

PLANNING AND REGULATORY COMMITTEE

UPDATE SHEET

20 November 2019

Section 1

Item 6 – 19/P/1030/FUL Paddock Lakes, Sheepway, Portbury

Committee Site Inspection

A Committee site inspection took place on 18 November 2019. A number of issues were raised.

Additional information from the applicant

The applicant has advised that the reason for the siting of the proposed storage barn in the proposed location was because of advice from planning officers on an earlier application when they proposed to site it in the field. It has not been sited on the hard standing near the fishery because this is a drop off point and disabled parking. He also believes the siting on the hard standing near the road makes less impact on the Green Belt.

Officer comments:

The applicants were advised to locate the proposed storage adjacent to the road by a previous officer inspecting the site under enforcement action on 22 January 2018.

Other matters

- The issue of the enforcement of the existing structures has been investigated. Although there had been partial compliance with the requirements of the enforcement notices, it appears that some of the structures may be immune from any enforcement action but this will be investigated further.
- The planning conditions on the approved use of the fishing lake (ref: 06/P/2153/F) were checked and there are no limitations on structures below 1m being erected within the visibility splay in the existing access. Furthermore, the access is not highway land. Therefore, the bollards are not in breach of the approved planning permission and do not require planning permission.
- The site ownership has been checked where the land to the south east of the application site remains in the same position as approved under planning application 06/P/2153/F. The application site does not appear to include land owned by the Council.
- An enforcement officer conducted a site visit on 22 January 2018 and viewed the inside of the containers where it was confirmed that most of the containers are used in connection with the fishing lakes except for the Tesco body and containers adjacent to the railway track which is used for the storage of wood that has been cut down from site

AMENDMENT TO CONDITIONS:

Minor amendments are required to the wording of conditions 3, 5, 6 and 8 to make them precise.

AMENDMENT TO RECOMMENDATION: APPROVE subject to amendments to conditions 3, 5, 6 and 8 as follows:

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3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any Orders revoking and re-enacting those Orders, with or without modification), the storage barn hereby permitted shall only be used to house equipment, machinery and materials for use in the maintenance and operation of the fishing lakes and for no other purpose.

Reason: The Local Planning Authority wishes to retain control over the use of the premises in the interests of preserving the Green Belt and to prevent undue disturbance to nearby residents and in accordance policies CS3 and CS6 of the North Somerset Core Strategy and in accordance with policies DM12 and DM32 of the North Somerset Sites and Policies Plan (Part 1).

5. The storage barn hereby permitted shall not be brought into use until a properly consolidated and surfaced parking area for 14 vehicles has been constructed in accordance with the approved plans and specifications. The approved parking area shall thereafter be permanently retained and kept available for parking in connection with the use of the fishing lake at all times.

Reason: In order to ensure that adequate parking provision is made in the interests of preserving highway safety and in accordance with policies CS10 and CS11 of the North Somerset Core Strategy, policies DM24 and DM28 of the North Somerset Sites and Policies Plan (Part 1) and the North Somerset Parking Standards SPD.

6. The development shall not take place except in strict accordance with the measures outlined in paragraphs 1.16, 1.17, 1.18 and 1.19 of the Bat and Bird Assessment undertaken by Burrows Ecological dated 4 October 2019. If amendments to the methodology are required, details of any amendments to the methodology must first be submitted to and approved in writing, by the Local Planning Authority before relevant works proceed. The development shall then be carried out in accordance with the approved amendments to the Bat and Bird Assessment.

Reason: To ensure compliance with the Conservation of Habitats and Species Regulations 2017, the Wildlife and Countryside Act 1981 (as amended), The Natural Environment and Rural Communities (NERC) Act 2006, policy CS4 of the North Somerset Core Strategy and policy DM8 of the North Somerset Sites and Policies Plan (Part 1).

Advice about discharging conditions relating to ecological mitigation can be found at:
www.n-somerset.gov.uk/batroostconditions
www.n-somerset.gov.uk/birdboxconditions
www.n-somerset.gov.uk/ecologyconditions

8. Trees, hedges and plants shown in the landscaping scheme (drg. no. AL1-2 rev C) to be retained or planted which, during the development works or a period of ten years following full implementation of the landscaping scheme, are removed without prior written consent from the Local Planning Authority or die, become seriously diseased or are damaged,

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shall be replaced in the first available planting season with others of such species and size as the Local Planning Authority may specify.

Reason: To ensure as far as possible that the landscaping scheme is fully effective and in accordance with policies CS4, CS5 and CS9 of the North Somerset Core Strategy, policies DM8, DM9, DM10, DM12 and DM32 of the North Somerset Sites and Policies Plan (Part 1) and the North Somerset Biodiversity and Trees SPD.

Section 4

Item 7 – Local Enforcement Plan update

It is proposed that the following additional amendments be made to the report and to the Local Enforcement Plan:

Amendment to report

Section 9. Equality Implications

The report refers to Human Rights Act 1988. It should read Human Rights Act 1998.

Amendments to Local Enforcement Plan

Appendix A

Paragraph 15 should read 'Criminal Procedure and Investigations Act 1996', not 'Procedures' plural.

Appendix B

Reference is made in Appendix B to the 'Advertisement Regulations'. It should be referred to as the 'Control of Advertisement Regulations (as amended)'.

'(as amended)' should also be added after the Highways Act 1980.