawing have been provided and completed in accordance with the approved plans and the parking area shall not hereafter be used for any purposes other than for the parking of vehicles.

Reason To ensure that the development does not lead to the obstruction of the adjacent streets nor prejudice general safety of pedestrians and cyclists.

WORDING CHANGED TO:

The parking area, cycle ways and pedestrian paths shown on the approved plans and the parking area shall not be used for any purposes other than for the parking of vehicles

Reason: To ensure that the development does not lead to the obstruction of the adjacent streets nor prejudice general safety of pedestrians and cyclists.

Condition 6

No materials or products, waste or refuse, shall be stacked or stored within the vehicle service delivery yards and access road without the prior approval of the Local Planning Authority.

Reason: To ensure that satisfactory service/delivery yard areas are retained within the site.

RETAINED

Condition 7

The development hereby permitted shall not be completed or occupied until a Service Management Statement indicating the management of deliveries to ensure the service yards will be kept clear except for delivery vehicles has been submitted to an approved in writing by the Local Planning Authority.

Reason: To ensure the provision of these facilities concurrently with the use of the stores and in the interests of highway safety.

WORDING CHANGED TO:

The development shall be carried out in accordance with the approved Service Management Statement.

Condition 8

The use of the buildings as retail warehouses as hereby permitted shall not be commenced until the service yards and vehicular accesses to the site have been completed in full accordance with the submitted drawings

NO LONGER RELEVANT – REMOVED

Condition 9

The development hereby permitted shall not be completed until the noise barrier fence has been installed in accordance with the details shown on the approved plans.

ALTERED TO COMPLIANCE CONDITION

Condition 10

The use of the premises hereby permitted shall not be carried out other than between the hours of 7.00 a.m. and 10.00 p.m. Mondays to Saturdays and 9.00 a.m. and 6.00 p.m. on Sundays.

Reason: To safeguard the amenity of the adjoining residents.

RETAINED

Condition 11

Deliveries to the South Western service yard an bulk store shall be between 0700 hours and 2100 hours and outside these hours deliveries to the premises shall be limited to 1 delivery vehicle between 0600 hours and 0700 hours, and 2 delivery vehicles between 2100 hours and 2200 hour, Monday to Saturdays, and shall be between 1000 and 1300 hours on Sundays.

ReasonTo safeguard the amenity of the adjoining residents.

RETAINED

Condition 12

Noise from the premises assessed in accordance with BS4142 1990 shall not exceed a rating level of 50dBa between the hours of 6.00 am and 10.00 pm measured at or beyond the boundary of any residential property.

Reason: To safeguard the amenity of the adjoining residents.

RETAINED

Condition 13

Retained as discussed above.

Condition 14

The developer shall appoint an archaeological contractor not less than 3 weeks prior to the commencement of any ground disturbance on site, and shall provide him or other nominated archaeologists reasonable access in order to evaluated and record archaeological remains uncovered during the work. This work is to be carried out in accordance with the attached brief.

NO LONGER RELEVANT – REMOVED

Condition 15

No development shall take place until a ground stability survey has been submitted to the Council which demonstrates to the satisfaction of the Local Planning Authority that the development hereby permitted can be constructed satisfactorily having regard to the ground conditions within the site.

NO LONGER RELEVANT – REMOVED

Condition 16

Within 12 months of the commencement of development, a scheme of public art shall be submitted to and approved by the LPA and shall be implemented in accordance with the details so approved.

NO LONGER RELEVANT – REMOVED

Condition 17

The development hereby permitted shall not be completed or occupied until the 20 metre wide mounded landscape buffer strip alongside the southern boundary of the site has been implemented in accordance with the approved plans

NO LONGER RELEVANT – REMOVED

Condition 18

The development hereby permitted, shall not be completed or occupied until a scheme of lighting to the existing service yard and bulk store has been submitted to and approved in writing by the Local Planning Authority

NO LONGER RELEVANT – REMOVED

Condition 19

No development shall take place until all fly tipped materials have been removed from the site.

NO LONGER RELEVANT – REMOVED

5.7 **Consideration of likely impact on Equalities**

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

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

6. CONCLUSION

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

- 6.2 The recommendation to vary the 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 permission be granted to vary the condition

CONDITIONS

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

V3/88/506/53J - Site Plan, received 19/09/1996

JJG/NPA/580/LD01 Rev J - Landscape Proposals, received 23/09/1996

V3/88/506/61C - Retaining Wall Elevations, received 19/09/1996

JJG/NPA/580/LD05 - Planting Plan, received 19/09/1996

JJG/NPA/580/LD02 Rev G - Landscape Proposals Cross Sections, received 19/09/1996

JJG/NPA/580/LD03 Rev D - Landscape proposals/Cross Sections, received 19/09/1996

JJG/NPA/580/LD04 - Viewline Cross Sections, received 19/09/1996

V3/88/506/54D - Store Elevations, received 24/05/1996

Traffic Impact Assessment, received 24/05/1996

Noise Report, received July 1996 Supporting Statement, received 24/05/1996 Ground Stability Survey, received 19/06/1997 Retail Assessment, received 19/06/1997

Received 22nd October 2020

TREE LOCATION PLAN

186915/001 LOCATION PLAN

Received 13th November 2020

BLOCK PLAN

Received 7th December 2020

FENCE PLAN

Reason:

For the avoidance of doubt.

2. All planting, seeding and turfing forming part of the approved landscape scheme shall be kept free of weeds and litter and maintained in a healthy condition.

Reason:

To ensure that the appearance of the development is satisfactory and to accord with Policy CS1 of the South Gloucestershire Council Local Plan Core Strategy 2013.

3. The parking area, cycle ways and pedestrian paths shown on the approved plans and the parking area shall not be used for any purposes other than for the parking of vehicles

Reason:

To ensure that the development does not lead to the obstruction of the adjacent streets nor prejudice general safety of pedestrians and cyclists to accord with Policy CS8 of the South Gloucestershire Local Plan Core Strategy 2013.

4. No materials or products, waste or refuse, shall be stacked or stored within the vehicle service delivery yards and access road without the prior approval of the Local Planning Authority.

Reason:

To ensure that satisfactory service/delivery yard areas are retained within the site and to accord with Policy CS1 and CS8 of the South Gloucestershire Local Plan Core Strategy 2013.

5. The development shall be carried out in accordance with the approved Service Management Statement

Reason:

To ensure the provision of these facilities concurrently with the use of the stores and in the interests of highway safety and to accord with Policy CS1 and CS8 of the South Gloucestershire Local Plan Core Strategy 2013.

6. The use of the premises hereby permitted shall not be carried out other than between the hours of 7.00 a.m. and 10.00 p.m. Mondays to Saturdays and 9.00 a.m. and 6.00 p.m. on Sundays.

Reason:

To safeguard the amenity of the adjoining residents and to accord with Policy CS1 of the South Gloucestershire Local Plan Core Strategy 2013 and the provisions of the National Planning Policy Framework.

7. Deliveries to the South Western service yard and bulk store shall be between 0700 hours and 2100 hours and outside these hours deliveries to the premises shall be limited to 1 delivery vehicle between 0600 hours and 0700 hours, and 2 delivery vehicles between 2100 hours and 2200 hour, Monday to Saturdays, and shall be between 1000 and 1300 hours on Sundays.

Reason:

To safeguard the amenity of the adjoining residents and to accord with Policy CS1 of the South Gloucestershire Local Plan Core Strategy 2013 and the provisions of the National Planning Policy Framework.

8. Noise from the premises assessed in accordance with BS4142 1990 shall not exceed a rating level of 50dBa between the hours of 6.00 am and 10.00 pm measured at or beyond the boundary of any residential property.

Reason:

To safeguard the amenity of the adjoining residents and to accord with Policy CS1 of the South Gloucestershire Local Plan Core Strategy 2013 and the provisions of the National Planning Policy Framework.

9. Prior to the commencement of development a landscaping plan to show replacement ground planting shall be submitted to and approved in writing by the Local Planning Authority. All works shall take place in accordance with the approved details within the first available planting season.

Reason:

In the interests of visual amenity and to accord with Policy CS1 and CS9 of the South Gloucestershire Local Plan Core Strategy 2013

10. All works shall take place in accordance with the submitted Arboricultural Method Statement/Watching Brief (Wootton Woodland Management) received 12th April 2021.

Reason:

In the interests of the health of the trees and visual amenity in accordance with Policy CS2 and CS9 of the South Gloucestershire Local Plan Core Strategy 2013

11. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, or any provisions equivalent to that class in any Statutory Instrument revoking and re-enacting that Order, the retail units hereby permitted shall not be used for a primary use other than within Class A1 of the Schedule of the Town and Country Planning (Use Classes) Order 1987 and shall not be used primarily for the sale of:(a) Food and drink to be consumed off the premises.(b) Fashion goods, clothing and footwear.(c) Books stationary and greetings cards other than specialist publications related to the use of the premises.(d) Toys and children's goods.(e) Jewellery, perfume and cosmetics.(f) China and glassware.(g) Musical instruments and equipment and recorded music.(h) Chemists and opticians goods and toiletries.(i) Pet products.

Reason: The use of the site for any other purpose other than for the sale of bulky non-food goods would conflict with the provisions of the South Gloucestershire Local Plan Core Strategy Policy CS14 which allocates land at Kingsfield, Longwell Green for retail warehousing.

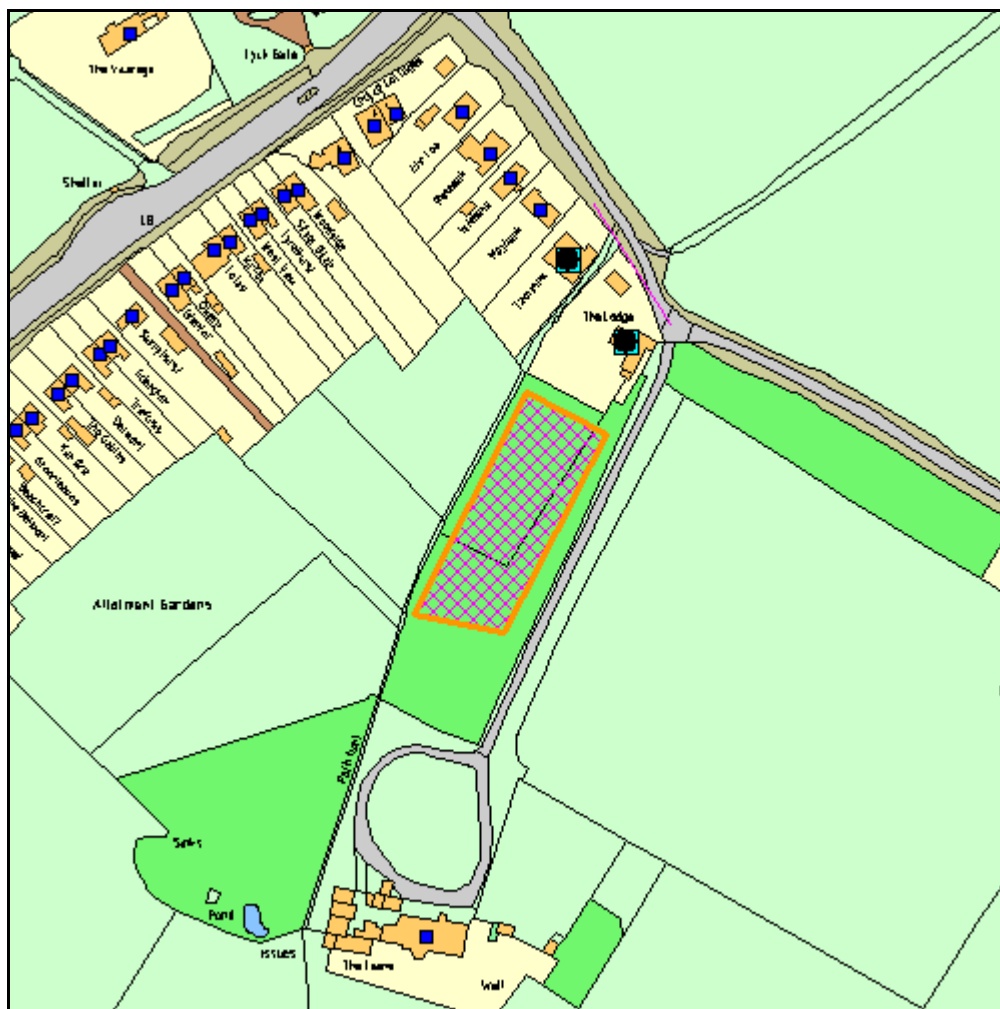
12. The noise barrier fence shown on the approved plans shall be retained in perpetuity

In the interests of the amenity of the area and to accord with Policy CS9 of the South Gloucestershire Local Plan Core Strategy and PSP21 of the Policies Sites and Places Plan 2017

Case Officer: David Stockdale
Authorising Officer: Helen Ainsley

CIRCULATED SCHEDULE NO. 16/21 -23rd April 2021

App No.:	P20/21008/F	Applicant:	Mr C Mealing-
Site:	Land To The Rear Of The Lodge Forty Acre Lane Alveston South Gloucestershire BS35 3QU	Date Reg:	20th November 2020
Proposal:	Erection of building associated with existing forestry and landscaping business.	Parish:	Alveston Parish Council
Map Ref:	363468 187369	Ward:	Severn Vale
Application Category:	Minor	Target Date:	14th 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.

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 original application was for the erection of what was essentially a two storey building, incorporating floorspace in the roof area associated with an existing forestry and landscaping business. During the course of the application revised plans were received illustrating a building with reduced scale and height to single storey, when compared to the original submission. The applicants have confirmed that it is these revised plans which they now wish to be considered.
- 1.2 The application site is land to the south of Forty Acre Lane which is located on the southern side of the A38 Gloucester Road, to the south of the settlement of Alveston, outside of the settlement boundary. The proposed building is located on the eastern boundary. The site contains some items and storage of equipment associated with a landscaping and forestry/arboricultural business on hardstanding towards the eastern boundary of the site. The application is located within the designated Green Belt.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework
National Planning Policy Guidance

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

- CS1 High Quality Design
CS4a Presumption in Favour of Sustainable Development
CS5 Location of Development (Inc. Green Belt)
CS8 Improving Accessibility
CS9 Managing the Environment and Heritage

South Gloucestershire Policies, Sites and Places Plan Adopted November 2017

- PSP1 Local Distinctiveness
PSP2 Landscape
PSP7 Green Belt
PSP8 Residential Amenity
PSP11 Transport Impact Management
PSP16 Parking standards
PSP17 Heritage Assets and the Historic Environment

PSP21 Environmental Pollution and Impacts
PSP28 Rural Economy

- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted)
South Gloucestershire Green Belt SPD

3. RELEVANT PLANNING HISTORY

None relevant

4. CONSULTATION RESPONSES

4.1 Alveston Parish Council

The Parish Council Planning Committee object to P20/21008/F due to the listed property The Loans. This development will have an immediate impact upon the rural nature of the area and will affect the nature of the driveway leading to The Loans. The Parish Council agree with the Conversation Officers comments and prefer a single storey structure located away from the drive should a development be approved to go ahead at all!

The Parish Council is concerned that this had to be reviewed a second time because the listing of The Loans not being included in the original applications specification.

Should this or any other development be approved the Parish Council request that a condition be placed to allow for a survey of archeology to take place when digging out foundations as this area is known to be archeologically sensitive.

4.2 Other Consultees

Sustainable Transportation

No objection

Conservation Officer

By reason of scale and siting the proposals would adversely affect how The Loans is currently experienced. This would cause harm to the setting of the Grade II Listed. The Loans and so the development proposals would neither sustain nor enhance the significance of this designated heritage asset.

In accordance with the Framework, I would consider that the proposals would result in less than substantial harm towards the lower end of the spectrum to the significance of the Grade II Listed The Loans.

The application is therefore to be considered within the context of paragraph 196 of the NPPF, which is matter for the decision maker. I would however advise that as harm has been identified, compliance with the requirements of paragraph 193 of the NPPF has not been achieved and so as established through case law and reflected in paragraph 196 of the NPPF, the finding of harm gives rise to what can be regarded as a statutory presumption against the granting of permission.

Subsequently, unless in the “weighing-up” exercise as required by paragraph 196 of the Framework robust material considerations are identified that are considered sufficient to outweigh the identified magnitude of harm, refusal is therefore recommended.

As noted above however, if the case is accepted for the accommodation proposed, then the harm identified above could be easily mitigated by reduction in height and alternative siting.

Tree Officer

The proposed building is within the root protection areas of 2 existing retained trees. The crowns of the trees will not conflict with the building once erected.

The applicant has submitted an Arboricultural method statement for the protection of the trees within this proposal.

Where there is conflict with the RPA's the applicant will use an alternative foundation methodscrew pile and raft foundation. Temporary ground protection will be laid in order to avoid compaction to the roots of the trees.

All works within the root protection areas will require an Arboricultural watching brief by the project Arboricultural consultant.

Provided that the development is under taken in accordance with the submitted Hillside Arboricultural method statement and BS:5837:2012 there are no objections to this proposal.

Landscape Officer

No objection

Lead Local Flood Authority

No objection in principle. A surface water drainage condition is recommended. Condition regarding clarification and capacity of foul drainage system recommended. The method of foul sewage disposal would also need to be clarified.

Highway Structures

Details of excavations and the temporary support that is to be provided during construction of the service road are to be submitted to satisfy the highway authority that support to Forty Acre Lane is provided at all times.

Other Representations

4.3 Local Residents

Letters from 21 people, in support of the application have been received, summarised as follows:

- helps maintain surroundings and environment
- will sustain and run a local business in the area
- we should support local businesses
- it will demonstrate expansion of business whilst considering the environment
- the design and position will complement the setting, and would be in keeping

- no traffic impact
- fully thought out plans

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The site is located within the designated Green Belt. As per paragraph 143 of the NPPF, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

5.2 Paragraph 145 of the NPPF states:

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

- a)** buildings for agriculture and forestry;*
- b)** the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;*
- c)** the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;*
- d)** the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;*
- e)** limited infilling in villages;*
- f)** limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and*
- 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.**

- 5.3 Concerns are raised with regards to the proposals locational justification in the Green Belt. Development in the Green Belt is strictly limited, with only certain specific criteria being considered appropriate as referred to above. A building necessary for forestry purposes can be one such exception. A broad definition of forestry can be seen as the science or practice of planting, managing, and caring for forests. It is not clear how this proposal relates to any forest or forestry industry or as such why it warrants a Green Belt location due to any association with the site and any direct association with forestry. It is appreciated that some form business premises may be sought, this is not uncommon, and not justification in its own right. As proposed it is not demonstrated that the proposal requires this Green Belt location on forestry

grounds. A small part of the proposal appears to refer to the requirement to dry wood. Lopped wood as a by-product imported from other jobs anywhere in the vicinity is not a use linked directly to a forest or forestry linked to or necessitating this Green Belt location.

- 5.4 Additional information associated with the applicant and links with forestry and arboriculture were submitted. This appeared to demonstrate work within a general forestry/arboricultural field, however it does not demonstrate work within or adjacent to a forest in which the building needs to be located for these purposes, - and it is considered that this needs to be the case for it to be considered acceptable as a building required for forestry in the Green Belt. It does not demonstrate sufficient requirement for forestry need at the site proposed. Aside from the availability of the site, there is nothing to demonstrate that the building reasonably needs to be here to operate. The location is not therefore directly relative any associated to the use for the building proposed.
- 5.5 The requirement for a new building is not site specific to this location in Green Belt terms on the basis of forestry and as such does not meet the Green Belt exception test. The applicant requires a business base with storage of equipment, office and some product storage needs, but this doesn't justify construction of a new building in the Green Belt at this location for these purposes and development should be guided to suitable areas without this policy restriction. The business use involved is not site specific or largely related to the site and appears contractual and around a much wider operating area. In other words the building would be a base for a wider business use, not directly associated with, or required within the immediate site and this is contrary to the provisions of Green Belt policy.
- 5.6 In this instance therefore, there is not considered to be a satisfactory demonstration of a functional need for a new building in the Green Belt location on the basis of forestry such that the proposals would be considered to be acceptable in the Green Belt by meeting one of the potential exemptions i.e. buildings for forestry.
- 5.7 Revised plans have been submitted that illustrate the building as being reduced in size and scale somewhat and furthermore it is suggested that this building is required to serve the land in which it sits. The scale of the site, and any forest to be managed therewith is negligible and the proposals are not justified on this basis. The unit itself unlikely to be of a size to support a forestry enterprise. It is not considered that the plot highlighted is a viable forestry unit or a plot of the size that would justify this building in the Green Belt on forestry grounds. This would undermine the principle of Green Belt designation and be contrary to Green Belt policy, the role of which is protect its openness from inappropriate development.
- 5.8 Whilst therefore it is noted and acknowledged that the applicants have sought to revise the plans, what this doesn't address is the principle of the building itself at this location in first place, on the basis and need of it for forestry and the concerns and in principle policy objection remain.

- 5.9 Given the above, it is considered that this development is unacceptable in Green Belt terms, is inappropriate development which would impact upon the openness of the Green Belt, and therefore would be harmful.
- 5.10 PSP28 (Rural Economy) states that Development in the Green Belt is inappropriate, other than for the exceptions specified in the NPPF, or where very special circumstance can be demonstrated. The Green Belt principles discussed above therefore apply in the consideration of this policy.
- 5.11 Design/Visual Amenity
The proposals would be located at the eastern edge of the site. Given the location and context of the site and the relationship with the surrounding area it is considered that the design of the proposals is reasonable, however the wider in principle Green Belt concerns, discussed above remain.
- 5.12 Conservation/Listed Building Considerations
The comments of the Conservation Officer, referred to above, are noted. Revised plans have subsequently been received. It is considered that in terms of the potential impact upon the Listed Building that was originally identified, this has been materially reduced as the proposed building has been reduced in height and scale. Given that the listed building is some distance away and taking into account the revised design it is considered that the proposals would be acceptable in this respect.
- 5.13 Local Amenity
Given the nature of the location of the proposals and the context of the existing site and the relationship with any surrounding properties it is not considered that it would give rise to any significant or material amenity impacts.
- 5.14 Highways
This proposal if approved is unlikely to significantly change the number of vehicle movements to/from the site to the extent that a severe highway safety issue would be created. As such there is no highways objection to this proposal. Access and parking provision and availability within the site would be acceptable.
- 5.15 Drainage/Environmental Effects
As per the comments of the Council's Drainage Officer, clarification on the nature of the foul and surface drainage system would be required. A condition in this respect is therefore recommended.

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 planning permission has been taken having regard to the policies 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 reason given.

Reasons

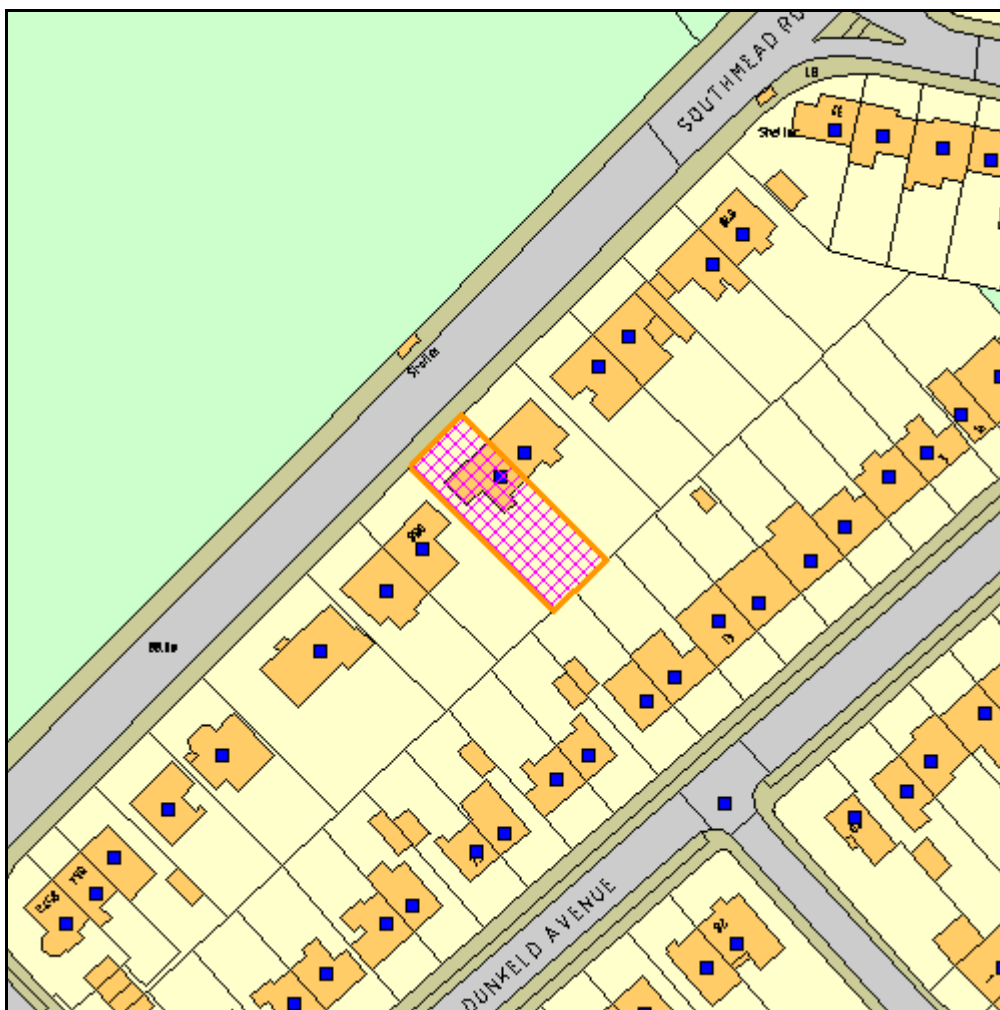
The site is located within the Bristol and Bath Green Belt. There is no demonstrable forestry requirement associated with the site such as to warrant a building and premises on the basis of forestry need, in Green Belt terms, and the proposals are not necessary for the purposes of forestry. The proposal does not therefore fall within the limited categories of development normally considered appropriate within the Green Belt and is inappropriate development. In addition, the applicant has not demonstrated that very special circumstances apply, such that the normal presumption against development in the Green Belt should be overridden. The proposal is therefore contrary to the provisions of Policy PSP7 and PSP28 of the South Gloucestershire Policies Sites and Places Plan (Adopted) November 2017 and the National Planning Policy Framework.

Case Officer: Simon Ford

Authorising Officer: David Stockdale

CIRCULATED SCHEDULE NO. 16/21 -23rd April 2021

App No.:	P21/00159/F	Applicant:	Mr Nicholas Howell
Site:	668 Southmead Road Filton South Gloucestershire BS34 7RD	Date Reg:	29th January 2021
Proposal:	Erection of a Two Storey Rear Extension (Ground Floor part retrospective)	Parish:	Filton Town Council
Map Ref:	359643 178703	Ward:	Filton
Application Category:	Householder	Target Date:	24th March 2021



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P21/00159/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.

This planning application will be added to the Circulated Schedule because the proposal has received 4 No objections from Local Residents which are contrary to the officer's recommendation.

1. THE PROPOSAL

- 1.1 The application seeks full planning permission erection of a two storey rear extension (ground floor part retrospective) to form additional living accommodation, as detailed on the application form and illustrated on the accompanying drawings.
- 1.2 The application site can be found at 668 Southmead Road, is set within a good sized plot, and is an existing semi-detached two storey dwelling. It is located within the established residential area of Filton.
- 1.3 As part of the assessment and determination process of this application, revisions, updates and a change in proposal description have been provided in terms of the revised proposal of works, and plans and therefore a re-consultation process has been undertaken.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework February 2019
National Planning Policy Guidance

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1	High Quality Design
CS4a	Presumption in Favour of Sustainable Development
CS5	Location of Development
CS8	Improving Accessibility

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

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

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted 2007)
Residential Parking Standards SPS (Adopted 2013)
Household Design Guide SPD (Adopted 2021)

3. **RELEVANT PLANNING HISTORY**

- 3.1 P20/15500/PNH. Erection of single storey rear extension which would extend beyond the rear wall of the original house by 5.6 metres for which the maximum height would be 4 metres and for which the height of the eaves would be 3 metres. Prior Approval Granted. 01.10.20.
- 3.2 P20/13858/CLP. Erection of first floor rear extension to form additional living accommodation. Refused. 28.09.2020.
- 3.3 P19/16960/PNH. The erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 4.5m, for which the maximum height would be 3.9m, and for which the height of the eaves would be 3m. Approved. 11.12.2019
- 3.4 P19/15644/CLP. Installation of hip to gable roof extension and 1 no. rear dormer. Approved. 25.11.2019.
- 3.5 P19/13917/PNH. Erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 4.5m, for which the maximum height would be 3.9m, and for which the height of the eaves would be 3m. Refused. 11.11.2019.
- 3.6 P19/11098/PNH. The erection of a single storey rear extension which would extend beyond the rear wall of the original house by 6.0 metres, for which the maximum height would be 3.0 metres, and for which the height of the eaves would be 3.0 metres. Refused. 18.09.2019.

4. **CONSULTATION RESPONSES**

- 4.1 Filton Parish Council
No Comments received.

- 4.2 Other Consultees
Sustainable Transport – Transportation DC
No Objections.

Councillor Wood

1No letter of Objection –

- *Concerns over increase in building density;*
- *Concerns of impact of reduction in natural light to neighbouring property;*
and
- *Concerns over design and proposal not sympathetic to existing neighbouring properties*

Other Representations

- 4.3 Local Residents
4No letters of Objection received
- *Proposed extension not in keeping with surrounding properties;*

- *Inappropriate design;*
- *Loss natural light into neighbouring properties*
- *Overbearing nature of extension; and*
- *Uncharacteristic designed proposal;*

1No letter of general comments received; and

1No letter of support received

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy PSP38 of the PSP Plan (November 2017) allows the principle of development within residential curtilages, subject to considerations of visual amenity, residential amenity and highway safety. It states that new dwellings and extensions within existing residential curtilages are acceptable in principle but should respect the overall design and character of the street and surrounding area. They should not prejudice the amenities of neighbours, or that of highway safety and the parking provision should be of an acceptable level for any new and existing buildings. The adequate provision of private amenity space should also not be sacrificed for any new development that forms part of a settlement pattern that also contributes to local character.

5.2 Policy CS1 of the Core Strategy seeks that the siting, form, scale, height, massing, detailing, colour and materials are informed by, respect and enhance the character, distinctiveness and amenity of both the application site and its context.

5.3 The proposal is for planning permission for the erection of a two storey rear extension (ground floor part retrospective) to form additional living accommodation. Consequently the main issues to deliberate are the impact on the character of the area and the principle dwelling; the impact development may have on the amenities of neighbouring occupiers and the resultant dwelling; and the proposals impact on highway safety/parking provision.

5.4 Design and Visual Amenity

Policy CS1 of the Core Strategy and policy PSP38 of the Policies, Sites and Places Plan seek to ensure that development proposals are of the highest possible standards of design. This means that developments should be informed by, respect, and enhance the character, distinctiveness and amenity of both the site and its context.

5.5 The proposed two storey rear extension, will have an overall width of 6.5 metres (width of the existing dwellinghouse), narrowing to 3.87 meters at first floor level and an overall depth of 5.6 metres to the ground floor and narrowing to 3.0 meters at first floor level, creating a 'stepped effect' in the extension. The ground floor element will have a lean to roof and there will be a hipped style roof to the first floor, maintaining the existing eaves height of the existing main roof. The proposal introduces an access from the existing first floor, with 1No new window to the rear façade elevation, overlooking the existing private amenity space.

- 5.6 Concerns from neighbouring properties have been raised with respect to the proposed design in that it doesn't demonstrate the highest possible standard of design and that it does not respect or enhance the character of the application site or its setting within the wider context. The main assessment therefore is whether the proposed two storey rear extension of the design proposed, would sufficiently respect existing built form in the area, and integrate it successfully into the immediate street scene. The existing street scene comprises of existing semi-detached properties, set back from Southmead Road, with relatively spacious gardens.
- 5.7 Apart from the proposed extension, the existing building and its associated area for parking and amenity space is already in situ and consequently integrates successfully into the streetscene. Therefore, officers have concluded that the proposal would not have an adverse impact on the visual amenity or the character of the locality. The proposal does represent a high standard of site planning and design, and is therefore compliant to policy CS1.
- 5.8 The proposed dwelling fronts onto Southmead Road, and therefore contributes to the street scene of this main road. As this proposal seeks to increase the scale and massing of the original dwellinghouse at the rear of the property, officers are satisfied that it would not fundamentally alter the character of the building, or the way in which it interacts with the existing street scene.
- 5.9 The proposed extension has been proposed through its design to complement the existing dwelling in the choice of materials such as matching the existing render and roof tiles of the original dwellinghouse, and uPVC windows, ensuring that the aesthetical appearance of the original dwellinghouse and the proposed extension continue to compliment the neighbouring properties, match materials and components to the existing dwelling, continuing a seamless render finish to the entire dwellinghouse. Re-used stone cills are proposed to the openings on the rear elevation together with the continuation of render to the side and rear facade. Therefore officers have concluded that the proposed scale and form of the proposed two storey rear extension does respect the proportions and character of the existing dwellinghouse and that of the neighbouring properties to this area of 1940s Southmead Road.
- 5.10 Residential Amenity
Policy PSP38 of the Policies, Sites and Places Plan explains that development will be permitted provided that it would not detrimentally impact the residential amenities of nearby occupiers and would not prejudice the retention of adequate private amenity space. Policy PSP8 specifically relates to impacts on residential amenity and outlines that unacceptable impacts could result from (but are not restricted to); loss of privacy and overlooking; overbearing and dominant impact; loss of light; noise or disturbance; and odours, fumes or vibration.
- 5.11 The impact on residential amenity has been assessed in terms of the surrounding neighbouring properties. The proposed two storey extension would project further than existing footprint of the host dwelling and its neighbouring property No 670 Southmead Road. However, the proposed

- projection is no greater than that of 666 Southmead Road and officers are satisfied that the proposed rear extension would cause very little overbearing impacts to the surrounding neighbouring properties given its 'stepped' appearance in its design. In terms of overlooking, there are 2No new windows and 1No proposed bi-fold door proposed to the rear façade overlooking the existing private amenity space which officers have concluded would not create any additional overlooking impacts.
- 5.12 Concerns have also been raised in respect of the potential loss of natural light to the adjacent neighbouring properties from this proposed two storey extension. In terms of Policy PSP38, it has been concluded that as the application property faces a northerly direction, that this proposal should not create a reduction in the loss of light to its neighbouring properties.
- 5.13 Furthermore, and in terms of the concerns in respect of the proposed height, the overall height for the two storey extension is proposed at 5.4 meters to the eaves, maintaining that of the original dwellinghouse. Given that the original dwellinghouse and its neighbouring properties are at different ground levels, it has been concluded that this proposed height is acceptable as continues to maintain the existing eaves height of the original dwellinghouse.
- 5.14 Therefore, the impact on residential amenity has been assessed in terms of the surrounding neighbouring properties and given the scale, built form and location of the proposed two storey rear extension, officers have concluded that the proposals should not create any overbearing or dominant impacts to the adjacent neighbouring properties and officers are satisfied that any impacts will be minimal. A condition would be added to the proposal, should it be permitted, to ensure that no new windows are added to the side elevations of first floor element of the extension to protect the privacy of the existing and indeed any future neighbouring residents.
- 5.15 As the site is located in a dense built up residential area of Filton, and given the proposed size, scale and location of the extension, it has been concluded that the impact on the neighbouring residential amenity would be limited and therefore it should not result in an unacceptable impact.
- 5.16 Transport
Policy PSP16 of the Policies, Sites and Places Plan sets out the Council's parking standards. The proposed development will not increase the vehicular parking requirements for the dwelling. On that basis there are no transportation objections raised.
- 5.17 Private Amenity Space
The dwelling benefits from a good amount of existing private amenity space to both the front and rear of the property. PSP43 sets out standards which are based on the number of bedrooms at a property. As the proposal does not include any changes to the number of bedrooms therefore no concern is raised on the level of amenity space being proposed.
- 5.18 Consideration of likely impact on Equalities

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

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

6. CONCLUSION

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

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

7. RECOMMENDATION

7.1 That the application be **APPROVED**.

CONDITIONS

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

Reason

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

2. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no windows shall be constructed, other than those shown on Plan PL3_100 Rev 02.1

Reason

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

3. The development/works hereby permitted shall only be implemented in accordance with the plans as set out in the plans list below:

Site Plan (Date received 28/01/21)

LP1-REV 03 Location Plan (Date received 09/03/21)

PL3_100 Rev 02.1 Existing and Proposed Combined Plans and Elevations (Date received 23/03/21)

Reason

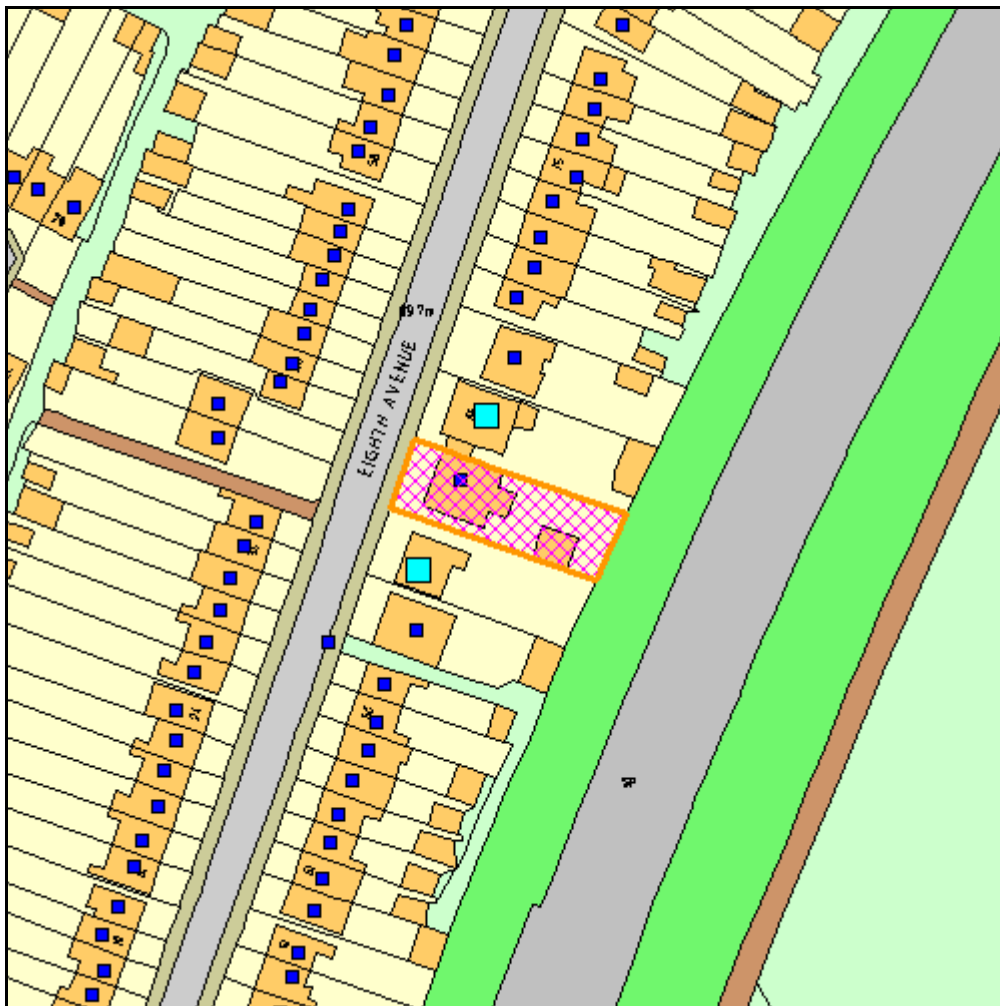
To define the terms and extent of the permission.

Case Officer: Helen Turner

Authorising Officer: David Stockdale

CIRCULATED SCHEDULE NO. 16/21 -23rd April 2021

App No.:	P21/00341/F	Applicant:	C/O AgentOculus Real Estate
Site:	37 Eighth Avenue Filton South Gloucestershire BS7 0QS	Date Reg:	28th January 2021
Proposal:	Demolition of existing garage. Erection of outbuilding to form annexe ancillary to the main dwellinghouse.	Parish:	Filton Town Council
Map Ref:	360691 178070	Ward:	Filton
Application Category:	Householder	Target Date:	22nd March 2021



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P21/00341/F

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

REASON FOR REFERRING TO THE CIRCULATED SCHEDULE

This application appears on the Circulated Schedule because a representation has been received from a local member, contrary to the Officer recommendation and findings of this report.

1. THE PROPOSAL

- 1.1 Full planning permission is sought for the demolition of an existing garage and the erection of an outbuilding to form an annex ancillary to the main dwelling. The annex is stated as being to provide additional accommodation to be used in connection with and ancillary to the current function of the dwellinghouse, as providing supported living, which falls in to Class C3(b) use (no material change of use).
- 1.2 The application site is a detached bungalow in the North Fringe of Bristol Urban Area.
- 1.3 During the application's consideration, revised plans have been received to reduce to scale of the annex and to clarify/amend the parking proposal. Given the scale and nature of the changes, no public re-consultation was considered necessary as officers are satisfied that nobody would be disadvantaged.

2. POLICY CONTEXT

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

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1	High Quality Design
CS4A	Presumption in Favour of Sustainable Development
CS5	Location of Development
CS8	Improving Accessibility
CS25	Communities of the North Fringe of Bristol

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

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

- 2.3 Supplementary Planning Guidance
Design Checklist SPD (Adopted) August 2007
Householder Design Guide SPD (Adopted) March 2021
Residential Parking Standard SPD (Adopted) December 2013

3. **RELEVANT PLANNING HISTORY**

- 3.1 P19/1061/F (refused 06/03/2019):
Demolition of existing garage. Erection of single storey detached residential annexe ancillary to main dwelling with parking and associated works (resubmission of PT18/5031/F).
- 3.2 PT18/5031/F (refused 19/12/2018):
Demolition of existing garage. Erection of single storey detached residential annexe ancillary to main dwelling with parking and associated works (resubmission of PT18/3405/F).
- 3.3 PT18/3405/F (refused 26/09/2018):
Demolition of existing garage. Erection of a single storey detached outbuilding to form residential annexe ancillary to the main dwelling.
- The three above applications were all refused due to parking issues.*
- 3.4 N4363 (approved 04/05/1978):
Erection of double domestic garage

4. **CONSULTATION RESPONSES**

- 4.1 Filton Town Council
No comment has been received
- 4.2 Stoke Gifford Parish Council
No comment has been received
- 4.3 DC Transport
Further information requested with respect to the parking provision on site.
- Following revision of the proposals:*
- No objection: conditions recommended.
- 4.4 Local Residents
No comments have been received
- 4.5 Local Member – Cllr Chris Wood
Objects on the following grounds to what is essentially a new two-bedroom bungalow:
- Unacceptable loss of trees and foliage

- Increased traffic generation
- Reduction in highway safety because of increased traffic congestion and additional parking on the public highway
- Increased noise and disturbance from additional bedrooms and occupancy
- Unacceptable increase in building density
- Unacceptable loss of garden space
- Unconvincing parking

5. **ANALYSIS OF PROPOSAL**

1.1 The proposal seeks to erect an annex ancillary to the main dwelling, following demolition of an existing garage.

1.2 Principle Of Development

PSP38 of the South Gloucestershire Council Policies, Sites and Places Plan (adopted November 2017) permits development within existing residential curtilages (including extensions) in principle where they do not unduly harm the design, visual amenity and residential amenity of the locality or prejudice highway safety or the provision of adequate private amenity space. PSP38 is achieved through CS1 of the South Gloucestershire Council Core Strategy (adopted December 2013), which requires development to demonstrate the highest standards of design and site planning by demonstrating that siting, form, scale, height, massing, detailing colour and materials are informed by, respect and enhance the character, distinctiveness and amenity of both the site and its context. Additional guidance on achieving good design for householder developments is set out in the Household Design Guide supplementary planning document (SPD), which was formally adopted in March 2021. The development is acceptable in principle, subject to the following detailed consideration.

Annex Test

1.3 For a proposed development to be considered an annex, it should only contain accommodation ancillary to the main dwelling. It should also have some form of physical and functional relationship to and reliance on the main dwelling. To put it another way, the resultant development should ultimately still be one planning unit, i.e. one household as opposed to two separate dwellings. The proposed use of the property is stated to be C3 (b), which covers supported living and covers up to six people living together as a single household and receiving care (e.g. supported housing schemes such as those for people with learning disabilities). A property can be used as C3(a), (b) or (c) interchangeably without the need for planning permission, as no material change of use would take place.

1.4 The annex in this case would have all the elements of principal living accommodation (bedroom, bathroom, and kitchen facilities, plus a small office) and so in theory could be used as an independent unit of residential accommodation. It is however important to note that the annex will be located in very close proximity to the main dwelling and would share access, parking and amenity space with the host dwelling. Thus, it is considered that the annex would on this occasion meet the criteria of an annex. The annex would therefore have sufficient physical and functional reliance upon the main

dwelling, as has been found in the previous officer reports (though these previous proposals were refused for other reasons). Officers find no reason to come to a different conclusion in this case and consider the proposal to be satisfactory in annex terms. Notwithstanding this, given the proposed accommodation and indeed as is standard practice, an appropriately worded condition is recommended to restrict the use of the outbuilding to being ancillary to the main dwelling only and that it is not to be used independently of the main dwelling.

1.5 Design and Visual Amenity

No.37 is a detached bungalow situated in a large plot. The property has rendered elevations and a hipped roof. To the front is a bay window, and the existing frontage sits behind a boundary wall, with a front ramp to the door, presumably associated with the use of the property for supported living purposes.

1.6 The proposed annex would be sited to the rear of the site against the boundary and would have a ridge height of c.4 metres with a height to the eaves of c.2.65 metres. The length of the building would be c.10.5 metres and the depth c.5.25 metres, with an additional c.1.8 metre deep 2.8-metre-wide front porch. The proposal for which the application stands to be assessed follows a reduction in scale on officer advice, as concerns were present initially regarding the overall scale of the building as originally proposed.

1.7 The building is still, officers acknowledge, somewhat large for an ancillary outbuilding. However, the reduction in scale and ridge height means that the building still retains an appropriately subordinate appearance and footprint to the host property. The design of the building itself with its pitched roof is characteristic of other incidental/ancillary outbuildings in the locality. The plot being the size that it is does not present officers with a concern of overdevelopment, with a good amount of garden and amenity space still available (as addressed later).

1.8 Officers note comments regarding trees. There is in particular a large conifer in the back garden which would in all probability stand to be removed to enable the development. Officers have checked to confirm that there are no TPOs in place and not being in a conservation area, this and other garden trees could be removed at any time. Given the nature of the tree as a conifer, it is not considered worthy of formal protection and its loss would not be considered enough to merit refusal of the planning application.

1.9 Following the above assessment, officers are satisfied with the proposed development from a design and visual amenity point of view, having regard to the provision of PSP38, CS1 and the householder design guide SPD.

1.10 Residential Amenity

PSP8 permits development where it does not prejudice the residential amenity of both occupiers of the development and of neighbouring dwellings through the creation of unacceptable impacts. Such unacceptable impacts include loss of privacy, overlooking, loss of light, loss of outlook and overbearing/dominant impacts.

- 1.11 The proposed annex would be to the rear of the garden, broadly in line with the general arrangement of outbuildings in the locality within back gardens. By reason of the single storey height and overall scale, officers do not consider the proposal to present any unacceptable overshadowing or overbearing impacts. Windows would face towards the back of no.37 and are not liable in officers view to present any unacceptable levels of overlooking. Though side windows are proposed on the Northern end of the building, given that these are at GFL only, officers do not consider these to present any material overlooking issues. Similarly, a window to the rear as proposed would not overlook any property as the site backs on to the railway line.
- 1.12 The proposed annex would be part of the established residential planning unit, ancillary to the main dwelling. Accordingly, officers would not consider there to be any reasonable grounds to resist the proposal in terms of noise or disturbance given the residential ancillary use of the outbuilding, in a residential area.
- 1.13 Parking Standards
PSP16 requires developments to provide levels of parking based upon the number of bedrooms at a dwelling. Where an increase is proposed, proposals should demonstrate that adequate off-street parking can be provided to accommodate increase in demand.
- 1.14 Officers are mindful of the previously refused application on the site, all of which refused in one form or another due to insufficient parking. Having considered the proposal, the highways officer has noted that two on-street parking spaces are required. The proposal would result in the loss of the garage which would also provide cycle parking.
- 1.15 The application supporting material submits that the proposal should not be considered as a standard householder planning application due to the fact the occupants would not drive. However, as the use remains C3, the future use of the site needs to be considered, which could be as a standard C3 dwelling or a C4 small HMO. Accordingly, the relevant parking standards need to be applied. This is particularly important in areas where on-street parking is already under pressure, such is the case in the locality where the application site is located.
- 1.16 Following negotiation with the applicant's agent, a solution has been provided whereby 1no. parking space is available to the rear on the existing hardstand in front of the previous garage. An additional space can also be provided on the front, parallel to the main property. Access has been carefully considered and the front boundary wall reduced (but not removed), to discourage vehicles from driving straight on to the frontage and overhanging the footway. In reality, a further vehicle would be able to park on the frontage without overhang, if it were to 'nose in' to the existing side access. The existing side access is, for the avoidance of doubt, wide enough for vehicles to pass, but not considered wider enough to park and alight from a vehicle.
- 1.17 Following the above assessment and having regard to the ancillary nature of the annex, officers consider the proposal to be acceptable in terms of parking.

Given the ancillary nature, the trip generation of the outbuilding is not liable to present an increase in vehicle movements that would have a severe impact on the local highway network. A Severe impact being the test under para. 109 of the NPPF under which a highways refusal would be justified.

- 1.18 An appropriately worded condition should be applied, should permission be granted, to ensure the provision of and retention of the proposed parking. As cycle parking would be lost, an appropriately worded condition should also be applied to secure details of 2no. replacement cycle parking spaces, should permission be granted.
- 1.19 Private Amenity Space Standards
PSP43 sets out requirements for private amenity space provision based on the number of bedrooms. Not including the footprint of the annexe, or the tarmacked area (as this is for parking and cannot be counted), the amenity space to the rear sits at just over 100sqm. PSP43 submits that a 4+ bed dwellings should have at least 70sqm and as such, officers are satisfied that there would remain sufficient private amenity space, should permission be granted.

Impact on Equalities

- 1.20 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.
- 1.21 With regards to the above this planning application is considered to have a neutral impact on equality.

6. CONCLUSION

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

7. RECOMMENDATION

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

CONDITIONS

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

Reason

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

2. The annexe hereby permitted shall not be occupied or used at any time other than for purposes ancillary to the residential use of the dwelling known as 37 Eighth Avenue, BS7 0QS. At no time shall the annexe be used independently of the aforementioned dwelling.

Reason

The annexe has been considered on the basis that it is ancillary to the main dwelling and part of the same planning unit and has been found to be acceptable on that basis. Any other use, such as an independent residential unit, would require further detailed assessment and consideration, chiefly in terms of parking, access, impacts on residential amenity and the character of the area in accordance the relevant development plan policies of the day.

3. The annexe shall not be brought in to use until the parking and access arrangements as indicated on plan 04 revision F, proposed site plan (received 20/04/2021) have been provided in accordance with the submitted details. The access and parking shall be retained and maintained thereafter.

Reason

In the interest of ensuring that a satisfactory level of parking is provided and in the interest of highway safety, in accordance with PSP16 and PSP11 of the South Gloucestershire Local Plan: Policies Sites and Places Plan (Adopted) November 2017.

4. The annexe shall not be brought in to use until 2no. secure undercover cycle parking spaces have been provided in accordance with details to be submitted to and approved in writing by the local planning authority.

Reason

To promote sustainable travel options and to accord with PSP16 of the South Gloucestershire Local Plan: Policies Sites and Places Plan (Adopted) November 2017.

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

03 - Existing block plan

02 - Existing site plan
06 - Site location plan
Received 28/01/2021

07 C - Annex proposed layout
Received 25/03/2021

04 F - Proposed site plan
Received 20/04/2021

Reason

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

Case Officer: Alex Hemming
Authorising Officer: Marie Bath

CIRCULATED SCHEDULE NO. 16/21 -23rd April 2021

App No.:	P21/00717/F	Applicant:	Mrs Carrie Humphreys
Site:	2 Gullivers Place Chipping Sodbury South Gloucestershire BS37 6HP	Date Reg:	25th February 2021
Proposal:	Erection of two storey side extension to form annex ancillary to the main dwellinghouse.	Parish:	Dodington Parish Council
Map Ref:	372502 181590	Ward:	Dodington
Application Category:	Householder	Target Date:	19th April 2021



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P21/00717/F

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

REASON FOR REPORTING TO CIRCULATED SCHEDULE

The application is referred to the Circulated Schedule as representation has been received from 3 no. local residents which is contrary to the Officer's recommendation.

1. THE PROPOSAL

- 1.1 The application seeks full planning permission for the erection of a two storey side extension to form an annex ancillary to 2 Gulliver's Place, Chipping Sodbury.
- 1.2 The application site relates to a two storey detached property with a single garage attached to the main dwelling by a porch/entrance link. The site is located on a corner plot at the junction of Lilliput Avenue and Gulliver's Place.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework
National Planning Policy Guidance

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy (Adopted) December 2013

CS1 High Quality Design
CS4a Presumption in Favour of Sustainable Development
CS5 Location of Development
CS8 Improving Accessibility
CS30 Yate and Chipping Sodbury

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

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

- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted) 2007
Residential Parking Standards SPD (Adopted) 2013

3. **RELEVANT PLANNING HISTORY**

- 3.1 PK99/0242/F
Erection of two storey and single storey side extensions.
Approved with conditions 01/02/2000

4. **CONSULTATION RESPONSES**

- 4.1 Dodington Parish Council
No comments received.
- Sustainable Transport
No objection subject to condition.
- Tree Officer
No objection.

Other Representations

- 4.2 Local Residents
Objection comments received from 3 no. local residents, summarised as follows;
- Loss of privacy- rear windows would look directly into our house and garden.
 - Loss of privacy from proposed side elevation window.
 - Loss of light.
 - Loss of view to parkland.
 - Increased sense of enclosure.
 - Loss of mature Silver Birch tree.
 - Increased on-street parking, access to driveway may become difficult.

5. **ANALYSIS OF PROPOSAL**

- 5.1 Principle of Development
Policy PSP38 of the Policies, Sites and Places Plan (November 2017) allows the principle of development within residential curtilages subject to considerations of visual amenity, residential amenity and highway safety. Furthermore, CS1 of the Core Strategy (December 2013) seeks that the siting, form, scale, height, massing, detailing, colour and materials are informed by, respect and enhance the character, distinctiveness and amenity of both the application site and its context.

Annexe Test

For a proposal to be an annexe it should only contain ancillary accommodation to the main dwelling and have some form of functional and physical reliance upon the main dwelling. In this instance the proposal has the majority of the elements of principal living accommodation (i.e. bedroom, kitchen/living room,

and bathroom) that would enable it to be used as an independent unit of residential accommodation. However, the supporting information states that the annexe is required for elderly relatives and officers note that it would share a garden, parking area and services. As such, it does seem to show some physical reliance on the main property. Furthermore, given the relationship and location to the main house, its use as an independent dwelling would likely be unacceptable. As such, Officers are satisfied that the annexe would be used ancillary to the main house. In any case, future use as a separate planning unit would require a planning application in its own right.

5.2 Design and Visual Amenity

The proposal would be located to the side of no.2, in place of an existing single storey garage and link element. At ground floor level the proposal would not extend any further to the side of the main dwelling than the existing garage; at the request of officers the first floor level has been reduced in width to ensure the resulting extension does not appear overly bulky and disproportionate. Furthermore, the proposal is stepped back from the principal elevation and the proposed roof ridge and eaves height have been dropped below that of the main house; this is considered to result in an appropriately subservient appearance.

5.3 All proposed materials would match those used on the existing property. The proposed windows would be set down from those serving the main house, however given the sloping nature of the site, in this instance the window positioning is considered acceptable. In view of the above, the proposal is not considered to result in any material harm to the visual amenity of the area and is deemed acceptable in terms of design.

5.4 Residential Amenity

Policy PSP38 of the Policies, Sites and Places Plan explains that development will be permitted provided that it would not detrimentally impact the residential amenities of nearby occupiers and would not prejudice the retention of adequate private amenity space. Policy PSP8 outlines the types of issues that could result in an unacceptable impact.

5.5 Some concern has been raised by local residents in regard to the impact of the proposal on a loss of privacy, loss of light and loss of views. The proposal would introduce windows to the front, side and rear elevations. The proposed front and side elevations of the extension would partly face a number of properties on Lilliput Avenue, the nearest off which would be approximately 30 metres in distance. This separation is considered adequate to mitigate any potential loss of privacy or loss of light impacts.

5.6 It is accepted that the proposed rear elevation windows may result in some overlooking to the properties opposite, however the dwellings in question are separated by a road and furthermore, a degree of overlooking from first floor windows already exists and is expected within built up residential areas. The proposed additional windows are not thought to harm the existing levels of privacy to such a degree to warrant refusal.

- 5.7 Overall, given the siting and separation distances involved, the proposed development is not considered to result in any material overbearing or loss of light impact, nor is it thought to significantly harm the existing levels of privacy afforded to neighbouring occupiers.
- 5.8 The proposal would be retain a similar footprint to that of the existing built form and therefore it is considered sufficient private amenity space would remain for the occupiers of no.2.
- 5.9 Trees
Some concern has been raised in regards to the possible loss of a Silver Birch tree that sits adjacent to the property, on Council owned land. The Council's tree officers have been consulted on this matter and do not raise any objection. No materials should be stored on the Council verge adjacent to the property or within the root protection area.
- 5.10 Transportation
Policy PSP16 of the Policies, Sites and Places Plan sets out the Council's parking standards. The adopted policy requires 3 and 4 bedroom dwellings to provide 2 off-street parking spaces. The proposal would increase the number of bedrooms from 3 to 4 and therefore the impact is considered neutral. Even so, the submitted information shows 2 parking spaces would be provided on site and an abundance of on-street parking is also present in the surrounding area. Therefore, there is not considered to be any severe highway safety impact resulting from the proposed development and a condition is not considered necessary in this instance.
- 5.11 Equalities
The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society; it sets out the different ways in which it is unlawful to treat someone. As a result of this Act the public sector equality duty came into force. Among other things those subject to the equality duty must have due regard to: eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity and foster good relations between people who share a protected characteristic and those who do not. The general equality duty therefore requires organisations to consider how they could positively contribute to the advancement of equality and good relations. It requires equality considerations to be reflected into the design of policies and the delivery of services.

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

6. CONCLUSION

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

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

7. **RECOMMENDATION**

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

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 hereby approved shall be carried out in accordance with the following documents:

Received by the Council on 8th February 2021;
Existing Elevations
Existing Ground Floor Plan
Existing First Floor Plan
Site Location and Existing Block Plan

Received by the Council on 7th April 2021;
Proposed Elevations
Proposed Ground Floor Plan
Proposed First Floor Plan

Reason

To define the terms and extent of the permission.

3. The annex hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 2 Gullivers Place, Chipping Sodbury.

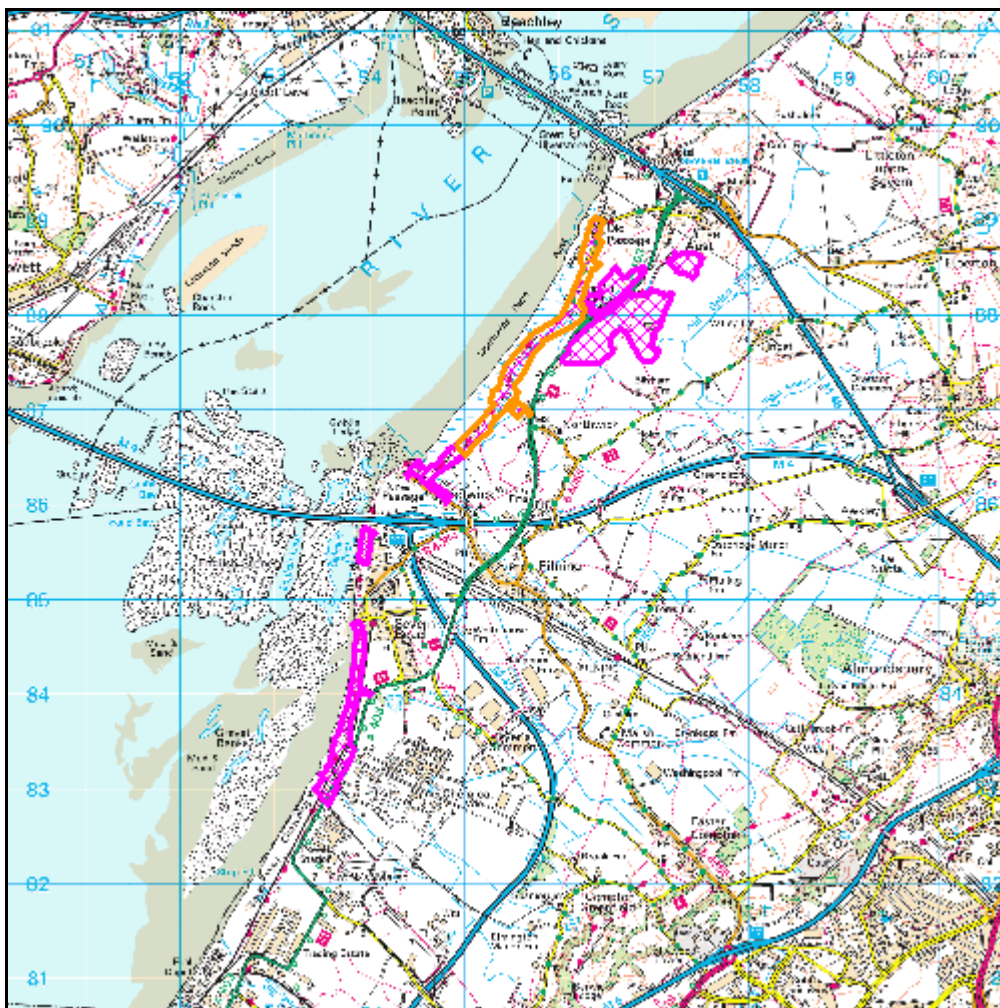
Reason

Use of the annex as a primary unit of accommodation would require further consideration with respect to impact on residential amenity and transportation in accordance with the requirements of PSP16, PSP38 and PSP43 of the Policies Sites and Places Plan (Adopted)

Case Officer: James Reynolds
Authorising Officer: Marie Bath

CIRCULATED SCHEDULE NO. 16/21 -23rd April 2021

App No.:	P21/02141/NMA	Applicant:	South Glos Council, Bristol City Council And The EA
Site:	Land Off New Passage Road, And The A403 (Severn Road) South Gloucestershire Severnside	Date Reg:	27th March 2021
Proposal:	Non-material amendment to planning permission PT18/2505/R3F to seek approval for minor changes to the design of the ASEA scheme as detailed in the attached covering letter.	Parish:	Aust Parish Council
Map Ref:	355452 185940	Ward:	Piling And Severn Beach
Application Category:		Target Date:	22nd April 2021



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P21/02141/NMA

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

Reason for Referring to the Circulated Schedule

This application is referred to the Circulated Schedule because the application has been submitted, in part, by South Gloucestershire Council.

1. PROPOSED CHANGES TO ORIGINAL PERMISSION

- 1.1 The planning permission to which this non-material amendment application relates is PT18/2505/R3F. This permission forms one of two planning permissions granted for the construction of the Avonmouth Severnside Enterprise Area (ASEA) Ecological Mitigation and Flood Defence Scheme (referred to as 'the Scheme'). The other planning permission has been granted by Bristol City Council (Reference:18/02847/FB).

The Scheme is split into six distinct areas;

- Area 1 (South Gloucestershire Council) – Aust to Severn Beach – Severnside (flood defence area)
 - Area 3A (South Gloucestershire Council) – Severn Beach Railway (North) (flood defence area)
 - Area 5 (South Gloucestershire Council) – Northwick (ecology mitigation area)
 - Area 2 (Bristol City Council) – Avonmouth Docks (flood defence area)
 - Area 3B (Bristol City Council) – Severn Beach Railway (South) (flood defence area)
 - Area 4 (Bristol City Council) – Hallen Marsh (ecology mitigation area)
- 1.2 In cases where it is necessary to make non-material changes to the design of a scheme following the grant of planning permission an application for a non-material amendment can be made to the Local Planning Authority.
- 1.3 There is no statutory definition of 'non-material' as it is dependent on the context of the overall scheme. An amendment that is non-material in one context may be material in another. The local planning authority must be satisfied in making a decision that the amendment sought is non-material in order to grant the planning application under Section 96A.

- 1.4 This non-material amendment application seeks approval for numerous minor changes to the design of the ASEA scheme pursuant to planning permission PT18/2505/R3F.
- 1.5 The minor changes to the approved scheme are listed in section 3 below and are also noted in Table 1 of the applicant's covering letter which is available to read on the public website and have been split by area and a design package reference for clarity. The drawing numbers relating to each area are also included in Table 1.

2. PLANNING HISTORY (including consultation replies previously received)

- 2.1 PT17/023/SCO Proposed Ecological Mitigation and Flood Defence Scheme

The scope of the environmental statement submitted with this application was agreed in principle.

- 2.2 Application under consideration by Bristol City Council

18/02847/FB Flood defence works in the proposed Avonmouth and Severnside Enterprise Area Ecological Mitigation and Flood Defence Scheme - The scheme includes three sites within the ASEA: Area 2 - land within Bristol Port (Avonmouth Docks); Area 3B - land along Severn Road and the Severn Beach Railway; and Area 4 - Land off Washingpool Lane, between Chittinging Road to the west, Severn Road to the north, the M49 to the east, and a railway line to the south.

This application has not yet been formerly determined. However officer note that the application was considered by the Bristol City Council Development Control Committee on 28th November 2018 where it was resolved to approve the application subject to conditions.

- 2.3 PT18/2505/R3F - The Avonmouth Severnside Enterprise Area (ASEA) ecological mitigation and flood defence scheme includes works at three sites within South Gloucestershire, as follows:

- Area 1 Scheme (Aust to Severn Beach - Severnside) - Construction of new flood defence walls, embankments and flood gates, raising of existing flood defence walls and embankments, and improvements to the Cake Pill Outfall, Chestle Pill Outfall, and Cotteralls Pill Outfall.

- Area 3A Scheme (Severn Beach Railway - North) - Construction of new flood defence walls and embankments, raising of existing flood defence walls, and improvements to the New Pill Outfall.

- Area 5 Scheme (Northwick) - Creation of an ecological mitigation area comprising 41.9ha freshwater seasonally (winter months) wet grassland habitat and 14.49ha of permanent open water in the form of ponds.

Deemed Consent 26th April 2019

- 2.4 P20/08969/NMA - Non-material amendment to planning approval PT18/2505/R3F for realignment of the Wessex Water Access Track at New Passage Road, Redwick.
No objection 17th July 2020

3. CONSULTATION RESPONSES (previously received to the original application PT18/2505/R3F)

Local Authorities

3.1 Aust Parish Council (APC)

APC confirm that it has considered the application relating to the flood prevention works in and close to their parish, particularly around Cake Pill.

Aust Parish Council support the proposal to raise the height of the existing bank beside the Northwick land fill site. APC note that this will result in the removal existing poplar trees and acknowledge that they are nearing the end of their lives. However APC are concerned that there is a satisfactory planting scheme to replace them with native hard wood trees on the new bank.

APC also note that it is proposed to remove a number of hedgerows in area 5 parts of which are in Aust parish and parts in the adjoining parish. APC considers that these hedges form an important part of the traditional field pattern and are important in the landscape.

APC acknowledge that while it is appropriate for the hedgerows to be laid in traditional local style to control their size (to meet the requirement not to give cover to predators), it would be very deleterious for any of them to be removed. It should be a condition of any consent that they be required to be retained and properly maintained.

3.2 Pilning and Severn Beach Parish Council (P&SBPC)

P&SBPC confirm that it support the improvements to the sea defences in principle. However the following concerns are raised (in summary);

The proposed defences between New Passage and Aust are higher than necessary resulting in more harm than necessary. It is suggested that amendments to this part of the proposal are sought.

It is suggested that the proposed sea wall at Severn Beach/Riverside Park is changed to glass panels.

It is suggested that the use of the former ICI tip as a site compound is unsuitable as the land is unstable and would require the use of residential roads for access. It is suggested that an alternative is available between the railway line and the A403.

New Passage road is unsuitable as an access road and Old Passage should be used instead.

Shaft Road is unsuitable and passing spaces should be required

P&SBPC highlight the potential presence of a section of sea wall near Shaft Road that was constructed by Napoleonic Prisoners. This section of wall should be preserved.

Construction should be limited to daytime and weekdays only.

Officers note that additional information was also provided following the committee site visit on 14th December 2018.

P&SBPC are concerned that public money is spent wisely.

P&SBPC suggest that the decision is made by a joint committee from Bristol City Council and South Gloucestershire Council.

P&SBPC have written to the SoS to suggest that the application is 'called in' for consideration so as to allow for an impartial and objective body to determine the application.

Concern is raised that the engineering works proposed at Severn Beach Promenade do not include height increases.

Concern is raised that the tidal protection data being used as a basis of these proposals are out of date (2009) and more up to date data is available (2018)

3.3 Thornbury Town Council

Note that they are not directly affected by the proposed development, but indicate that they support any comments made by directly affected parishes.

3.4 Bristol City Council

No objection

Internal Officers/Agencies

3.5 Conservation Officer

The Conservation Officer has confirmed that further information submitted in respect of the proposed Ecological Mitigation (Area 5) has provided an accurate recording of ridge and furrow features present in the site. The Conservation Officer also considered that the revisions to the layout of the mitigation now adequately addresses previous objections and preserves the majority of sensitive and important medieval ridge and furrow features.

The Conservation Officer raises concern about the loss of hedges so creating an open landscape in conflict with the general characteristic of field division seen in the locality. It is suggested that further consideration is given to methods to mitigate this, such as the laying and managing hedgerows to a low level or retaining some sections. However, from a heritage perspective the Conservation Officer has confirmed that previous objections in heritage terms are now withdrawn subject to details of localised earth works and flow control structures being secure by condition of any consent of this proposal.

3.6 Archaeology Officer

Concurs with the views of the Conservation Officer. Conditions are suggested to secure appropriate archaeological investigation is carried out to protect the potential for unknown archaeological remains.

3.7 Landscape Officer

The Landscape Officer notes that the proposed development has been design to achieve flood defence improvements and ecological mitigation whilst aiming to minimise the impact upon the character and amenity of the landscape. The landscape officer notes that the development would provide improvements and appropriate planting schedules generally throughout the proposal including the restoration of the Aust Ferry Causeway, new fencing and interpretation boards. However concern is raised as to the impact of the development in the following areas (refer to section 1 of this report);

Area 1 – Concern about the potential loss of category A Oak Tree and category B woodland and the row of Black Poplar Trees. This loss should be compensated with replacement tree planting (equating to that lost) nearby. Details should be provided prior to determination.

Concern is also raised about the materials to be used as to the materials to be used to construct the new flood wall at Aust and in particular that stone faced elevations should be included to ensure appropriate integration with the character of the area.

Area 3a – no specific concerns raised

Area 5 – Considerable improvements relating to existing ridge and furrow are noted. However, concern is raised as to the loss of hedgerow in this area which enclose historic field patterns. Translocation and laying hedges to a low height is suggested as a method of mitigation of that loss.

Details of the proposed solar powered pumping stations and appropriate screen planting is requested by condition if the proposed development is approved.

The Forgotten Landscape Project – the landscape officer notes that the development will potentially affect installations provided in the locality relating to the project and highlights that the development should ensure that there is no conflict with those installations.

3.8 Arboricultural Officer

There is general concern regarding the loss of trees as a result of the proposed development. The Arboricultural Officer sets out that where trees are lost, then appropriate mitigation (in the form of compensatory planting) is required.

Particular concern is raised as to the loss of a Category A Oak Tree and the group of Black Poplar Trees within area 1. The Arboricultural Officer notes that the Black Poplar Trees have a limited life span and that the proposal to mitigate loss would have the potential to provide greater benefits in the longer term.

In the event that the area of land adjacent to the Poplar Trees is used to provide new woodland mitigation, then the appropriate standard of ground conditioning will be required to account for known landfill in that area.

3.9 Ecology Officer

No objection subject to conditions for the following requirements;

- i) Construction Environmental Management Plan;
- ii) Control of Barn Owl nesting locations;
- iii) Provision of agreed ecological mitigation and habitats;
- iv) Carrying out of pre-construction surveys for otter, water vole and badger;
- v) Provision of a long term biodiversity monitoring strategy

The Ecology Officer has confirmed that the proposed development can provide the required habitat provisions for birds associated with the Severn Estuary Special Protection Area as set out by the Cresswell Report (2011); and that the ecological impacts of the implementation of the flood defence have been assessed and adequately mitigated and ultimately the scheme will result in the ecological enhancement for a wide range of species and habitats.

3.10 Lead Local Flood Authority

Clarification of the method for maintaining drainage areas not in the control of the Environment Agency is requested.

3.11 Environmental Health Officer

No objection in principle subject to conditions controlling mitigation and remediation of potential site contamination.

3.12 Public Rights of Way Officer

Comments are made in relation to the development areas and as follows;

Area 1

The flood gates proposed at Aust Cliff should still allow access for fossil hunting.

There is potential to realign the Severn Way on the proposed embankment to protect the route from obstruction during times of flooding.

The new path along the top of the embankment should be capable of multi-user access and should not be grazed.

The diversion of the footpath at Cake Pill will be of benefit, however the existing link back to Lords Rhine crossing should be retained.

Concern is raised as to the proposal to bring the footpath lower than the proposed embankment as this would adversely affect the amenity of the public right of way.

The embankment should be a multi-user from New Passage Road to bridleway ORN3/10 (due South).

Where the path is to be lower than the crest of the embankment, viewing platforms should be provided.

Concern is raised that there is potential for inconvenient long diversions.

Easy access to the Severn Way/Coast Path should be provided for wheel chair, buggies and push chair users.

Bridleway ORN3/10 should be reinstated as a grass surface following its use as a construction access

Dense shrub planting shown near and around ORN7/10 should retain sufficient width for maintenance purposes.

The proposed glass wall should be maintained so as to preserve views. Viewing platforms should also be installed to allow wheel chair users to continue to access the view.

Area 3a

Concern is raised that the sea wall could adversely affect the Severn Way/Coast path as a result of its height and sense of enclosure, and loss of views.

There is also potential maintenance issues resulting from vandalism and graffiti.

Area 5

Causeways should be the maintenance responsibility of the Environment Agency

It is suggest that Common Lane and PROW OAU 31 become a multi-user active travel route with a connection to the A403

Stopping up of footpaths should be mitigated with appropriate connecting routes and should be multi-user

Footbridges should be multi-user compatible and agreed by the Street Care.

Suggest that causeways are hedge on one side rather than both sides.

Diversions

Concern is raised as to the diversion of the Severn Way/Coastal Path to a position lower than the crest of the embankment. Appropriate mitigation, such as viewing platforms should be provided and the embankment lowered where possible.

The diversion north of Redwick should be made permanent.

Temporary diversion onto the A403 should be kept to a minimum timescale.

Highway Authority

No objection in principle subject to appropriate detailed construction management plan and construction access layout.

3.13 Economic Development Officer

Support the proposal.

*External Agencies*3.14 Natural England

No objection in principle. Natural England have indicated that the development adequately avoids adverse impact either by design or by the provision of appropriate mitigation; and raises no objection in relation to the impact of the development on internationally and nationally designated (habitat) sites. The agency has indicated that it should be involved in the preparation of 'Construction and Environmental Management Plans (CEMP)' through appropriate consultation.

3.15 Historic England

Historic England have not specifically raised objection to the development but have raised initial concerns to the application. It was considered that the information submitted did not adequately address the archaeological potential for the area; in particular relating to areas of historic 'ridge and furrow'.

Following the submission of further information, Historic England have confirmed that sufficient detail is now provided to fully understand the impact of the development upon heritage features. The organisation considers that there are areas of poor ridge and furrow (or no ridge and furrow) that would be more suitable for proposed scrapes and ditches.

Historic England suggests that their representations should be taken into account in the consideration of this application.

3.16 Environment Agency

No Objection in principle, subject to conditions and informatives. The agency provides broad comment in relation to the following matters;

Hedgerows – Where hedgerows lost to development cannot be replaced within the site, alternative locations should be considered on a 2:1 basis.

Pollinators – Pollinating plants should be provided

Water Vole – opportunity to improve potential habitat for water vole should be considered

Trees – Local value of trees should be considered

Water Supply to the Wetland Area – passive supply should be used as much as possible and where pumping is required this should be provided by 'green' measures

Local Ecology Designations – mitigation and enhancement of these areas is encouraged.

Environmental Mitigation Strategies and Management Plans – these are requested for matters including potential contamination and in relation to ecological aspects and are requested to be provided as part of any approval and secured by condition.

It should be noted that these comments have been provided by Environment Agency engineers who work outside of this Environment Agency Region (in this instance Dorset and South Somerset and as such have not been involved in the preparation of the ASEA project. This is to ensure impartiality within the Environment Agency.

3.17 Coal Authority

No objection.

3.18 Ministry of Defence

No objection.

3.19 Highways England

No objection in principle. A condition is recommended to secure a construction management plan.

3.20 Fischer German on behalf of Esso Petroleum Co

No objection in principle.

Other Representations

3.21 Local Community

A total of 54 comments have been received from local residents/landowners. 5 comments have been made raising support and 45 comments have been made raising objection for the proposed development. Officers note that whilst objections are raised, some of those comments express an ‘in principle’ support for the flood defences proposal. Similarly, where support is lodged, this is caveated against the need to mitigate impacts. 2 comments have also been received that take a neutral stance. The comments are summarised as follows;

3.22 *Support*

The flood defence works represent a positive investment in the area and recognition of the impact of rising sea levels.

The proposal is in the interest of the wider Severnside community

The existing poplar trees have limited value due to their age and it won't be long before they fall.

3.23 *Objection*

The proposed development would have a detrimental impact upon The Pilning Wetland and ecology through the disturbance to birds that visit the wetland.

Concern is raised that there is no mitigation or alternative proposals submitted for consideration. Limited contact has been made with the Piling Wetland Managers prior to the application being made.

The proposed development result in an excessive loss of wetland habitat particularly to the North and Aust

The proposed development would result in the loss of mature poplar trees to the detriment of the character of the landscape and the wild life/ecosystem that the trees support. It would be possible to save these trees by constructing a wall instead of a raised bank.

The new bank could be constructed closer to the seaward side to avoid vegetation.

The proposed development would result in the unacceptable loss of hedgerows.

The loss of trees and hedgerows could result in more flooding hazard in the area through loss of roots that lower the water table.

The proposed development would result in a detrimental impact on valuable wildlife habitat and species.

The proposed habitat creation does not provide adequate mitigation against the impact of the development.

The proposed development would result in a detrimental visual impact on the landscape and the amenity of the local area as a recreational area.

The new habitats do not include facilities for birdwatching or public access.

No working is suggested during nesting periods

The proposed development would introduce new access roads with potential negative impact on pedestrians and other road/footpath users.

The creation of new access roads and compounds off the A403 could make existing highway safety issues worse. The impact on the junction of Aust Road and the A403 is raised as being a dangerous junction where matters could be made worse as a result of the creation of new accesses. Safety measures such as speed limit reduction is suggested.

Working hours restrictions are suggested to protect pedestrians in the peak hours.

Objection to the potential disturbance and safety impact of the movement of lorries during construction. This would compound the already unacceptable levels of lorry movements resulting from the recent construction of warehouses in the area.

Objection to the creation of a new maintenance access through Salthouse Farm Park due to safety and amenity concerns for the residents.

The security of the residents of Salthouse Farm Park should not be compromised

The use of Shaft Road would be preferable to gaining access through Salthouse Farm Park

The proposed development would result in a detrimental impact upon the Severn Way requiring a diversion order.

Concern is raised as to the impact of the works on water management affecting Severn Beach.

Concern is raised that the level of increase of the flood defences is not necessary and that the defences could be lowered based upon DEFRA guidelines.

Concern is raised that the proposed development is a means of disposing of waste generated from other projects.

Concern is raised as to where the fill to be used to construct the flood defences will come from.

The proposed development is based purely on commercial venture.

Concerns raised about potential encroachment on third party ownership and removal of ponds from that land.

Concern is raised about the consultation process carried out ahead of the application be submitted.

4.24 Officers were also aware of an 'online' campaign against the proposal. However, the petition was not formally presented to the LPA for consideration. Nonetheless, the general thrust of the campaign raised matters that were raised as part of the consultation responses received directly by the LPA; such as the loss of the Black Poplar Trees, hedges, the impact of the development on the ecology of the area and the landscape value and amenity of the area.

3. **ASSESSMENT (analysis should include reference to history, previous consultation replies, cumulative impact of changes, impact upon residential/visual amenity, design, scale and any other material policy changes and consideration of likely impact on equalities**

3.1 The proposals seek minor alterations to the approved scheme, as listed in Table 1 of the applicant's covering letter as follows:

Area 1 – Design Package Ref. 1.01

1. Original coping stones are no longer available from the manufacturer. Proposed alternative coping stone.
2. Material type of habitat shelves changed from concrete to wood. As a natural material, timber makes a better habitat provider than other materials such as steel or concrete.
3. Layout of habitat shelves amended to allow two continuous rows on the seaward face of the wall. This avoids a stepped change which would have added complications during construction.
4. Additional kerbs on both sides of the road ramp added to act as edge restraints.
5. Concerns from residents to ponding of water at Aust Wharf Road junction will be exacerbated by presence of new wall. To alleviate these concerns it is proposed to maintain the existing highway drainage system (the existing gully/pipe network), the existing road profile is to be maintained at the Aust Wharf road junction and where overland runoff is cut-off by the proposed defences at the foot of the ramp, “at-grade” wall penetrations will be provided along with surface channels to maintain the status quo.

Area 1 – Design Package Ref. 1.02

1. Open drainage ditch replaced with underground filter drains with manhole access, following a similar alignment. This changes back to an open drainage ditch at the Crosspoint.
2. New headwall proposed. This picks up an existing channel.
3. Culvert crossing added to provide PRoW to cross rhyme.
4. Additional access ramps (2 No.) over flood defence embankment to provide access to fields for landowners.

Area 1 – Design Package Ref. 1.03

1. Removal of piles and slab
2. Removal of landward access track and gabions and replacement with steps to access upstream apron slab.
3. Removal of turning circle.
4. New seaward footpaths to access wingwalls.
6. Use of grasscrete on over steepened slope between the upper and lower access tracks.
7. New steel gantry maintenance platform.
8. Additional kerbs.
9. Removal of RC wall between upper and lower platform.
10. Tracks are no longer top-soiled.

Area 1 – Design Package Ref. 1.04

1. Realignment of drainage ditch at Ch.900 to connect into existing ditch which is aligned underneath New Passage Road.
2. Inclusion of 1.2m diameter drainage culvert and access chambers (every ~50m) from Ch. 1+780 to Ch. 2+060.

3. Inclusion of 300mm diameter filter drain on lower access track from Ch. 1+780 to Ch.2+060.
4. Extensions to drainage ditch from Ch.2+500 to Ch. 2+620.
5. Inclusion of additional access ramp at Ch. 2+580.
6. Change of reinforced concrete wall to a reinforced earth wall with concrete panels at Ch. 3+010 to Ch. 3+080.
7. Inclusion of 2No. drainage outfalls to existing pond from toe of reinforced earth wall.
8. Additional kerbs through out to act as edge protection at turning circles and track intersections.
9. Tracks are no longer top-soiled.

Area 1 – Design Package Ref. 1.05

1. Removal of piles and slab.
2. Lightweight crates to be used in ground directly over the culvert.
3. Removal of reinforced concrete wall between upper and lower platforms
4. Addition of maintenance platform adjacent to outfall headwall
5. Addition of access steps/platform to provide access to seaward elevations
6. Additional kerbs. Area 1 – Design Package Ref. 1.06

1. Glass panel at interface with Flood Gate No. 4 to be replaced with RC wall panel.

Area 1 – Design Package Ref. 1.09

1. Ramp at Ch. 4660 to be moved to the north to enable tying into existing embankment.
2. Flood defence wall to be increase in length to accommodate ramp move (point 1).
3. Change from cast insitu to pre-cast wall.
4. Ramp from Salthouse Farm Retirement Village to remain as is with partial realignment at crest.
5. Ramp at Ch. 4800 to be relocated to the south to avoid works on foreshore.
6. Flood defence wall adjacent to ramp (point 4) to be extended to accommodate ramp move to the south (Point 5).

Area 1 – Design Package Ref. 1.10

1. New ramp previously granted removed. Existing utilised.
2. New wall position with the same height.
3. Habitat shelves removed.
4. Change from cast in situ to pre-cast wall.

Area 3A – Design Package Ref. 3A-01

1. Oversteepening of slopes in 3 areas to accommodate existing landward drainage ditch

- 3.2 The changes would not exceed the limitations of the development site. Officers are satisfied that the modifications proposed would not be discernible in the

context of the whole development; and in the immediate locality. Essentially, the scope and layout of the development will remain materially the same.

3.3 On this basis, officers are satisfied that the amendments are not material and as such no objection is raised.

3.4 Consideration of likely impact on Equalities

The Equality Act 2010 protects people from discrimination in the workplace and in wider society. 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.

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

Conclusion

3.6 In the context of a development of this scale the proposed amendments are considered to be non-material.

4.0 **RECOMMENDATION**

That the following approved plans:

Area 1 - ENVIMSW002194-CH2-Z00-A10-DR-C-1220
1-01 ENVIMSW002194-CH2-Z00-Z00-DR-C-0242

Be replaced with:

General Arrangement Plan:
ENVIMSW002194-BMM-XX_A10-DR-C-0202512-C02

Geometry and Setting Out:
ENVIMSW002194-BMM-XX_A10-DR-C-0202517-C02

Geometry and Setting Out:
ENVIMSW002194-BMM-XX_A10-DR-C-0202518-C02

Geometry and Setting Out:
ENVIMSW002194-BMM-XX_A10-DR-C-0202525-C02

Geometry and Setting Out:
ENVIMSW002194-BMM-XX_A10-DR-C-0202527-C02

Panel Detail:
ENVIMSW002194-BMM-XX_A10-DR-C-0202514-C02

Section:
ENVIMSW002194-BMM-XX_A10-DR-C-0202513-C02

Kerb Detail -
ENVIMSW002194-BMM-XX_A10-DR-C-0902029 to 0902030

Kerb Standard Details -
ENVIMSW002194-BMM-XX_000-DR-C-0202893

Area 1 - ENVIMSW002194-CH2-Z00-A10-DR-C-1220
1-02 ENVIMSW002194-CH2-Z00-A10-DR-C-1221

Be replaced with:

Detail Plan Sheet 1 of 2 - ENVIMSW002194-BMM-XX_A10-DR-Z-0202454
Detail Plan Sheet 2 of 2 - ENVIMSW002194-BMM-XX_A10-DR-Z-0202455
Filter Drain Standard Detail - ENVIMSW002194-BMM-XX_000-DR-C-0902173
Kerb Detail - ENVIMSW002194-BMM-XX_A10-DR-C-0902029 to 0902030
Kerb Standard Details - ENVIMSW002194-BMM-XX_000-DR-C-0202893

Area 1 - ENVIMSW002194-CH2-Z00-A10-DR-C-1221
1-03 ENVIMSW002194-CH2-SEV-A10-DR-C-1240

Be replaced with:

General Arrangement Plan - ENVIMSW002194-BMM-XX_A10-DR-C-0202541
Kerb Detail - ENVIMSW002194-BMM-XX_A10-DR-C-0902029 to 0902030
Kerb Standard Details - ENVIMSW002194-BMM-XX_000-DR-C-0202893

Area 1 - ENVIMSW002194-CH2- Z00-A10-DR-C-1221 to 1225
1.04

Be replaced with:

Detail Plan Sheet 1 of 5 - ENVIMSW002194-BMM-XX_A10-DR-Z-0902140
Detail Plan Sheet 2 of 5 - ENVIMSW002194-BMM-XX_A10-DR-Z-0202456
Detail Plan Sheet 3 of 5 - ENVIMSW002194-BMM-XX_A10-DR-Z-0202457
Detail Plan Sheet 4 of 5 - ENVIMSW002194-BMM-XX_A10-DR-Z-0202458
Detail Plan Sheet 5 of 5 - ENVIMSW002194-BMM-XX_A10-DR-Z-0902141
Kerb Detail - ENVIMSW002194-BMM-XX_A10-DR-C-0902029 to 0902030
Kerb Standard Details - ENVIMSW002194-BMM-XX_000-DR-C-0202893

Area 1 - ENVIMSW002194-CH2-Z00-A10-DR-C-1225
1.05 ENVIMSW002194-CH2-SEV-A10-DR-C-1241

Be replaced with:

General Arrangement Plan - ENVIMSW002194-BMM-XX_A10-DR-C-0202576

Section - ENVIMSW002194-BMM-XX-A10-DR-C-0202578
Kerb Detail -ENVIMSW002194-BMM-XX_A10-DR-C-0902029 to
0902030
Kerb Standard Details -ENVIMSW002194-BMM-XX_000-DR-C-0202893

Area 1 - ENVIMSW002194-CH2-Z00-A10-DR-C-1225
1.06

Be replaced with:

General Arrangement Plan - ENVIMSW002194-BMM-XX_A10-DR-C-0202588

Area 1 -ENVIMSW002194-CH2- Z00-A10-DR-C-1227
1.09

Be replaced with:

General Arrangement Plan - ENVIMSW002194-BMM-XX_A10-DR-C-0202634
Plan and Elevation 1 - ENVIMSW002194-BMM-XX_A10-DR-C-0202635
Plan and Elevation 2 - ENVIMSW002194-BMM-XX_A10-DR-C-0202636
Cross Sections - ENVIMSW002194-BMM-XX_A10-DR-C-0202637
Setting Out - ENVIMSW002194-BMM-XX_A10-DR-C-0202638

Area 1 - ENVIMSW002194-CH2-Z00-A10-DR-C-1227 to 1229
1-10

Be replaced with:

General Arrangement Plan - ENVIMSW002194-BMM-XX_A10-DR-C-0202647
General Arrangement Plan - ENVIMSW002194-BMM-XX_A10-DR-C-0202648
Section - ENVIMSW002194- BMM-XX-A10-DR-C-0202651

Area 3A-01 - ENVIMSW002194-CH2-Z00-A31-DR-C-32203A-01

Be replaced with:

General Arrangement Plan - ENVIMSW002194-BMM-XX_A31-DR-Z-0902191

RH

Case Officer: Roger Hemming
Authorising Officer: David Stockdale