



Grass Roots Planning Ltd
Suites 9 And 10 Bristol North Baths
Gloucester Road
Bishopston
Bristol
BS7 8BN

APP REF: P21/03344/F
DATE VALID: 14th May 2021
DECISION DATE: 28th January 2022
PARISH: Sodbury Town Council

NOTICE OF DECISION TOWN AND COUNTRY PLANNING ACT 1990

South Gloucestershire Council in pursuance of powers under the above mentioned Act hereby REFUSE to permit:

APPLICATION NO: P21/03344/F

DESCRIPTION OF DEVELOPMENT: Erection of 35 no. dwellings with garages and associated works

APPLICANT: Mr Andrew Godden Redcliffe Homes

LOCATION: Land South Of Badminton Road Old Sodbury South
Gloucestershire BS37 6LU

In accordance with the application and accompanying plans, for the following reasons:

1. The site is situated outside the existing urban area and it is not within a defined rural settlement; it is therefore in a location where development should be strictly controlled. The proposed development would conflict with the spatial strategy of the District: the amount of development cannot be considered limited. The proposed development is therefore contrary to policy CS5, and CS34 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; policy PSP40 of the South Gloucestershire Local plan: Policies, Sites and Places Plan (Adopted) November 2017; and the provisions of the National Planning Policy Framework February 2021.
2. The development would fail to provide safe, useable walking and, or cycling routes to the majority of key services and facilities as set out within Policy PSP11. Furthermore, the site would be inappropriately distanced from many of these facilities and the bus service is very restricted/limited. For these reasons the site is unsustainable as future occupants would have to rely heavily on travel by private car. The development is therefore contrary to Policy PSP11 of the South Gloucestershire Policies, Sites and Places Plan (Adopted) November

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2017; Policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 and the provisions of the National Planning Policy Framework 2021.

3. In the absence of a S106 legal agreement to secure necessary traffic calming/speed reduction measures on the wider highway network there is an objection in principle to the access design which would need to accommodate visibility splays for the excess speed on the A432 past the site, resulting in a contrived build out on the southern side of the road. This asymmetrical design would reduce the ability to introduce future safety infrastructure such as cycle lanes which is a Council objective across the District, and in officers' view is considered detrimental to highway safety. It is therefore contrary to Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy PSP11 of the Policies Site and Place Plan (Adopted) 2017; and the provisions of the National Planning Policy Framework 2021 [para 110 (d)].
4. In the absence of an appropriate planning obligation to secure affordable housing, in accordance with the provisions of Policy CS18 of the South Gloucestershire Local Plan : Core Strategy (Adopted) Dec. 2013, the proposed development would fail to make appropriate provision for affordable housing in the district. The development is therefore contrary to Policy CS6 and, CS18 and of the South Gloucestershire Local Plan : Core Strategy (Adopted) Dec. 2013; The South Gloucestershire Affordable Housing and ExtraCare SPD (Adopted) April 2021 and the provisions of the National Planning Policy Framework 2021.
5. In the absence of an appropriate planning obligation to secure a contribution towards the provision, enhancement, and maintenance thereof, public open space the proposal fails to mitigate its own impact to the detriment of the locality. The proposed development is therefore contrary to policy CS6 and CS24 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the provisions of the National Planning Policy Framework 2021.
6. In the absence of a Section 106 legal agreement to the contrary the proposal fails to mitigate against additional pressure on the Library Service provided at Yate and Chipping Sodbury contrary to Policies CS6 and CS23 of the South Gloucestershire Local Plan: Core Strategy (Adopted) 2013 and the provisions of the National Planning Policy Framework 2021.
7. In the absence of a Section 106 legal agreement to secure contributions towards creating primary and secondary school places for the pupils generated by the proposal, the proposal fails to provide adequate mitigation to address the impact upon local education provision arising from the development and is contrary to Policy CS6 and CS23 of the adopted South Gloucestershire Core Strategy: Local Plan 2013 and the provisions of the National Planning Policy Framework 2021.

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**IN ACCORDANCE WITH ARTICLE 35 OF THE TOWN AND COUNTRY PLANNING
(DEVELOPMENT MANAGEMENT PROCEDURE) ORDER 2015.**
POSITIVE AND PROACTIVE STATEMENT:

In dealing with this planning application the Local Planning Authority have worked with the applicant in a positive and proactive manner on seeking solutions to problems arising in the following ways: Discussion and negotiation has taken place with the applicant to secure improvements to the development and to reduce the areas of disagreement.

ADDITIONAL INFORMATION

1. The decision relates to the following plans/drawings:

Received 13th October 2021

13351_1000 Rev A Red Line Boundary Plan
13351_6000 Rev C Axminster - 2B.4P.843
13351_6001.1 Rev B Sherston - 3B.5P.1034_V1
13351_6001.2 Rev A Sherston - 3B.5P.1034_V2
13351_6002 Rev A Dyrham - 3B.5P.1167
13351_6003.1 Rev B Foxham - 3B.5P.1183_V1
13351_6003.2 Rev A Foxham - 3B.5P.1183_V2
13351_6004 Rev B York - 4B.6P.1306
13351_6005.1 Rev B Banbury - 4B.7P.1530_V1
13351_6005.2 Rev A Banbury - 4B.7P.1530_V2
13351_6006 Rev A Berkeley - 2B.4P.867

13351_6011.1 Rev B HA - 2B.4P.864_V1
13351_6013 Rev B HA - 3B.5P.1038
13351_6014 Rev B M4(3) HA - 4B.6P.1169
13351_6015 HA APT- 1B.2P.601_741

13351_6201 Rev A Single Garage V1 & V2
13351_6202 Rev A Single Plus Garage
13351_6203 Rev A Double_Twin Garage
13351_6204 Rev B Single & Single Plus Garage
13351_6206 Rev A Substation

Received 18th November 2021

13351_3600 Rev G Street Elevations AA & BB
13351_5010 Rev H Materials, Hard Surface & Boundary Strategy

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13351_5011 Rev E Affordable Strategy
13351_5012 Rev E Storey Heights Strategy
13351_5013 Rev F Parking Cycle Strategy
13351_5014 Rev E Refuse Strategy
13351_5015 Rev I Landscape Strategy

13351_6011.2 Rev D HA - 2B.4P.864_V2 (Plot 29)
13351_6012.1 HA - 3B.5P.1018_V1 (Plot 22)
13351_6012.2 Rev A HA - 3B.5P.1018_V2 (Plot 31)

Received 14th December 2021

13351_5000 Rev Q Planning Layout

PLEASE NOTE: The council holds a definitive copy of this planning decision notice. You should be aware of the risk that subsequent copies of the decision notice may be subject to unauthorised alteration and if necessary you are advised to refer to the council for verification. The definitive copy can be viewed via the council's planning website.



DEVELOPMENT MANAGER

DATE: 28th January 2022



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PLANNING PERMISSION THE NEXT STEPS

Your Decision could be subject to conditions. It is essential that you comply with these conditions in order to protect your planning permission. If you have conditions requiring details to be submitted prior to the commencement of development then failure to discharge these conditions could invalidate your planning permission and result in enforcement action being taken against the development.

HOW TO APPLY TO DISCHARGE CONDITIONS ON YOUR PLANNING PERMISSION

If the condition requires you to agree something in writing with the Authority before development commences then you will need to consider submitting these details at least 8 weeks prior to starting work. In order to submit your application, you can do so by one of the following options:

- Submit an online application using the Planning Portal online application service www.planningportal.gov.uk/
- Complete an application form online via the Planning Portal online Application service, www.planningportal.gov.uk/ printing it off and enclosing it with the correct plans, fee and details before sending it to Development Services.
- Download a copy of the application form from the South Gloucestershire website on www.southglos.gov.uk/planning.
- Request a paper copy from our PT&SE Customer Contact Centre by calling 01454 868004.
- Visit one of the Council One Stop Shop receptions to collect a paper copy of the application form.

The fee amount is £34 per request relating to 'householder' applications and £116 for any other full planning applications. The fee is payable for each submission (a single submission may be for more than one condition to be discharged).

COMMUNITY INFRASTRUCTURE LEVY (CIL)

If this application has been identified as being liable to CIL you should not commence development until the requirements and obligations under CIL have been established. If we require further information we will write to you requesting this. Where we already have clear information about the proposal and assumed liability we will issue a liability notice shortly. Further information can be found on our website at www.southglos.gov.uk/environment-and-planning/planning/community-infrastructure-levy

BUILDING REGULATIONS

You might require separate Building Control approval and you can also secure this through the Council. For advice on development requiring Building Regulations approval please visit the Planning Portal or contact our Team on 01454 868271

ACTING AS AN AGENT?

Please forward the full copy of this decision to your client and advise them of any conditions. The Council continues to be involved with enforcement action taken against applicants who claim not to have been passed the decision by their Agent.

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APPEALS AGAINST THE DECISION OF THE LOCAL PLANNING AUTHORITY (LPA)

If the applicant is aggrieved by the decision to refuse this proposal – or to grant subject to conditions – they may appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990 or section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990. Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>. If they are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on 0303 444 5000.

Appeals must be made to the Planning Inspectorate in accordance with the provisions below:

- (a) for a **householder application**, an appeal must be made within 12 weeks of the date of this notice;
- (b) for a **minor commercial application**, an appeal must be made within 12 weeks of the date of this notice;
- (c) for the **display of an advertisement**, an appeal must be made within 8 weeks of the date of receipt of this notice;
- (d) for **works to trees** subject to a Tree Preservation Order or part of a woodland, an appeal must be made within 28 days of the date of this notice;
- (e) if this planning application relates to the same, or substantially the same, land and development as is **already the subject of an enforcement notice**, an appeal must be made within 28 days of the date of this notice;
- (f) if an **enforcement notice is served** relating to the same or substantially the same land and development as in this application an appeal must be made within: 28 days of the date of service of the enforcement notice, or within 6 months [12 weeks in the case of a householder appeal] of the date of this notice, whichever period expires earlier;
- (g) in **all other cases**, an appeal must be made within 6 months of the date of this notice.

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission/listed building consent for the proposed development/works or could not have granted it without the conditions imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) and local planning authority (registrationteam@southglos.gov.uk) at least 10 days before submitting the appeal. Further details are available on GOV.UK website.

When submitting an appeal, it is a requirement that an identical set of documents be submitted to the local planning authority. A copy of all appeal documents (and any subsequent documents required to validate the appeal) should be sent to registrationteam@southglos.gov.uk when the appeal is made. Please ensure this instruction is complied with in order to avoid any unnecessary delay.

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