



Appeal Decision

Inquiry opened on 18 February 2025

Site visit made on 21 February 2025

by **Diane Lewis BA(Hons) MCD MA LLM MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 26th March 2025

Appeal Ref: APP/Z0116/W/24/3342877

Keynsham Garden Centre, Bath Road, Brislington, Bristol BS31 2AD¹

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for outline planning permission
- The appeal is made by Wyevale Bristol Ltd against Bristol City Council.
- The application made on 16 March 2023 is reference 23/01212/P.
- The development proposed is Outline application for the demolition of existing buildings, removal of surface parking, and erection of buildings to accommodate 4,765 sq.m of commercial buildings (flexible Use Class E/B2/B8) with associated bins and bike stores. Associated hard and soft landscaping. Vehicular access from the A4 Bath Road. Approval sought for the matters of Access.

Summary of Decision: The appeal is dismissed and planning permission refused.

The Inquiry

1. The Inquiry sat for four days, 18 to 21 February 2025. The inquiry was closed in writing on 12 March following receipt of an amended list of planning conditions and comments from the appellant and the Council that took account of the national Planning Practice Guidance on Green Belt, dated 28 February 2025.
2. Round table discussions were held to inform the issues regarding employment, landscape and planning conditions.

Appeal Site and Proposal

3. The site covers an area of 4.44 hectares (ha) and is bounded by Bath Road (the A4), allotment gardens, agricultural land and the watercourse in Scotland Bottom. From the late 1980's a garden centre with buildings and car parking occupied the front half of the land. The land to the southwest was woodland and scrub. The garden centre closed in 2019 and the premises has since been occupied by various businesses, which at the time of the appeal site visit included car and van sales/rental, a car wash, a gym, and an ambulance station. The land to the southwest was largely cleared of trees in 2019, to be replaced by highly disturbed grassland, bare ground and earth mounds². I found the area has since undergone further change and was in use for open storage and related activities. There were vehicles being stored in fenced compounds, waste and building materials, scaffolding structures and two mobile homes. All the land is in the Bristol and Bath Green Belt.

¹ The address also has been given as Former Wyevale Garden Centre, Hicks Gate, Keynsham

² CD10.01 paragraphs 65-67, CD1.23 Ecology Study paragraph 4.2.1. (CD refers to the agreed Core Documents)

4. The proposal is to redevelop the site to provide business units for a range of potential uses within Classes E (commercial, business and service), B2 (general industrial) and B8 (storage or distribution)³. The design and access statement described the development of a business park in the form of flexible serviced workspace. A total of 4,765 square metres (sq m) gross internal floorspace is proposed. By comparison, the agreed overall floor area of existing buildings is approximately 2,500 sq m GIA⁴.
5. The application is for outline planning permission, where approval of access is sought at this stage. Matters of layout, appearance, scale and landscaping are reserved for subsequent approval (the reserved matters). The revised and current 'proposed site plan' (ref 19.040-003A) is an illustrative layout. Assessments were based on the development of 61 small employment units (Type A and B) in seven blocks arranged around internal roads, concentrated on the former garden centre area. The land behind is indicated as greenspace. The submitted details of access primarily relate to a proposed new signalised junction on Bath Road and do not include access and circulation routes within the site.
6. An important consideration regarding access is the A4 Bath to Bristol Strategic Corridor Programme being jointly developed by the West of England Combined Authority (WECA). An Outline Business Case for the Bath and North East Somerset section was approved in March 2024. The emerging A4 corridor improvement adjacent to the appeal site (without the proposed development) incorporates new and extended bus lane provision, enhanced pedestrian and cycling facilities and allows for use of the existing access/egress points to the site⁵.
7. At the start of the inquiry there was confirmation the appellant now relies on two junction proposals:
 - i. Plan 2191-04 Proposed Access Arrangement (from the original Transport Assessment dated December 2022), with details of the proposed access without the WECA A4 corridor improvement scheme.
 - ii. Plan 2191-08 Modified Access Arrangement with Bus Gate (from the Transport POE Addendum January 2025) that takes account of the WECA A4 corridor improvement scheme.
8. Plan 2191-08 dated 13 January 2025 (the 08 proposal) responded to the Council's concerns on the earlier scheme shown on plan ref 2191-05 submitted with the Technical Note dated January 2024. No formal request was made to amend the proposal with a replacement plan and the revision was late in the appeal process. The Council did not expect to deal with the 08 proposal at the inquiry but did not object to its consideration. I made it clear at the opening session of the inquiry that to proceed with the bus gate plan would be on the understanding that the Council had not the time to carry out a full appraisal and modelling of the revised scheme. The appellant accepted that position.

³ The Town and Country Planning (Use Classes) Order 1987 as amended

⁴ CD7.06 All Issues Statement of Common Ground box 12. The planning application form states existing gross internal floorspace is 2,686 sq m.

⁵ CD 7.03 Statement of Common Ground on Highway and Transportation Matters paragraph 4.2 and Figure 4.1

9. In exercise of the powers conferred by Regulations 14(1) and 7(5) of the EIA Regulations⁶ the Secretary of State directed on 30 July 2024 that the development is not Environmental Impact Assessment development.

Main Issues

10. The appeal was made against non-determination of the planning application. The Council's statement of case submitted on 3 July 2024 concluded planning permission would have been refused for eight reasons. Subsequently the parties agreed that some of these reasons could be resolved or partly resolved by the use of planning conditions and a unilateral undertaking.
11. The main issues are:
- Whether the proposal is inappropriate development in the Green Belt and the effect of the proposal on the openness of the Green Belt.
 - Whether proposals made within the development scheme would offer a genuine choice of travel modes and encourage the use of sustainable modes of travel.
 - The effects of the proposal on highway safety and the capacity of the A4 Bath Road.
 - The effects of the proposal on landscape character, the appearance of the site and the visual amenity of the surrounding area.
 - The effect of the proposed provision of commercial premises on the supply of employment land and floorspace, having regard to policies for regeneration and efficient use of land.
 - The effects of planning conditions and planning obligations on the quality of the proposed development and mitigation of any potential adverse effects.
12. The conclusion on inappropriate development will inform the planning balance and whether the very special circumstances test will apply.

Planning Policy

13. The development plan, the Bristol Local Plan, consists of the Bristol Core Strategy (adopted June 2011), and the Site Allocations and Development Management Policies (adopted July 2014).
14. The revised National Planning Policy Framework was published in December 2024 (the Framework), which includes amended Green Belt policies. Planning Practice Guidance on Green Belt was updated on 28 February 2025 and includes advice on grey belt land and identifying sustainable locations.
15. The draft Bristol Local Plan is at the examination stage. The development strategy sees South Bristol remaining a priority focus for development and regeneration. A new strategic development location is identified at Bath Road Brislington, requiring a limited release of land from the Green Belt. Policy DS12 envisages a new residential led mixed use neighbourhood, developed in accordance with a master plan. The appeal site is within the allocation. There are representations of support

⁶ Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (SI 571/2017) (The EIA Regulations)

and objection, so there is no certainty the allocation will be confirmed. The Council has affirmed that the extent of the Green Belt cannot be changed prior to the adoption of a new local plan. Until that time the existing Green Belt designations will remain in place and national planning policies will apply⁷. However, with reference to paragraph 50 of the Framework, the appeal proposal is not so substantial or its cumulative effect so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to the emerging plan.

Reasons

Green Belt

16. The Core Strategy explains the Green Belt plays a strategic role in containing the outward expansion of Bristol, providing a green setting for the city and focusing attention upon the regeneration of previously developed land in the urban area. Policy BCS6 protects Green Belt land from inappropriate development, as set out in national planning policy. Policy BCS5 aims to deliver homes within the built-up area but allows for use of some Green Belt land, including land at southeast Bristol as a long-term contingency for an urban extension.
17. The Framework confirms great importance is attached to Green Belts and the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Development in the Green Belt is inappropriate unless one of the stated exceptions applies. Relevant to this appeal are the exceptions set out at paragraph 154(g) and at paragraph 155.

Exception 1

18. The paragraph 154(g) exception includes the partial or complete redevelopment of previously developed land (PDL), which would not cause substantial harm to the openness of the Green Belt. In this case there are two main elements to consider. First, whether the development site is PDL as defined in the Glossary to the Framework. Second, the degree of harm to openness. Failure to meet one of the tests rules out this exception.
19. The extent of PDL within the 4.44ha development site is a matter of disagreement between the Council and the appellant⁸. I agree the area of PDL includes the former garden centre buildings, outdoor display area and car park but does not include the green space on the western area of land, extending along the western boundary and the green space on the frontage.
20. The area of disputed PDL lies adjacent to and east of the internal access road loop. The parcel of land was identified as an ancillary storage area in the lawful development certificate, dated 12 September 2019, for 'part use of existing site as A1 retail with ancillary storage, outdoor display and parking areas' (the LDC)⁹. Aerial photographs, enforcement notices and appeal decisions do not identify any buildings or other structures on the area and an enforcement notice is in place that requires the removal of hard surfacing. The probability is the land parcel was not

⁷ CD5.04 Progressing Bristol's Development (2020) Bristol City Council page 14

⁸ CD 7.06 All Issues statement of common ground, annotated plan at Appendix SOCG1

⁹ CD 9.01

occupied by a permanent structure and any fixed surface infrastructure. Even if it was, the structure had blended into the landscape. The appellant and Council came to a similar conclusion on this element of the PDL definition.

21. The matter therefore rests on whether the land parcel was within the curtilage of a building. With reference to case law¹⁰, the core principle when identifying curtilage is that the land must be so intimately connected with the building as to lead to the conclusion the land forms part and parcel of the building. In other words, curtilage refers to land which belongs to a building. Functional equivalence is irrelevant. The principles are different to those in determining the extent of a planning unit.
22. Apart from the LDC, and the statutory declarations cited in the Council's evidence, there is little evidence of any detail on the use, past or present, of the building and nearby land parcels to help explain the connection. An ancillary storage area may not necessarily have a close relationship with the building. The area of land in question is separated from the building by the lawful ancillary outdoor display/storage area. The LDC drew a distinction between the areas. The plan of lawful buildings and occupiers of the land parcels¹¹ also provides no positive indication the land is within the curtilage of a building. The series of aerial photographs dated 2013 to 2022 show the land was covered in vegetation for many years and a line of trees marked the common boundary with the land immediately behind the building. Even after the clearance of vegetation the land appears not to have the same close relationship as the area immediately behind the building. My conclusion is the land parcel is not PDL. Accordingly, with reference to the plan SOCG 1, the PDL is confined to the orange shaded area and excludes the areas shaded blue and green.
23. However, even if the extent of the PDL is that identified by the appellant, the probability is not all the development would be accommodated on that larger PDL area. The surface water attenuation basin is shown outside of the PDL and a footway/cycle link to the adjacent land (the Bellway site) would have to cross the western area of green space. Highway works may encroach on the non-PDL area near the frontage. Remediation works and alterations to ground levels would be necessary on the western area of the site where the unauthorised uses are taking place.
24. In conclusion, the first criterion is not met and the exception in paragraph 154(g) does not apply to the proposed development. As a consequence, the policy support in the Framework for making as much use as possible of PDL does not need to be weighed in the Green Belt balance¹².
25. Notwithstanding, the effect on the openness of the Green Belt remains relevant in the broader assessment. A number of factors may need to be taken into account, as indicated by national Guidance. The starting point for comparison is the lawful use and development, which does not include the uses taking place on the rear part of the land.
26. The increase in density of development, primarily through an increase in floor space of approximately 2,265 sq m, would result in a greater volume of built form, even though concentrated on the PDL and grey belt land. A harmful loss of

¹⁰ In this case particular reference was made to CD 8.03 *Vistry Homes Ltd v SoS Levelling Up, Housing and Communities and Others* [2024] EWHC 2088 (Admin).

¹¹ CD 7.06 All Issues statement of common ground, annotated plan at Appendix SOCG 2

¹² The Framework paragraph 124 and footnote 49.

openness would occur. As will be explained in more detail later in the decision, the visual impact would be confined to short distance views, mainly from the Bath Road corridor and from the publicly accessible spaces opposite, north of the A4. Subject to control on building height, visual impact would be limited. The lawful use(s) on site are agreed to be an existing trip attractor. However, a significant increase in vehicle traffic and all-day activity associated with around 60 small units, including those open to visiting members of the public, can reasonably be expected. The western part of the site would accommodate elements of infrastructure (circulation and drainage) that would entail development on a previously undeveloped area. These factors would have an adverse effect on openness.

27. The development would be permanent, controlled by standards and regulations. There is no expectation or requirements to return land developed on the northern area to its original state. Remedial works would be required on the southwestern area of the site as part of the development. The removal of the unauthorised uses and structures that currently cause significant harm to the openness of the land and subsequent remediation of the land are not benefits in assessing the impact on openness.
28. Whether harm to openness would be 'substantial', meaning large in size and importance, is a matter of judgement. In this case, by reason of the factors considered above, my conclusion is the potential harmful impact of the development on openness would be significant, but not substantial. Notwithstanding, the conclusion remains the exception in paragraph 154(g) does not apply to the proposed development.

Exception 2

29. Turning to paragraph 155 of the Framework, the development of homes, commercial and other development in the Green Belt should not be regarded as inappropriate if all the stated criteria apply. The relevant criteria relate to grey belt land and Green Belt purposes, need for the type of development proposed and sustainable location. In this development where no housing is proposed the contributions referred to as the Golden Rules do not apply.
30. The first consideration is whether the development would utilise grey belt land, as distinct from PDL. Grey belt is land in the Green Belt which does not strongly contribute to any of the Green Belt purposes (a), (b), and (d), namely to check unrestricted sprawl, prevent neighbouring towns merging and to preserve the setting and special character of historic towns¹³. The aim of the definition of grey belt is to protect high performing Green Belt land and to recognise the development potential of land which, though it may be formally designated as Green Belt, no longer adequately serves the Green Belt purposes. The updated Planning Practice Guidance provides clarification on certain matters that were in dispute at the inquiry.
31. The appellant's case has and continues to be all the site is grey belt. The Council considered part of the site (the area shaded green on the SOCG 1 plan) was not grey belt. Having reassessed the matter in light of the new guidance the Council accepts the whole of the site meets the definition of grey belt.

¹³ The full definition of grey belt is set out in the Glossary to the Framework

32. A Strategic Green Belt Assessment was produced by WECA in September 2022. The purpose of the document was to understand the strategic role and function of the Bristol and Bath Green Belt within the WECA area. The study aimed to systematically consider parcels of land in a consistent and objective manner against the five Green Belt purposes in the Framework. In view of its date the study could not consider grey belt but it is helpful in understanding the role of parcels of land, the assessed strength of contributions to Green Belt purposes and the differing relationships to the urban area of Bristol. The appeal site is within parcel 78 that was found to make a significant contribution to Green Belt purposes (a) and (b) and limited/no contribution to purpose (d). The adjoining parcel 79 made the same level of contributions.
33. In the development management process Planning Practice Guidance consistently refers to whether proposals utilise grey belt land and development of the site. The implication is that the appeal site is the unit of consideration, rather than part of the site (such as the non PDL area) or the larger land parcel 78 in the WECA Assessment. The updated national advice provides illustrative features for assessing whether the contribution a site makes to the various Green Belt purposes is strong, moderate or weak/none.
34. Purpose (a). In terms of context, the appeal site lies to the east of the densely built-up area of Brislington in the southeastern part of the City of Bristol. The main urban area is well-contained by the roads leading north and south from the A4 traffic signalled junction, although less intense development extends further eastwards with the park and ride site and the College. The A4 corridor is a strong urbanising feature, the allotments adjacent to the site a typical urban fringe land use. The appeal site is physically separated from the built-up area, is partly enclosed by strong landscape features and sits at a low level in the undeveloped tract of land to the south and southwest. Part of the site is lawfully developed land. In my judgement the site does not make a strong contribution to checking the unrestricted sprawl of the large built-up area.
35. Purpose (b). A purpose of the Green Belt designation on the southeastern side of Bristol is to prevent the merging of the built-up areas of Bristol, Keynsham, Saltford and Bath linked by the A4 corridor. The gap between Bristol and Keynsham, because of its size, is quite fragile. The appeal site is located in this vulnerable area and is perceived as distinct from the built-up areas. However, the site is not a substantial part of the gap and would be able to be developed without the loss of visual separation between Bristol and Keynsham because of the topography, the physical separation and the intervening natural landscape elements. The site does not make a strong contribution to purpose (b).
36. Purpose (d). The WECA Assessment considers the setting and special character of Bristol, Keynsham and Bath. I am satisfied that the appeal site makes no contribution to preserving the setting and special character of these settlements because of a lack of intervisibility and its location outside the distinctive and historic settings.
37. In terms of the last grey belt test, policies relating to the areas or assets in footnote 7 of the Framework (other than Green Belt) do not apply and hence do not provide a strong reason for refusing or restricting the proposed development.
38. In conclusion, the site is within the definition of grey belt.

39. Returning to paragraph 155 criteria (a) and (b), the development would utilise grey land and given its size and location would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan. There is a demonstrable need in the Bristol area for the employment-led development proposed, a matter I will return to in more detail in the main issue specific to employment.

Paragraph 155 (c) Sustainable location

40. Planning Practice Guidance confirms that, where grey belt land is not in a location that is or can be made sustainable, development on this land is inappropriate. Local context and site or development-specific considerations are relevant, together with opportunities to maximise sustainable transport solutions. With reference to paragraphs 110 and 115 of the Framework key considerations include the ability of the location to limit the need to travel, offer a genuine choice of transport mode and safe access for all users.
41. The development is located on a main transport route linking Bristol and Bath. The only access by all modes is from the A4 Bath Road. Scheduled services provide seven buses an hour along Bath Road. Bus stops are immediately adjacent and opposite the site entrance for westbound and eastbound services. In addition, there is the park and ride service that terminates at Brislington, with a walk along the A4 to reach to site. There is a shared cycle/pedestrian path on the south side of the A4 and a footway on the northern side. A signal-controlled pedestrian crossing is provided to cross the A4 near the site access. The appellant's traffic survey on 10 January 2024 gives an indication of use. In the AM peak 11 pedestrians/cycles travelling eastbound and 29 pedestrians/cycles travelling westbound were recorded, with the numbers being 20 and 10 in the PM peak. An allotment holder mentioned people walk and cycle to the allotments.
42. All these factors suggest a sustainable location. However, work on the Bath to Bristol Strategic Corridor Programme provides a greater depth of analysis and includes stakeholder views. The A4 suffers from congestion and air quality is perceived as poor, which affects peoples' willingness to walk or cycle along the corridor. The footways and shared cycleway are narrow, suffer from uneven surfaces and are unpleasant to use. Infrastructure presents accessibility challenges especially for those with a disability. The bus offers the main alternative means of travel to the car, although slow journey times, service reliability and connectivity between services are issues of concern and impact on the attractiveness of this alternative. There are limited connections between neighbourhoods adjacent to the A4, which in turn restricts walking and cycling movements between communities and the A4 and use of the bus.
43. My experience of the Brislington to Hicks Gate section and the evidence of the Council support the findings of the WECA study. Travel without a car to the relatively unpopulated location of the appeal site does present challenges, especially in the winter months. The proposed mix of uses includes uses directed principally to visiting members of the public. My initial conclusion is that the site is not in a location that offers a genuine choice of travel mode for all users.
44. Looking to the future, the Vision for the Bath Road route is expressed in the Bath to Bristol Strategic Corridor Programme "To connect new and existing communities along the A4 via sustainable modes of transport to places of

employment, study and key services ...by increasing the access to, attractiveness and availability of sustainable and active transport modes...”¹⁴. The aim is to achieve the vision by giving residents and visitors improved access to faster and more reliable bus services and improved walking, wheeling and cycling options, providing genuine and improved travel choices. The expectation is that the bus user experience will improve and the benefits of walking and cycling are promoted.

45. Realising the vision for the A4 corridor depends on the implementation of the Bath to Bristol Strategic Corridor Programme. The Council explained that WECA, Bristol City Council and BANES are committed to the delivery of the scheme. Consultation was undertaken in 2023 and Government funding has been secured for future delivery. Approval was given to develop a Full Business Case for the Bath and North East Somerset section by October 2025. Delivery was anticipated to commence in 2025 with completion by 2027.
46. This timescale is ambitious when there remains further consultation to be done, detailed design, land assembly and discussion with landowners, orders to be obtained and contracts to be let. The Council has acknowledged the date for delivery of the scheme remains uncertain as feasibility schemes are ongoing¹⁵. At the present time there is not the evidence to demonstrate the scheme is unlikely to be blocked by any impediment to implementation. The appellant anticipated a start considerably after October 2025, pushing back completion well beyond the planned 2027 end date. The redeveloped appeal site was thought unlikely to be finished and occupied before the end of 2027. On these potential timescales, the development could be completed well in advance of the corridor improvement scheme.
47. The emerging DS12 allocation and the development proposed in the Bellway planning application are not firm commitments and no master plan exists to coordinate development. Even if a project for a new neighbourhood commenced development probably would be phased. Therefore these proposals have little weight when assessing whether the appeal site is in a location that is or can be made sustainable.
48. Focusing specifically on the development, the proposed improvements to pedestrian / cycle infrastructure and bus waiting facilities are confined to the site frontage. The planning obligation to transfer to the Council land reasonably required for the works to the highway is to facilitate the Bath to Bristol Strategic Corridor scheme. A travel plan has been submitted as a measure to support sustainable travel.
49. The revised document dated 11 February 2025 is in the form of a Framework Travel Plan (FTP) because the likely end user(s) are unknown at this stage in the development process. The stated intention is to produce, no later than first occupation, a full Travel Plan that includes an action plan, a costed budget and details of timescales and mechanisms. The measures and initiatives would be selected from the menu in the FTP. A planning obligation secures a contribution towards the Council's monitoring costs. The appellant points to a planning condition to enable the Council to control the process.

¹⁴ CD 10.13 A4 Bath to Bristol Strategic Corridor Outline Business Case February 2024 West of England Combined Authority paragraph 1.2.2

¹⁵ CD12.21 paragraph 16

50. The FTP approach reflects the Council's Development Management Guidance published in September 2024. Nevertheless, the menu lists nearly all the measures in the Guidance plus additional ones and no initial selection has been carried out, even of the compulsory measures in the Guidance. No mechanism has been put in place to secure measures requiring financial contributions. The proposed planning condition suggests a lack of clarity of purpose because the wording is not fully consistent with the stated objectives/outcomes in the FTP or the timescales envisaged in the FTP and the Guidance¹⁶. With reference to Policy BCS10 and DM23, the FTP is very limited in demonstrating how the development would achieve sustainable travel patterns and avoid unacceptable traffic conditions.
51. All matters considered, the site is not in a sustainable location and the location cannot be made sustainable by measures in the proposal. The A4 improvement scheme timescale is uncertain and the development could take place well in advance of its completion. Referring back to paragraph 155 (c) of the Framework, the development would not be in a sustainable location and is regarded as inappropriate. This matter also links with the ability to achieve a safe and suitable access to the site for all users, a requirement of paragraph 115 of the Framework.

Highway safety and capacity of the A4 Bath Road

52. The A4 is a regionally important route, being part of the Key Route network for the West of England. The A4 between Bristol and Bath is also part of the Major Road Network specified by the Department for Transport in 2018. The highest traffic flows along the A4 between Bath and Bristol are between the edge of Bristol near Brislington trading estate and the B3116/A4 roundabout east of Keynsham. Hence the appeal site fronts onto the busiest section. Observed two-way flows in January 2024 were around 2,800 vehicles in the AM peak hour and also in the PM peak hour. The highway authority reported regular congestion along the corridor especially at peak times. On the occasions when I was in the vicinity of the site queuing was taking place back from the Stockwood Road junction outside the peak hour.
53. The site has two dropped kerb vehicle crossovers from the A4 over the shared footway/cycleway to provide an access at the eastern end of the frontage and an egress at the western end. A controlled pedestrian crossing is sited on the A4 adjacent to the site entry-only access. Right turns onto the eastbound A4 are possible and are made from the site egress. A road safety audit associated with the WECA scheme identified that this movement may increase the potential for collisions with mainline vehicles¹⁷. Personal injury accident (PIA) data on the A4 for the five year period 1 November 2019 to 31 October 2024 shows 16 recorded PIA between the Stockwood Road signal junction and the City boundary. Two PIA involved a pedal cycle and four involved a motor cycle. No PIA occurred at the site entrance but five PIA at the site exit¹⁸. The appellant accepts the access arrangement at the site requires improvement.
54. The appellant in making the outline planning application asked for access to be approved at this stage, rather than being a matter reserved for subsequent

¹⁶ The condition requires "prior to commencement" the local planning authority's approval of a Travel Plan to promote and encourage alternatives to single-occupancy car use.

¹⁷ CD12.05 Appendix FB2

¹⁸ CD 12.19 paragraph 1.4

approval. Nevertheless, with layout being a reserved matter, details and particulars are limited to the means of access to and from the A4 Bath Road. These details should show the proposals for accessibility to the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and how these fit into the surrounding access network¹⁹.

55. The proposed access is in the form of a signal controlled junction. The design of the junction has evolved and various assessments of the performance of the junction were undertaken by the appellant in response to the initial consultation response by the highway authority and evidence produced by the Council during the course of the appeal. Trip rates and trip generation that reflected the proposed business park and Class E(a) use were agreed post October 2024. The appeal site proposal is forecast to attract up to 77 arrivals and 29 departures in the AM peak hour and 36 arrivals and 72 departures in the PM peak hour. The updated traffic modelling based on the agreed trip rates was the main focus of examination at the inquiry and primarily informs my conclusions.
56. As set out above when outlining the proposal, there are now two proposed junction designs, one without the WECA improvement scheme (the 04 proposal) and the second incorporating a bus gate that takes the WECA scheme into account (the 08 proposal). In the event outline planning permission is granted the two schemes would be approved, as set out in the proposed planning condition. The appellant has asked for a greater degree of flexibility in planning conditions to allow for a redesign of the junction at a future date in conjunction with the designers of the A4 scheme. I do not find that an acceptable way forward. Both junction schemes must be demonstrated to be safe and suitable for all users and that any significant impact on the transport network from the proposed use and floor space can be effectively mitigated to an acceptable degree through a vision-led approach.
57. The documentation on the development of the access proposals highlights two unresolved aspects - the layout of the junction and the modelling of the proposed junction designs. Certain observations are relevant to both junction designs.
58. A road safety audit (RSA) has not been submitted to inform the proposals, even though the Council flagged up the matter in the initial transport consultation response in August 2023. The objective of the road safety audit process is to provide an effective, independent review of the road safety implications of engineering interventions for all road users and to suggest modifications that could improve road safety. RSAs are helpful and transparent in identifying specific problem areas, risks and potential harms in a very local context, providing an independent check that the design characteristics do not contribute to collisions and/or incidents on highway schemes. The absence of such an appraisal is a significant omission, especially where the scheme is on a major transport corridor.
59. In designing a traffic signal controlled junction, the traditional design philosophy was to prioritise the movement of motor traffic. With a focus on place over movement emphasis has shifted towards pedestrians, cyclists and public transport users, which is suited to the vision for the A4 corridor and is consistent with development principles in Policy BCS10. Crossing places at junctions are recognised to be a key part of the network, providing a safe and reliable place to

¹⁹ Article 2(1) The Town and Country Planning (Development Management Procedure) (England) Order 2015

cross. Staggered facilities should be designed to meet the desire line as closely as possible.

60. In the summary of access arrangements in the December 2022 Transport Assessment mention was made that the traffic signal timings would take into account the signalised cross roads to the west and the signalised Hicks Gate roundabout to the east. However, no traffic signal modelling was included with the Transport Assessment, whether for the proposed junction or to show impacts along the A4 corridor. The subsequent modelling focused solely on the performance of the new junction.
61. In later assessments, the appellant carried out modelling using LinSig, widely used computer software for modelling signalised junctions. The outputs from the model give an indication of the likely performance of the junction based on the number of vehicles passing through, the geometry of the junction and the signal phasing. An arm is generally considered to be over capacity once the degree of saturation exceeds 90%, the appropriate indicator of whether a junction will function well or be subject to delays for a road with a speed limit of 40 mph²⁰.
62. Potential error in the modelling may occur for a variety of reasons. Recognised good practice is to check a LinSig model by an audit, similar to a road safety audit. In this case a check is provided through the Council's evidence, although for the reasons stated above not for the 08 proposal. The Council's re-run of the modelling for the 05 scheme, illustrates the sensitivity of the results to the use of different intergreen times, pedestrian crossing period and corrected cycle time. The appellant's capacity assessment for the 2029 base plus development showed the proposed access arrangement could operate within the maximum theoretical capacity with a maximum queue of up to 125.7 PCU and a degree of saturation of 96.8% (AM peak A4(E)). This was seen as representing a slight improvement on the degree of saturation arising from the existing access arrangement. In contrast, the Council's results, using more appropriate inputs, showed a 132% degree of saturation and predicted mean maximum queue lengths of 1.57km²¹.

Without the A4 improvement scheme

63. The access arrangement (the 04 proposal) is described in general terms in the Transport Assessment. The works to Bath Road would extend along the entire length of the site frontage and a short distance to the east. An additional lane would be provided on each side of the A4 to allow drivers turning into the site to be separated from vehicles continuing straight on the A4. The site access arm would provide two lanes for exiting vehicles. To the west of the junction the scheme allows for retention of a right turn lane into Ironmould Lane. A pedestrian crossing facility would be sited on the eastern side of the junction. A relocated bus stop is indicated on the westbound carriageway and although not specified the bus stop would remain in its current position on the eastbound side of the highway. There is a basic level of detail and reliance is placed on general arrangement plan(s) being submitted in compliance with a planning condition.
64. The highway authority raised several concerns about the layout, the position of the pedestrian crossing to the east of the site access, reduced lane widths and the position of the relocated bus stop. These matters would impact on pedestrian

²⁰ CD 5.56 Traffic Signs Manual paragraph 7.3.1

²¹ Council's Highways Proof v2 para 5.41 and Table 1

accessibility, road maintenance requirements and forward visibility to the signals and have not been addressed by the appellant. In addition, there is a lack of clarity over bus waiting facilities at the relocated bus stop and whether sufficient space would exist to accommodate them safely.

65. Thinking of likely desire lines, the pedestrian crossing would not be in the most convenient position for pedestrians coming from the north side of Bath Road accessing the site, who would have to cross four arms of the junction. Depending on the phasing of the signals, pedestrians could experience delay or take risks by crossing outside the green times. The Council established that a person crossing from the north to the south side of the A4 would wait 1 minute 30 seconds on the pedestrian island even before attempting to cross the site access road.
66. In terms of the modelling, the degree of saturation was calculated to be 88.6%, indicating the effect on capacity would be acceptable. However, as the Council identified, the junction proposed (shown on plan 04) is not the junction that has been modelled. On the phase and layout diagrams the pedestrian crossing is to the west of the site access and there are two lanes on the east and the west bound arms, not the three lanes on the 04 plan. The Council explained the potential implications this inconsistency may have on the intergreen periods. The appellant considered the lane discrepancies would make the results more robust.
67. My expectation is that the model should accurately represent the proposed junction layout. The appellant's highway witness accepted it would be preferable if it did so. The reliability of the results overall is called into question, remembering that analysis of modelled outputs in the data sets produced has shown results are sensitive to the variables used. The movement of the pedestrian crossing position indicates a recognition of the undesirability of the proposed position on the layout plan.
68. In conclusion, the layout of the junction and the modelling are not of an acceptable standard.

With the A4 Improvement scheme

69. The layout has attempted to address concern expressed by the Council regarding the effects of the new junction on the objectives and design of the A4 Bath Road Improvement Scheme. Bus lanes are accommodated eastbound and westbound, bus stops relocated, a two-way cycle path provided and the footways are realigned. A significant change to the layout shown in proposal 05 is the provision of a bus gate on the westbound arm. This addition would give buses priority over left turning vehicles when the red light shows by allowing buses to bypass the stopped traffic. Also, the position and form of the pedestrian crossing has been amended so that the 08 proposal is a staggered pedestrian crossing to the west (not east) of the site access.
70. The submitted plan does not show the whole of the site frontage. Therefore, in the absence of details, there is uncertainty of how proposals would continue along the western part of the frontage, the amount of land take to accommodate them and the effect, if any, on the Ironmould Lane junction. At the site access, there is no indication of the facilities, if any, for cyclists and pedestrians, who would have to negotiate right and left turning vehicles to and from the site and the A4. The provision of either a dropped kerb with tactile paving or a crossing point similar to

the 04 scheme could make a significant difference to the safety of the users and the operation of the junction.

71. The positioning of the staggered and signalised pedestrian crossing across the A4 potentially has improved the siting in relation to likely desire lines and the pedestrian access into the development. A less satisfactory result is the two stop lines in close proximity, which the Council considered was not appropriate. The appellant has not explained the implications for the working of the signals for ahead and right turn movements of traffic travelling from the west.
72. Clarification was provided on widths of various components at certain points of the junction layout, including the footway, the island at the westbound bus stop, the pedestrian island in the centre of the A4 and lane width. This information confirmed that because of the introduction of a bus gate there would be elements where widths would be less than in the WECA scheme and when designing a new road. In each case the shortfall in width is minor and there would be the possibility of re-looking at the detail in later stages of design. However, the 08 plan was for approval and I need to be satisfied that a bus gate is workable and can be accommodated safely within the proposed junction.
73. The appellant relied on the LinSig modelling submitted in January 2025, which uses the agreed trip rates, to support the 08 proposal²². The results for the AM peak give a 88.8% degree of saturation and 87.9% for the PM peak. The junction layout illustrated on the model diagrams is not consistent with the layout shown on plan 08. The Council highlighted the absence of the additional sets of signals associated with the bus gate and the staggered pedestrian crossing. In my view this significantly decreases the reliability of the results and the effect of the junction on capacity is uncertain.
74. The crossing times for pedestrians, across the A4 and the site access road, is again an issue because of the length of phases incorporated into the model. Crossing time is likely to affect capacity. The appellant considered the matter could be addressed in the final design stage but no alternatives have been presented to illustrate the effects on capacity with variations in cycle times. The evidence on the appeal proposal shows a pedestrian could take 4 minutes (2 full cycles) to cross the A4, which would be an unreasonable length of time. The probability of pedestrians taking undue risks when crossing would increase and safety would decrease. The appellant played down the probability of unsafe crossing movements but the Traffic Signals Manual states pedestrians are more likely to ignore the red signal if they consider the time they have to wait is unreasonable²³.
75. A further reason why the effect on capacity may have been underestimated is no dedicated green time has been given to the right turn movement from the A4 into the site access road. To rely on intergreen time would not be a good solution because of the signal timings for west bound traffic. The uncertainty for drivers of right turning vehicles, potentially waiting up to around 30 seconds, could lead to risky turning movements and vehicle conflict.
76. The Framework at paragraph 116 indicates consideration should be given to 'all reasonable future scenarios'. In the capacity assessment and modelling undertaken in January 2024 the TEMPRO growth rates were applied to the 2024

²² CD12.19 Appendix 5 Sensitivity file.

²³ CD5.56 paragraph 11.1.4

observed traffic flows to forecast the 2029 base traffic flows²⁴. The appellant considered this provided the most robust case, noting the A4 corridor improvements could be expected to lead to a reduction in travel by the private car.

77. The Council was concerned that the modelling for the 08 proposal assumes there will be no increase in background traffic growth on the network. In the Council's view this assumption is a departure from standard good practice without justification. The appellant submitted the model should acknowledge any modal shift the A4 improvement scheme would be likely to deliver. The overall 10% modal shift allowance to all sustainable transport and away from the private car was considered robust, taking account of the existing high mode share for the car, the opportunity to alter travel behaviours and the proposals to improve facilities for active travel modes.
78. A reasonable expectation is that population growth and housing growth will result in an increase in number of trips. Reasonable future scenarios based on different assumptions on background traffic growth and modal shift should have been presented to demonstrate the performance and resilience of the proposed junction.

Conclusions

79. The site fronts onto and gains access from a vitally important route serving Bristol and the South West. The route suffers from congestion and does not encourage the use of sustainable and active travel modes of travel. The Bath to Bristol Strategic Corridor Programme aims to achieve the vision to provide users with genuine and improved sustainable travel choices.
80. The submission of two potential junction layouts is a reasonable response to take account of the ongoing design work on the A4 improvement scheme. Serious deficiencies in the layout and in the modelling are present in both schemes for the proposed signalised junction. The cumulative effects of the inadequacies found in each of the layouts means there would be unacceptable impact on highway safety. The modelling carried out to date on each of proposals fails to demonstrate that the residual cumulative impacts on the road network would not be severe, taking into account all reasonable future scenarios. On the evidence to date a signal controlled junction would not be acceptable to provide access to the development.
81. The proposals do not reflect the transport user priorities set out in Policy BCS10. The development does not provide (i) safe and adequate access for all sections of the community onto the highway network, and (ii) appropriate transport improvements to overcome unsatisfactory transport conditions exacerbated by the development. In these aspects the means of access fails to comply with Policy DM23. The proposed means of access are unacceptable, which is sufficient reason alone to justify refusal of permission.

Landscape and appearance

82. The site fronts onto the A4 Bath Road, an important transport corridor. The urban edge of Bristol is about 0.75 kilometres to the west. There are two distinct areas within the site. The buildings of the former garden centre are set back from the road frontage, single storey in height and of low visual quality. Car parking and outdoor storage areas surround the buildings. The remainder of the land was

²⁴ CD1.32 paragraphs 12 - 23

undeveloped and covered with vegetation. The unauthorised uses currently taking place and the change in landform are no part of the baseline position.

83. The land slopes gently southeast to the adjacent watercourse and the buildings are set down below the level of the highway. Consequently, they are low key and lack presence from outside the site. The tall poplars on the east and west boundaries are the main reference point in identifying the site within its surroundings and the trees are valued for their high visual amenity. The adjacent allotments form a transition to the open countryside. To the south the land rises towards a pronounced local ridge at Stockwood. The fields and hedgerows on the slope provide a pleasant countryside setting. North of Bath Road the land use is more varied and includes local cricket and football grounds, commercial premises off Ironmould Lane, Long Fox Manor with its listed grade II* park and garden, as well as farmland. The area has a semi-rural character.
84. Details of building design, layout and landscaping are not for approval at this stage, although the illustrative layout is informative. Site development parameters are identified in the proposed planning conditions, including control on the maximum amount of floorspace and directing built development to the area of PDL.
85. Within this context certain conclusions may be made. The details of the proposed new access arrangements, involving a signalised junction on the A4, and a greater site coverage of buildings for employment use, would introduce a greater degree of urbanisation outside the built-up areas. To this extent there would be an element of harm to landscape character. No significant change would be likely to the landscape character to the southeast of the site and to the north of the A4 in the vicinity of Long Fox Manor and the playing fields.
86. Based on the identified viewpoints the development would be most prominent in the views from the Bath Road frontage and from Ironmould Lane opposite. Topography, vegetation and distance would limit views from elsewhere to a large extent, including from the public footpath network. Motorists on Scotland Lane and Stockwood Lane probably would not pick up views of the development from these routes and even on the appeal visit identifying the position of the site was difficult. However, there are good views across the back of the appeal site from the southern end of the adjacent allotments, while nearer the road, the boundary trees and vegetation filter views from the allotment site well. Boundary treatment and layout of development would have to be responsive and take full account of this visual relationship.
87. The discussion at the inquiry also included matters more specific to the illustrative layout. Improvements to the site access and the A4 corridor would require trees to be removed from the site frontage. Suitable replacement planting would need to be secured. Heights and spacing of buildings would require careful attention to maintain views to the hillside slopes to the south and ensure built form would be respectful of the setting. These considerations would be for resolution at reserved matters stage, together with appropriate provision to safeguard the wildlife corridor and ensure biodiversity and ecological enhancement.
88. In conclusion, the development would not cause significant landscape and visual harm, subject to securing high quality design through the reserved matters and

compliance with appropriate planning conditions. On that basis there is no policy conflict.

Employment

Proposal, policy and evidence

89. The proposed uses are Class E (Commercial, business and service), Class B2 (general industrial) and Class B8 (storage and distribution). The buildings would be small units, now with a maximum unit size of 180 sq m. The illustrative plan shows two unit sizes (with mezzanine) laid out in a regular pattern around the internal access roads. A comparison was made with the recently completed Glenmore scheme of business units on Brislington Trading Estate. Anticipated business uses for the proposed units include electrical firms, graphic designers, plumbers, artisan bakers, gym, health and beauty and physiotherapists. In the order of 150-200 jobs may result, with additional spin-offs in local employment.
90. There is agreement between the Council and the appellant that a maximum of 2,500 sq m of floorspace would be 'town centre uses', uses available principally to visiting members of the public, based on the amount of lawful retail floorspace existing on the site. This limitation, that would be imposed by way of a planning condition, is in response to Policy BCS7 and Policy DM7 which protect the vitality, viability and diversity of the existing network of centres in Bristol. A condition also is anticipated that would remove permitted development rights to change to residential use, a use which was not allowed for in the trip generation analysis.
91. Policy BCS8 is directed at strengthening the economic performance of the city by providing a sufficient and flexible supply of employment land, addressing barriers to employment and promoting the city as a place to invest. New employment land in the period 2006-2026 comprised office floorspace mainly in the city centre and South Bristol and up to 10ha of additional industrial and warehousing land focused on the major regeneration areas in the urban area of South Bristol. New employment floorspace suitable for smaller businesses is encouraged as part of mixed use development. The Core Strategy acknowledges the ability to deliver the forecast requirement for new industrial and warehousing land is extremely limited because of the competing demands on land within the city. Emphasis is placed on retaining the identified Principal Industrial and Warehousing Areas for industrial and warehousing uses, and development proposals to recycle and intensify land and premises in those areas. Outside of these areas employment land will be retained where it makes a valuable contribution to the economy and employment opportunities. This strategy is reflected in Policies DM12 and DM13, although circumstances are acknowledged that would allow for greater diversification of use.
92. Referring to evidence to inform the emerging Local Plan, the analysis in the Bristol Employment Land Review June 2023 found a significant shortfall of employment land supply within Bristol, particularly in areas outside Avonmouth. The report found a need to protect the existing supply of employment land against higher value uses and to identify and encourage additional employment floorspace delivery. These findings were endorsed in the consultation comments by the City Council's Economic Development Manager on the planning application. The response described how the lack of supply space resulted in businesses remaining in premises that do not meet their needs fully, which in turn impedes

redevelopment of sites to create new industrial space. In that context the view was any new industrial and distribution schemes would likely be highly valuable to the City's economy.

93. The publication version of the Bristol Local Plan (November 2023) sets out an economic development land strategy in Policies E2, E3, E4 and E5 that provides for the delivery of new office floorspace, the further development of Avonmouth Industrial Area and Bristol Port and the continued use, development or redevelopment for industrial and distribution in the existing core areas in South and East Bristol. New workspace is also envisaged within mixed use schemes for redevelopment of vacant or underused sites. No land is proposed to be removed from the Green Belt specifically for employment development. The strategy is subject to examination and will not necessarily be confirmed in the adopted plan.
94. The appellant's expert evidence focused on market trends and experience within Bristol and the surrounding area. A key finding is a general shortage of industrial space and a number of factors were identified to explain the supply/demand imbalance. Significantly, the level of take up and demand is consistent for accommodation in the smaller size ranges. Apart from the Glenmore scheme, there is limited stock available in Brislington and the immediate area of the site and much of the stock in the area is older and of poor quality.

Conclusions

95. The proposal is for redevelopment of an existing retail site where buildings no longer serve their original garden centre function and appear of poor quality and efficiency. The scheme is directed at meeting a demand for good quality and energy efficient small unit workspace for a mix of employment uses in an area where there is a shortage of such accommodation. Controls on unit size and use can be applied through planning conditions. Whilst no mechanism is proposed to ensure delivery of affordable workspace, size of unit, proposed use(s) and clustering of units are factors that would encourage occupation by start-up businesses and SME's.
96. The period covered by the Core Strategy is nearing the end and the scheme would be consistent with national planning policy to support economic growth and productivity, taking into account local business needs and allowing for new and flexible working practices and spaces. Given the history of the site and the strong evidence produced by the appellant the scheme would not harm adopted and emerging development plan economic strategies.
97. Evidence on the economic benefits during construction was very limited and of a generalised nature. Therefore this consideration has little positive weight.

Planning Conditions and Obligations

98. In considering the main issues the role of planning conditions on the use and quality of the development and in mitigation has been considered. Referring to the Council's putative reasons for refusal, green infrastructure and the wildlife corridor also merit specific consideration.

Ecology and biodiversity

99. Approximately 2.74ha of the site lies within a wildlife corridor, which receives protection through Policy DM19. The eastern boundary is a riparian buffer as

mapped in the local nature recovery strategy. The site has importance within the green infrastructure network and has ecological significance by connecting two Sites of Nature Conservation Interest.

100. The preliminary ecological appraisal was later supplemented by additional survey information and reports on habitats, bats and biodiversity net gain. The supplementary documents provided the necessary baseline information and assessments.
101. Planning conditions are proposed to secure a landscape strategy, ensure biodiversity net gain reports, bat and ecological surveys are up-to-date, require a 30 year habitat management and monitoring plan, a wildlife corridor mitigation strategy, an ecological mitigation and enhancement strategy and a lighting strategy. A biodiversity-focussed construction environmental management plan would provide protection to retained habitats and species during site clearance, demolition and construction.
102. These conditions would ensure the development avoided loss of nature conservation value, incorporated new and/or enhanced green infrastructure and provided necessary mitigation in compliance with Policy BCS9 of the Core Strategy and Policies DM15, DM17, and DM19.

Trees

103. The Council's concern was over the quality of the arboricultural report, including the value categorisation of trees on site and inconsistencies related to tree removal and retention. As a result the proposal was said to show a lack of consideration for the full value of the green infrastructure assets and the mitigation required.
104. The existing trees are a valuable landscape asset to the site and a Tree Preservation Order is in place. The main groups of poplars along the site boundaries are shown to be retained. Nevertheless, the development would result in the loss of around 24 trees, 2 groups of trees and a hedge (excluding trees lost in widening the A4). The number of replacement trees would be in the order of 143 to comply with the tree compensation standard in Policy DM17.
105. After discussions, the parties agreed issues of tree management, protection, removal and replacement can be dealt with through the reserved matters and planning conditions. I do not question this outcome and on that basis there is no conflict with Policy BCS9 and Policies DM15 and DM17 that require appropriate new or enhanced green infrastructure to be incorporated into new development.

Other site development considerations

106. Flood risk, site drainage, mineral safeguarding and land instability were subject to investigation and assessment. No specific constraints were identified and these matters may be appropriately controlled by planning conditions.

Obligations

107. A planning obligation safeguards land required for implementation of transport proposals to comply with a requirement of Policy BCS10 and Policy DM24. Additional obligations relate to contributions towards monitoring the employment and skills plan and the travel plan and towards the provision of fire hydrants.

Summary and Planning Balance

108. The proposal is inappropriate development which is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The potential harmful impact of the development on its openness would be significant. Harm to the Green Belt has substantial weight.
109. The site is not in a sustainable location. The implementation of the A4 Corridor Improvement Scheme would change that position in the future but the timescale is uncertain and impediments to delivery have not been resolved. Proposals within the scheme would not offer a genuine choice of travel mode and would not encourage the use of sustainable modes of travel. There is conflict with a principle in Policy BCS10 and a failure to make provision expected by Policy DM23.
110. Based on the proposals for the new signal-controlled junction on the A4 to provide access to and from the development, the scheme would have an unacceptable impact on highway safety. The modelling to date is unreliable. The degree of saturation on the arms of the proposed junction has not been shown to be acceptable and that the junction would function well. The proposed highway improvements have not been found appropriate and do not adequately reflect transport user priorities. These failings have very substantial weight given the importance of the A4 within the transport network and the vision for the route corridor. Compliance with Policy BCS10 and Policy DM23 is not achieved.
111. At this outline stage the development would offer the prospect of securing visual improvement to the site and being respectful of landscape character. The positive weight afforded to environmental objectives overall is constrained by the absence of details and such matters are neutral in the planning balance.
112. The development would improve the supply of modern commercial premises in an area where there is a consistent demand and a shortage of such accommodation. Strengthening economic performance in this way complies with Policy BCS8. The employment and economic benefits provide significant weight in support of the scheme. The economic benefits in the construction phase have not been quantified or explained and so provide limited support. Control on the amount of town centre uses in the mix may be achieved to comply with Policy BCS7 and Policy DM7.
113. Turning to the remaining 'other considerations' identified by the appellant, the adopted and emerging local plan strategy for South Bristol provide a small degree of support in so far as this area of the City is a priority focus for development. Nevertheless, regeneration and development of the site continues to be controlled by Green Belt policy. The contingency allocation and emerging D12 allocation relate to residential-led schemes and neither represent firm commitments. As such they provide little support. There would be a prospect of biodiversity gain to comply with policy requirements but the detail is for the next stage. The transfer of land would facilitate highway works as part of the A4 Corridor Improvement Scheme and therefore adds a small amount of positive weight.
114. The potential harms to the Green Belt and the additional identified harms resulting from the proposals are not clearly outweighed by employment and economic benefits and the other positive considerations. As such very special circumstances do not exist to justify the development. The proposal is contrary to Policy BCS6 and national policy in the Framework.

Conclusions

115. The outline proposal is for commercial development in the Green Belt where the means of access is for approval. The proposal is contrary to Policies BCS6 and BCS10 and Policies DM1 and DM23, policies directed at protecting the Green Belt, ensuring highway safety for all, acceptable traffic conditions and securing sustainable development. All matters considered, the proposed development is not in accordance with the development plan as a whole. Material considerations do not indicate a decision should be other than in accordance with the plan. For the reasons given above the appeal should be dismissed.

DECISION

116. The appeal is dismissed and outline planning permission is refused for the demolition of existing buildings, removal of surface parking, and erection of buildings to accommodate 4,765 sq m of commercial buildings (flexible Use Class E/B2/B8) with associated bins and bike stores, associated hard and soft landscaping, with vehicular access from the A4 Bath Road, where approval is sought for the matters of Access.

Diane Lewis

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Hugh Richards	Barrister instructed by Stokes Morgan Planning Consultants Ltd
Witnesses called	
Fiona Bennett BSc(Hons) MSc MCIHT CMILT	Director, Highgate Transportation
Marcel Watkins BA(Hons) DipTP	Director of CAMBIUM Chartered Landscape Architects
Alison Williams MRICS	Partner, Carter Jonas
Christopher Stokes BA(Hons) DipTP	Director, Stokes Morgan Planning Consultants Ltd

FOR THE LOCAL PLANNING AUTHORITY:

Ben Du Feu	Barrister instructed by the solicitor to the Council
Witnesses called	
Jane Woodhouse MEng MCIHT	Team Coordinator for Transport Development Management, Bristol City Council
Nitin Bhasin MA BArch	Principal Urban Designer, Bristol City Council
Lewis Cook BA(Hons) MSc MRTPI	Team Manager, Bristol City Council
Participants in round table discussions	
Rachel Clarkson	Nature Conservation Officer
Mark Hemming	Tree officer
Sophie Clarke BSc Dip AD	Team Leader, Development Management

INTERESTED PARTIES:

Sarah Freeman	Allotment tenant
Mark Ashdown	Bristol Tree Forum

DOCUMENTS submitted at the inquiry

- 1 Opening submissions on behalf of the Council
- 2 Opening statement on behalf of the appellant
- 3 Access Plan 2191 08 with Council's dimensions
- 4 Access Plan 2191 08 with appellant's dimensions
- 5 Tree Preservation Order 1372
- 6 Plan of Viewpoints
- 7 Email dated 19 February 2025 re Wyevale Trees
- 8 Access Plan 2191 04 with 18m marked
- 9 Draft list of planning conditions v2
- 10 Draft list of planning conditions v3
- 11 Closing submissions on behalf of the Council
- 12 Closing submissions on behalf of the appellant