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**** Supplementary Dispatch**

To all Members of the Planning and Regulatory Committee

Dear Sir or Madam

Planning and Regulatory Committee – Wednesday, 19 July 2023

I refer to the agenda for the above Planning and Regulatory Committee meeting and attach the following item, marked 'to follow':

**6. Matters referred by Council, the Executive, other committees etc (if any)
(Agenda item 5) (Pages 3 - 4)**

Section 2 report of the Director of Place Directorate (attached)

Yours faithfully

Assistant Director Legal & Governance and Monitoring Officer

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Agenda Item 6

PLANNING AND REGULATORY COMMITTEE

UPDATE SHEET

19 July 2023

Section 2

Item 6 – 23/P/0194/LDP – Land Off Abbots Leigh Road, Abbots Leigh, BS8 3QB

Additional Third Party comments

Since the publication of the Committee report further comments have been made. The principal points made which are relevant to the determination of the application are:

- The number of on-site parking spaces is not sufficient for the number of allotment plots. The site requires more parking spaces which would constitute a change of use.
- The proposed allotment would have an adverse impact on the green belt and for that reason should be considered by a planning application which would be refused.
- The proposed ground mats for the surface of the car park are structurally unworkable and the car parking area will need to be constructed properly which constitutes development.
- The applicant's proposed method for laying the grass-grid does not accord with the manufacturer's guidance. The applicant's proposed method of simply laying it on the grass will not be sufficient. It will require a mechanical operation to install.
- There will be other activities which have not only been left out of the application but are crucial to the success of the business and fall outside of what is usually associated with allotments.

Officer comments: Many of the objections received relate to matters that are not relevant to the determination of the lawfulness of the proposed use. The application is focused on determining whether the proposal complies with the relevant legislation and cannot consider the points raised that relate to full planning permission. The application must be considered on the basis of the information submitted by the applicant and the recommendation has been made on that basis. The applicant's further comments have been sought on the manufacturer's guidance.

Additional comments from local residents through a Transport Technical Note, Published on the 11th July 2023

A statement on highway matters has been submitted. It suggests that given the inadequacy of the local highway network further information is required to determine whether the use would be acceptable with regards to the impact on highways.

Officer comments: The application is seeking lawful development certificate and these issues are not relevant to the determination about the proposed use of the land which does not propose access directly on to a highway.

Further correspondence received

Additional legal opinion commissioned by the applicant

PLANNING AND REGULATORY COMMITTEE

UPDATE SHEET

19 July 2023

A legal opinion from King's Counsel has been provided by the applicant expanding on whether the parking provided alongside the allotments is ancillary to the use of the remainder of the site as allotment and comments on a separate counsel's opinion provided by objectors to the application. It concludes that the scale of the parking is subordinate to the allotments use and it cannot be said to amount to supplant the primary use or amount to a dual use. As the parking area covers an area of 3,000 sq m against the extent of the 78,000 sq m site, it is clear that the car parking is to be regarded as ancillary. The KC's opinion concludes that the officer's judgement that the car parking is ancillary to the allotment use is correct.

Officer comments: *The legal opinion accords with the conclusions in the officer's report.*