

# Planning & Regulatory Committee 21 April 2021

Requests to address the Committee received in accordance with the Standing Orders

**Public Participation under Standing Order No. 17 (up to a maximum of five minutes per speaker - this section should not exceed thirty minutes):**

Name	Subject

**Public Speaking on applications for planning permission under Standing Order 17A (up to a maximum of three minutes per speaker - this section should not exceed thirty minutes):**

Agenda Item No.	Application	Statement (s)
06	<b>Planning Application No. 20/P/0861/FUL</b> Erection of 14no. dwellings, provision of access, public open space, drainage, landscaping and ancillary works. Land to east of Youngwood Lane, Nailsea	<p><b>Against the proposal:</b> Dr Martin (statement to be read by Michele Chesterman)</p> <p><b>For the proposal:</b> Grassroots, agent for applicant (statement to be read by Hazel Brinton)</p>
07	<b>Planning Application No. 19/P/3197/FUL</b> Residential development of 60no. dwellings with supporting infrastructure and enabling works including new vehicular access with Moor Road, public open space, landscaping and drainage infrastructure on land off Moor Road, Yatton	<p><b>Against the proposal:</b> Eric Sewell (statement to be read by Michele Chesterman)</p> <p><b>For the proposal:</b> Persimmon Homes applicant (statement to be read by Hazel Brinton)</p>

08	<b>Planning Application No. 20/P/2447/FUL:</b> Demolition of existing bungalow and erection of 2no detached dwellings with ancillary works at 234 Down Road, Portishead, BS20 8HU	<b>Against the proposal:</b> Tina Mason <b>(statement to be read by Michele Chesterman)</b>  <b>For the proposal:</b> Davies Architectural Services, agent on behalf of the applicant <b>(statement to be read by Hazel Brinton)</b>
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## **Application 20/P/0861/FUL**

From Dr David Martin, 34 The Perrings, Nailsea.

I have lived for 42 years opposite the proposed development site and also write on behalf of many neighbours.

Council policies provide compelling reasons to refuse this application:

1. It seriously undermines the Strategic Gap between Nailsea and Backwell. This has been a long-standing policy which has been reaffirmed many times and has wide public support. We have the distressing situation that the Case Officer is reduced to presenting highly selective arguments to justify the incremental destruction of the Council's own Strategic Gap.
2. It is naïve to accept the applicant's argument that it is only a small part of the Gap – given that the site layout shows an open hammerhead and one empty plot pointing down into the Gap, surely in anticipation of further development. The owner of the present site has legally binding restrictions on the disposal of the next three fields. There is no doubt that if this application is approved it will lead to many similar piecemeal applications in this area which will then be difficult to refuse as none of them, according to the case officers' claim, would cause overriding harm but taken together would destroy the Strategic Gap. The way to protect the Gap against incremental loss is to refuse this first violation.
3. The triangular area at the site entrance is part of the designated Local Green Space protected by Site Allocation SA5 and should have been included in the Town Green application.
4. The road layout is uniquely unsatisfactory in that the proposed exit forms a dog-legged crossroad at The Perrings with Walnut Close. Such arrangements have been scrupulously avoided along bus-route feeder roads in Nailsea. No mention is made of the future effect of new traffic from the 600 plus homes approved for the west of Nailsea. Their shortest route to the station, Backwell and the A370 to Bristol will be down The Perrings, bringing a large increase in traffic. The creation of this crossroad should be refused.
5. The design involves a sharp bend immediately after the entrance leading to a pavement-less shared space between 1.2 metre stone walls. This remains the position in the applicant's supporting transport documents. The Council's 2020 Highways Development Design Guide states that a shared space should be no longer than 100 metres. The proposed cul-de-sac is significantly longer than this. The Highways Officer has already written that such a road will not be adopted. These problems arise from over-development of this narrow site which means that it is not possible to provide safe, full-width pavements for families with push chairs or for the mobility impaired.

The Council needs to abide by its own policies and refuse this application.

Thank you for the opportunity to have this statement read out today.

This application is for 14 dwellings, including 4 affordable houses, and lies on the edge of Nailsea, which is a sustainable settlement for new homes. The site lies close to everyday facilities and public transport including the railway station, and as part of this scheme, pedestrian access to it will be improved through the provision of a new surfaced footpath along the site frontage.

We understand residents' concerns over the proposals, however, there is a need for housing, including affordable homes, in Nailsea and this proposal is not for mass development, but is relatively small-scale and seeks to bring something extra to the town.

Clifton Homes are a small local company, which sets them aside from large PLC housebuilders, as they are committed to delivering smaller scale high quality development. Central Government has stressed the importance of supporting these builders as they help diversify the market and promote development which is more unique in design.

This is the case with the proposals currently sat before you, which have sought to take cues from the historic core of Nailsea, utilising stone, render, and timber cladding. Dwellings have been designed to look like traditional, cottage type homes, which reflect the urban-edge location and provide a transition out to the countryside. Boundary treatments have been carefully thought out, with residents having their own garden gates and low stone walls surrounding their properties. The scheme will be a sensitive addition to the settlement and raise the standards of design generally.

Over the year that the application has been pending, Clifton Homes have made changes to the proposals to respond to public comments, including to the homes which will back onto the rear of numbers 23 to 31 The Perrings, by reducing the height of the dwellings, incorporating dormer windows and pulling them as far away from these properties as possible, to avoid any perception of overlooking or overbearing.

In addition, the proposals offer 3 bungalows, something which is rarely seen in modern development schemes. This will support existing residents of Nailsea that may be looking for somewhere to downsize or are less able to use stairs.

The application is for detailed planning permission and could easily be built out within five years, therefore boosting housing supply and delivery.

We therefore respectfully request that you agree with your officer's recommendation to approve the application, and grant this very high-quality development permission.

## North Somerset Planning & Regulatory Committee 21<sup>st</sup> April 2021

### Application 19/P/3197/FUL 60 Dwellings Moor Road Yatton

#### Statement of Objection against this application

##### Background

After an unsuccessful Pre-Application the Persimmon submitted application 16/P/0888/F which **Councillors refused in July 2019 (Persimmon did not appeal)**

Their latest application 19/P/3197/FUL is to build 60 dwelling on land that was for 7 years Rugby Training pitches rented by Yatton RFC.

Valid reasons I believe, for refusing this application are:

- A proposed development access road across the Orchard will result in the removal 314m<sup>2</sup> (Nat Eng) of hedgerow currently used as a commuting feature by both species of Horseshoe bat, is likely to harm a nationally rare fungus and is less than 10m from Kenn Moor SSSI. If approved, would lead to two years of construction traffic through the Orchard effecting irreversible harm to this sensitive and delicate site.
- It would also harm the setting of a Grade II listed building 'The Grange'. Case Law was made by Case No CO/4552/2015 in March 2016 when a High Court of Justice Judgement stated that damage to a Heritage Asset outweighed other factors including the lack of a five year housing supply, and quashed the planning inspector's decision to approve it.
- It would compromise road safety by using the junction onto Kenn Moor Road already unsafe. Moor Road is totally unsuitable for the increased traffic resulting from a 60 dwelling development.
- Would result in material harm to the open rural countryside character and appearance of a valued gateway to into the Village of Yatton.
- In 2019 North Somerset Council declared a Climate Emergency. The Council should be ensuring the protection of sites like this. Not appeasing developers to destroy them.

##### New Facts:

An adjacent site has come forward. Two linked planning applications are in preparation – one residential development on Yatton RFC (Strongvox) and another to relocate the Club to beyond the Bridge inn. If Councillors are minded to accept housing on the allocated part of the site, surely **Persimmon must be made to wait** for alternative access onto the main road – through the rugby club site – and not

through the Orchard and out onto a narrow unclassified road. **No homes will be lost just a delay in their construction.**

Councillors have a duty to protect delicate sites like this and should not cede authority to developers, but pursue what is right for the community and the environment. Please refuse this application.

The Officer Report is commended and this statement addresses specific matters raised during the application.

The eastern parcel of this site is allocated for residential development within the North Somerset Site Allocation Plan. Therefore, the principle of residential development on this site has been accepted and therefore should not be under contention.

In relation to the western parcel, the 'Orchard' land. The site allocation policy texts states:

*... an access road across the orchard will only be considered if alternative access arrangements cannot be made and subject to a suitable scheme being agreed with Natural England.*

Persimmon Homes have submitted detailed information which demonstrates that there is no suitable alternative access to the site. The alternative access arrangements have been comprehensively discussed as part of the previous and current application and the position has remain unchanged. The Officers report comprehensively covers this issue and concludes that there are no other suitable alternatives.

Furthermore, Natural England do not object to the development subject to early delivery of the proposed mitigation, which is secured via the recommended planning condition.

Given that no alternative access is available and Natural England do not object, this application is entirely in accordance with the Allocation Policy and NPPF (para 32).

This revised application addresses the previous reason for refusal. The previous reason for refusal included 'unacceptable loss of trees and hedgerow', 'cramped layout' and 'impact on the rural character and appearance of the former orchard and setting on Yatton'.

This application shows the removal of trees and hedgerow necessary only to provide the access and visibility splay. It also includes the reinstatement of the Orchard with 21 additional fruit trees, a new hedgerow and tree planting along all field boundaries.

This application has been reduced and is now exactly 60 units, which is in accordance with the Site Allocation Policies.

In relation to setting of landscape setting, the site is allocated and therefore the principle of impact on setting has been established through the plan making process. Furthermore, through the reinstatement of the Orchard and tree and hedgerow planting any impact is mitigated.

Substantial concessions have been made by Persimmon Homes to deliver a scheme that is entirely in accordance with Development Plan Policies.

I can confirm that we will achieve the 15% betterment through delivery of fabric improvements and solar PV in accordance with policy.

Therefore, in the context of North Somerset is not able to achieve a 5 year housing land supply, and the application is entirely in accordance with the Development Plan, is delivering much need housing, including 30% affordable on an allocated site, I commend the Officers recommendation to you and encourage members to approve this application without delay.



I live at 236 Down Road and I **OBJECT** to the application.

The planning reason for rejecting this application is that the submitted plans omit windows in my property and as such cannot demonstrate that the 45 degree rule has been met. This can be objectively proven and is a matter of fact, not opinion.

The last time this came to committee, the planning officer stated that the planning rules had been met, that the development is deemed not to be overbearing and complies with the RDG1 test in terms of depth, width and height. The proposed development is overbearing.

A balcony to the rear of my property, close to the boundary adjoining the new development, is **omitted from the developer's plans**. The plans do not therefore demonstrate how the 45 degree rule has been met in respect of this window. The balcony is clearly visible in the plans for 236 on the council website. I can (and have previously) provided photographs and diagrams, but am not permitted to within this, as it has to be read out in the meeting. Despite my having referred to this balcony in previous objections, the developer has made no attempt to rectify this.

Should you choose to reject this application on the basis of the inaccurate plans, it will be very easy to provide objective evidence to the Planning Inspectorate as to why this has been rejected. If these plans are approved, this would be the approval of a planning application that can be objectively proven to be inaccurate, despite the fact that this has been called out.

Furthermore, as at the date of writing this, I am not aware that any committee members have had an opportunity to view the site from the rear of my property, as no one has contacted me to gain access. This would allow the council members to see both the omitted balcony and the overbearing nature of the proposed property, which essentially encloses the side of 236.

I understand the need for further housing development in the area and have no objection to 2 houses being built next to me, provided they are of a suitable size and scale. The need for further properties is not a reason to approve inaccurate plans, which do not reflect the impact on neighbouring properties.

Thank you for listening.

## **Planning Application No. 20/P/2447/FUL**

The proposals at 234 Down Road provide two new dwellings on an existing site within the settlement boundary, which is strongly supported by planning policy at local and national levels, as well as across the political spectrum. The principle of developing a brownfield site for intensified residential use is reinforced by the Core Strategy, with Central Government refocusing on the importance of increasing densities in urban areas, as they are sustainable locations for housing.

Placing development here is a key benefit of the scheme as it provides residents in a location where they are able to walk, cycle or use public transport to access everyday facilities. Providing housing within the settlement boundary takes pressure off the need to develop greenfield sites, as well as boosting housing supply, which is particularly needed in North Somerset at the current time.

We acknowledge local concerns raised which were related to the street scene, parking, overlooking and overbearing. However, during the application we have addressed these issues by making amendments to the proposals.

This has included reducing the scale of the dwellings so that they match the building line of the neighbouring properties; removing the cycle/bin store from the front; lowering the ridge height; replacing the original balconies with Juliet balconies; removing the raised decking to the rear; and amending the site access and parking.

Whilst the proposals are very similar to the neighbouring site which was granted permission by members in 2018, we believe that they represent an improvement over what was permitted at number 232, as the proposed design bridges the gap between the more historic properties found in Down Road and the newly implemented scheme on the adjacent land as well as neighbouring properties that have undergone contemporary extensions in recent history. This would have been noticeable following the committee member's site visit.

Since the adjacent application was granted permission, there have been no significant changes in planning policy that would warrant a different conclusion being

reached. It would therefore be unreasonable to dismiss this application on the grounds of design, layout or character.

Officers have also considered the potential impact from overbearing on the adjacent properties, including number 236 Down Road. Whilst concerns have been raised about loss of light into their kitchen, it has been concluded that the scheme is compliant with the Residential Design Guide, because it does not affect the primary source of light into this habitable room. The side windows also remain protected by the 45° vertical rule.

We have worked positively with officers and have addressed public comments as far as possible, which has resulted in a scheme which responds to the local context more appropriately. We therefore respectfully request that members approve the proposals in line with your officer's recommendation.

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## PLANNING AND REGULATORY COMMITTEE

### UPDATE SHEET

21 APRIL 2021

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#### **Section 1**

#### **Item 6 - 20/P/0861/FUL - Land to east of Youngwood Lane, Nailsea**

#### **Additional information from the applicant:**

Additional information has been submitted to demonstrate access for refuse lorries and to provide additional existing and proposed spot levels.

#### **Officer comments:**

*Technical assessment of the amended plans has not been completed yet but the site plan confirms that the development will not amend land levels at the boundary with existing properties at The Perrings.*

#### **Amended plans**

Amended elevation plans have been submitted for house type D which removes the upper floor window from the eastern side elevation and for the vehicular access junction with The Perrings, demonstrating 2.4m x 43m visibility splays and pedestrian/cyclepath blended crossing. This was requested in order to facilitate proposals for a new foot/cycle link to the railway station via The Perrings.

#### **Additional Third-Party comments**

16 additional letters of objection have been received. The principal additional planning points made are that:

- Impacts of the development on the Strategic Gap and on impacts on views to Backwell are unacceptable and
- The Local Green Space designation has not been addressed adequately.

#### **Officer comments:**

*It is acknowledged that in the summer deciduous tree cover provides a higher level of screening of Backwell in views from the site. In winter when trees provide less cover, views are less filtered. However, the edge of Backwell is distant and only visible in glimpses between trees and hedges. Officers concluded that on balance this was a relatively small incursion into the strategic gap which did not cause overriding harm.*

*The Local Green Space designation relates to the easternmost triangle of site, which is a relatively small area (0.08 ha) separated from the main area of open space by trees and shrubs. The application proposes to construct the vehicular site access on this land, the remainder of which will remain as public open space. As the proposals retain the majority of the site as open space, the impact on the amenity value of the land is minimal.*

# PLANNING AND REGULATORY COMMITTEE

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21 APRIL 2021

Nailsea Town Council: comments are unchanged.

### **Clarification to Issue 1 Principle of Development**

The current housing land supply position as of April 2020 is 4.2 years not as stated.

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### **Item 7 – 19/P/3197/FUL - Land off Moor Road, Yatton**

#### **Additional information from the applicant**

The applicant considers they have demonstrated that alternative access is not available and given that the HRA with mitigation addresses Natural England's (NE) requirements then the application accords with policy. The applicant contends that as the orchard is currently in private ownership and used for grazing horses the submitted scheme represents an enhancement in the long term. The applicant has confirmed agreement to the proposed condition 20 (energy generation) and so part(a) of the recommendation is no longer needed.

The early mitigation required by NE should include trees and hedgerow planting at the site entrance and adjacent to Stowey Rhyne taking place and submission of the Landscape Ecological Management Plan (LEMP) for approval *prior to commencement of development*, and the new bat roost feature being available for use *prior to removal of any hedgerow for the new access road*. It is proposed that amended conditions 5 and 11 would meet this need. (see amended recommendation below).

#### Officer comments:

*It is considered that the amendments to 5 and 11 will strengthen the ability to protect both existing vegetation and any trees and replacement hedgerow planted as boundary treatment and orchard regeneration. In conjunction with the provisions of the s106 agreement these are intended to secure well-managed and husbanded structural landscaping to support biodiversity objectives to ensure Natural England's requirements have been met. The Council's solicitor has recommended that conditions 20 and 27 be amended slightly as below to avoid any ambiguity.*

#### **Additional Third-Party comments**

Four additional letters of objection/neutral comment have been received. The principal planning points made are as follows:

- Concern about impact on structural integrity of owner's garage and neighbouring land ownership on Kenn Moor Road
- There are realistic opportunities to provide an alternative (eg through the rugby club) and it would be better and have fewer adverse impacts than proposed access;

#### Officer comments:

*The works to achieve the pavement will fall within the highway and or development site and therefore do not encroach on adjoining private land. The matter concerning the Listed Building has been fully*

**PLANNING AND REGULATORY COMMITTEE**

**UPDATE SHEET**

**21 APRIL 2021**

*considered on its individual merits and the assessment of impact on the setting of The Grange has is set out in the report.*

**AMENDMENT TO RECOMMENDATION** (amendments shown in bold and strikethrough):

**RECOMMENDATION:**

As set out in the report with amended conditions as follows:

Amended condition 5:

“No development shall commence until a **phasing** plan showing the location and design of tree and hedge protection fencing for **existing and proposed trees and hedges** has been submitted to and agreed in writing by the Local Planning Authority. ~~and the~~ **The** agreed protection measures **shall be carried out in accordance with the approved phasing plan.** ~~has been erected around existing trees and hedges to be retained.~~ The Authority shall be informed at least seven days before works start on site so that barrier position can be established. The agreed fencing shall remain in place during site works. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, including compaction of the ground by any other means, without the written consent of the Local Planning Authority.”

Amended condition 11:

“No development shall commence until a landscape ‘phasing’ planting plan for the overall site, together with details and phasing of the pond construction, has been submitted to and approved in writing by the Local Planning Authority. The initial phase of the landscape planting scheme shall relate to the planting within the Orchard area, **at the site entrance** and alongside Stowey Rhyne which, subject to the submission and approval of the landscape planting scheme referred to in condition 12, shall, together with the erection of protective fencing and construction of the pond, be carried out prior to the commencement of any other works on site, including the removal and breach of the existing hedgerow and the construction of the approved site access road.”

Amended condition 20:

20. The dwellings hereby approved shall not be occupied until measures to generate 15% (less if agreed **in writing** with the local planning authority] of the energy required by the use of the development (measured in kilowatt hours - KWh) through the use of micro renewable or low carbon technologies have been installed on site and are fully operational in accordance with details that have been first submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved technologies shall be permanently retained unless otherwise first agreed in writing by the Local Planning Authority.

Amended condition 27

27. Details of the proposed play area shall be submitted to the Local Planning Authority for approval on, or before the access to the development site ~~is provided~~ **is laid out and available for use by construction traffic.** The submitted details shall be designed using materials appropriate to the Orchard setting. The agreed plans shall thereafter be implemented, and the play area made available for use on or before occupation of the sixth dwelling.

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