



Appeal Decision

Site visit made on 30 May 2023

by **Helen Davies MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 20 June 2023

Appeal Ref: APP/P0119/W/22/3312781

Land at Severndale, Oldbury Lane, Thornbury, South Gloucestershire BS35 1RD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Praxis Planning on behalf of Ms Alison Pitman against the decision of South Gloucestershire Council.
 - The application Ref P22/00835/F, dated 11 February 2022, was refused by notice dated 16 September 2022.
 - The development proposed is erection of 1 no. detached self-build dwelling, 1 no. home office, 1 no. carport, and 1 no. polytunnel, installation of 1 no. swimming pool, with associated works.
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Decision

1. The appeal is allowed, and planning permission is granted for Erection of 1 no. detached self-build dwelling, 1 no. home office, 1 no. carport, and 1 no. polytunnel, installation of 1 no. swimming pool, with associated works, at Severndale Oldbury Lane, Bristol BS35 1RD, in accordance with the terms of the application, Ref P22/00835/F, dated 11 February 2022, subject to the conditions in the attached schedule.

Preliminary Matters

2. Since the application was refused, outline planning permission has been granted on appeal for a large development which will surround the site subject to this appeal, other than where it fronts the road. The large development was granted permission on 13 February 2023, under appeal reference APP/P0119/W/21/3288019 (application reference PT18/6450/O), for a site at Land to the west of Park Farm, Thornbury, South Gloucestershire.
3. The outline permission for the large development is for the erection of up to 595 dwellings, along with a school, retail units, open space and sustainable travel links. As a result, the context and situation of the appeal site has fundamentally changed. When the large development is built out, the appeal site will no longer be isolated or located within a rural setting.
4. Consequently, the Council has confirmed that they no longer wish to defend their first and third reasons for refusal. These relate to the site location being outside of a defined settlement and the impact on rural character. I have no evidence which would lead me to reach a different conclusion. Therefore, this appeal will consider only the second and fourth reasons for refusal.
5. It has been confirmed in writing that the applicant and the appellant is Ms Alison Pitman. Praxis Planning have acted on her behalf.

Main Issues

6. The main issues are:

- The effect of the proposed access arrangement on the safety of vehicular and other users of the highway along Oldbury Lane; and
- The effect of the proposed development on ecology.

Reasons

Highways safety

7. The proposed access to the site serves an existing dwelling and I have not been made aware of any issues or accidents arising from its use. I acknowledge that Oldbury Lane has a 60mph speed limit and that the full length of recommended visibility splays may not be achievable in one direction. Despite this, one extra dwelling would not result in a significant increase in the number of vehicles using the existing access. The access is of an acceptable width and meets the road at a right angle. There would be adequate space to enable on-site manoeuvring to ensure all vehicles could enter and exit the site in forward gear. In addition, under conditions of the permission for the surrounding large development, the speed limit on Oldbury Lane will be reduced to 40mph, and sections of the road widened. This will improve overall highway safety in the area, including at the site access for the proposal subject to this appeal.
8. I conclude that the proposed development would not cause unacceptable harm to the safety of vehicular and other users of the highway along Oldbury Lane. Consequently, the development would comply with Policies CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013)(CS) and PSP11 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted November 2017)(PSPP). Together, amongst other things, these seek to ensure that access for new development does not compromise highway safety. Furthermore, it would accord with paragraph 111 of the National Planning Policy Framework (the Framework) which specifies that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety.

Ecology

9. The Council ecologist noted a number of water bodies within 500m of the site which could provide suitable habitat for great crested newts (GCN) and that the site is within an amber risk zone which increases the likelihood of GCN being present. They recommended the surrounding ponds be assessed for their suitability for GCN and if a risk of impact was identified then suitable avoidance measures and mitigation would need to be provided. However, the appellants Preliminary Ecological Appraisal did not find any evidence of, or reason for, GCN to be present on site. In addition, with the appeal, the appellant has provided outline information from surveys carried out for the large development which will surround the site. This shows that locations suitable for GCN were surveyed and any of the locations in proximity to the appeal site were negative. These results, combined with the appellants, indicates that GCN are unlikely to be using the site. On the basis of the information provided, I do not consider there to be a reasonable likelihood of GCN being present on site or being adversely affected by the proposed development.

10. I conclude that the proposed development would not result in unacceptable harm to ecology. Consequently, the development would comply with Policies CS9 of the CS and PSP19 of the PSPP. Together, amongst other things, these seek to ensure that new development conserves and enhances the natural environment, avoiding or minimising impacts on biodiversity. Furthermore, it would accord with paragraph 180 of the Framework in avoiding significant harm to biodiversity.

Conditions

11. The Council and their ecologist have suggested a range of conditions, which the appellant has been made aware of and raised no objections to. I have considered the suggested conditions and amended and reordered them as necessary in the interests of precision and clarity and in order to comply with advice in the Planning Practice Guidance.
12. In addition to the standard time limit condition, a condition specifying the approved plans is necessary to provide certainty. In the interests of the character and appearance of the site and surrounding area, conditions are necessary to ensure the retention of boundary trees and hedges, the use of appropriate materials in the external surfaces of the development and to secure the implementation of appropriate landscaping. A condition is necessary and reasonable to ensure the protection and enhancement of the ecology and biodiversity value of the site. It is also necessary to ensure that the development will be served by suitable drainage.
13. I have limited the use of pre-commencement clauses to where they are essential for the condition to achieve its purpose. Trees, hedges and ecology need to be protected prior to work commencing and drainage arrangements could impact on the way the development is implemented. Therefore, it is necessary to secure tree, hedge and ecological protection, and drainage details, before work on site starts. Therefore, it is necessary for conditions 3, 4 and 5 to be prior to commencement conditions.
14. The Council ecologist also suggested other conditions which were not suggested by the Council in their statement of case. Given the subsequent permission for the large development which will surround the site, I do not consider them to be necessary.

Conclusion

15. For the reasons given above and taking into account the development plan as a whole and all other relevant material considerations, the appeal is allowed.

Helen Davies

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin no later than 3 years from the date of this decision.

- 2) The development hereby permitted shall be carried out in accordance with the following approved drawings and documents:
 - A106-P-001 Site Location Plan
 - A106-P-002 Existing Block Plan
 - A106-P-003 Proposed Block Plan
 - A106-P-005 Roof Plan
 - A106-P-004 Ground Floor Plan
 - A106-P-006 North and West Elevations
 - A106-P-007 South and East Elevations
 - A106-P-008 Building Sections
 - A106-P-009 Home Office Plans Elevations
 - A106-P-015 Polytunnel
 - A106-P-010 Car Port
 - Preliminary Ecological Assessment & Preliminary Roost Assessment.
- 3) Prior to the commencement of development, including any groundworks, an arboricultural report detailing how existing trees and hedges will be protected during construction works shall be submitted to and approved in writing by the Local Planning Authority. The report shall be prepared by a qualified Arboriculturist in accordance with BS:5837:20912 standards. Works shall be carried out in accordance with the approved report.
- 4) Prior to the commencement of development, drainage details, incorporating Sustainable Drainage Systems SUDS (e.g soakways if ground conditions are satisfactory) for flood prevention, pollution control and environmental protection, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 5) Prior to commencement of development, an ecological enhancement plan shall be submitted to and approved in writing by the Local Planning Authority. This will expand on the details within the Preliminary Ecological Appraisal and Preliminary Roost Assessment (Arbtech October 2022). The development shall be carried out in accordance with the approved details.
- 6) Prior to their use within the development hereby permitted, details of the external facing materials for the dwelling and office room shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 7) Prior to the first occupation of the dwelling, a scheme of landscaping, which shall include details of proposed planting (and times of planting); boundary treatments and areas of hard surfacing shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. The approved soft landscaping works shall be implemented no later than the first planting season following substantial completion of the construction works.

*****End of Conditions*****