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**** Supplementary Dispatch**

To all Members of the Planning and Regulatory Committee

Dear Sir or Madam

Planning and Regulatory Committee – Thursday, 24 June 2021

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

12. P&R Update Sheet 24.06.21 (Pages 3 - 8)

Yours faithfully

Assistant Director Governance and Monitoring Officer

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Section 1

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

Additional comments from Natural England.

Additional planting at the south and west boundaries is required particularly with mature native hedgerow plants to reinforce a dark buffer for horseshoe bats.

Additional information from the applicant

To enable the HRA to be completed the applicant has agreed to provide additional tree and hedge planting at the southern and western boundaries to reinforce the southern dark corridor for bats.

Officer comments:

An amended landscaping plan is awaited.

Amended plans

The applicant has submitted a revised site layout plan in May ref no 13129/002 Rev. H, which:

- Amends house type D at plot 6 to remove the only north facing dormer window and replace it with a high level roof light;
- Reorientates the house at plot 6 marginally so the rear elevation is facing further away from neighbours;
- Proposes a 3m wide blended crossing at the junction of the access road with The Perrings;
- Includes a 1.2m wide footpath with a curb at the northern side of the site access road;
- Confirms the access road is 5m wide with a 0.5m service strip at the south.

Officer comments:

Neighbours immediately adjacent to the site were notified of these amendments. The 14-day period for comment lapsed 11th June. These proposals are acceptable. This design results in the site access road being unsuitable to serve any additional residential development. The minimum distance between rear facing elevations of proposed to existing dwellings is 22.5m which complies with the adopted distances in the SPD.

Additional Third Party comments

17 additional letters of objection have been received. The principal planning points made are as set out in the report with an additional query relating to the Local Wildlife Site south of this site.

Officer comments:

The land to the south of the site is designed under the adopted Development Management Sites and Policies Plan as a Local Wildlife site (policy DM8.) A plan with the designated area has been added

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to the committee presentation. No adverse impacts will result to this designated site from the proposals.

Nailsea Town Council

At the meeting on 9th June the previous objections were reiterated.

AMENDMENT TO RECOMMENDATION:

The recommendation remains unaltered with the exception of part (a) which is reworded as follows:

“(a) In consultation with Natural England, the completion of the Habitat Regulations Assessment and Appropriate Assessment if required, and provision for necessary on site mitigation from new tree and hedge planting and off site mitigation (if required);”

Item 7 – 20/P/1673/FUL - B & M Bargains Limited, The Triangle, Clevedon, BS21 6HX

Additional information from the applicant

The applicant has advised that:

- i) to retain the north western Poplar tree would result in the loss of 3 car parking spaces and suggests a planning condition would be acceptable to require further technical work to use best endeavours to retain it without the loss of these spaces.
- ii) the residential building cannot be relocated due to underground services and a planning condition could be applied to assess whether the trees can be retained or replaced with suitable species in better positions.
- iii) the foot/cyclepath is 2.48m away from the ground floor apartments facing the car park, a planning condition should be applied to ensure suitable boundary treatment.
- iv) further discussion is required with NSC Highways Officers to clarify the design requirements for the access at Great Western Road as well as increasing the width of the footpath and the potential design revisions to the turning head at Lower Queens Road.

Officer comments:

Comments from the Arboricultural Officer have been sought in relation to the use of planning conditions, however should they be applied it is unlikely the retention of these trees could be guaranteed. On the basis of the information provided the detailed design of the access, Great Western Road footpath and Lower Queens Road turning head can be addressed through planning conditions.

Amended plans

Additional plans and information has been submitted to demonstrate compliance with the Nationally described space standards and policy DM42 requirements for disabled access.

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Officer comments.

The space standard requirements have been complied with and the accessibility housing requirements can be the subject of a planning condition.

Additional Third Party comments

4 no additional letters of objection have been received. The principal planning points made are as set out in the committee report. Comments have also been received from The Trustees of Curzon Clevedon Community Centre for Arts and Clevedon BID which are summarized below.

The Trustees of Curzon Clevedon Community Centre for Arts.

Whilst the proposals will affect visual linkage between The Curzon and Queens Square these currently are not particularly attractive or strong. The greatest barrier to the effective linkage of the development site to The Curzon and wider Cultural Quarter is the use and design of Great Western Road. The revised access arrangements and removal of the existing car park exit provides the opportunity to significantly improve pedestrian priority within the highway at this location and create a more effective linkage between the development and The Curzon. This issue has not been acknowledged in the Committee report. The creation of additional living accommodation will enhance the town centre in terms of activity will support town centre businesses including The Curzon. The applicants offer of funding towards the upgrading of Queens Square is welcomed and a material consideration in respect of further strengthening the applications role in improving the vitality and viability of the central area. The BID's representation is supported. The benefits of the proposals to the town centre retail offer and the overall vitality of the town centre as a whole outweigh the dis-benefits and the support for the application is reiterated.

Clevedon BID.

Reconfirmed support of this application on condition it includes the landscaping improvements to Queens Square (which must equate to a financial commitment of at least £100k excluding canopy repairs). In summary the BID see the pros outweighing the cons as follows. The principal "pros" are include a newly landscaped Queens Square creating a real heart for the town, demolition of the blank ugly B&M elevation onto Queens Square with much improved new buildings; two large retailers plus a gym instead of one retailer; an enhanced carpark, Great Western Road and 'gateway' for the town; occupiers of the new residential units contributing to long term 'resilience' of the town centre and a possible second phase with family living and/or hotel. The principal "cons" are loss of some car parking spaces and lack of family housing. The BID represents 250 businesses in the town and has concluded this is a major improvement on the current town centre and with reinvented Queens Square in particular and new events expertise in the town has great potential for businesses, residents and visitors."

Officer comments.

The applicants have submitted a development viability appraisal which is currently being assessed.

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Application of Listed Building and Conservation Area legislation.

Impacts on the nearby Listed Buildings and the Conservation Area have been assessed. The Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) requires that Local Authorities have a general duty under Section 66 to respect listed buildings in the exercise of planning functions and under section 72 a general duty to respect Conservation Areas in the exercise of planning functions. This includes the requirement to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses and special attention paid to the desirability of preserving or enhancing the character or appearance of that area. These requirements have been given due consideration and subject to the points made in the report, recommendation and update sheet the proposals are not considered to be unacceptably harmful.

Section 2

Item 8 – 19/P/3197/FUL Land off Moor Road, Yatton

Additional information from the applicant

The applicant has submitted details to demonstrate compliance with the Nationally Described Space Standards (NDDS). They have also stated they will deliver the 15% carbon reduction through renewable and low carbon energy as per the requirements of planning condition 20. This will most probably be via solar PV but will be supported by calculations and design to discharge the condition.

The applicant has also sought clarification of the proposed refusal reason. They have questioned whether policies DM36 (Density) and CS14 (Distribution of Housing) are relevant within the reason for refusal given the refusal reason relates to the proposed road.

Officer comments:

Overall internal space standards are compliant with the NDSS requirements for the numbers of bedrooms and bedspaces with the possibility that some rooms for studies/home offices may be used as additional bedrooms. Thus, part (b) of the officer recommendation is no longer necessary.

Core Strategy Policy CS2 states in criterion that the Council will: “2) require the use of on-site renewable energy sources or by linking with/contributing to available local off-site renewable energy sources to meet a minimum ofpredicted energy use for residential development proposals.....15% for 10 or more dwellings;” Officers have clarified how the requirements of proposed condition 20 as amplified by the SPD Creating Sustainable Buildings and Places SPD will apply.

In relation to the refusal reason, it is understood that that the committee’s objections relate to the proposed access road rather than to the allocated residential development site per se. It would therefore be inappropriate to refer to policies DM36 and CS14 as these respectively relate to residential densities and the distribution of new housing between the main towns, service villages

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and infill settlements. Reference to these policies should be omitted. Other policy references remain appropriate.

However, there will be a requirement that the conclusions of the Council's Habitat's Regulations Assessment are accepted by Natural England, once formally submitted by the Council. Natural England has confirmed that the Shadow HRA in relation to the North Somerset and Mendip Bats Special Area of Conservation submitted by the applicant is accepted, provided that the mitigation proposed is delivered as early as possible, to allow for the establishment of new planting and provision of alternative roosting options for bats prior to removal of any hedgerows and trees. This is to be secured as part of the legal agreement or planning conditions and therefore the Council's submission can be made with some certainty that this will be accepted by Natural England.

There is no clear reason for refusing the proposed development according to the provisions of Paragraph 11 (d) (i) NPPF and according to the specific definition of "sustainable development" which is set out by the NPPF. Officers have assessed the adverse impacts of the development against the benefits when assessed against the policies of the NPPF as a whole. In doing so officers have considered the mitigation hierarchy set out in the NPPF Para 175 a), local planning policies, the declaration of a climate and nature emergency and the Council's duties under Section 40 of the Natural Environment and Rural Communities Act 2006 which places a duty on public authorities to have regard for the conservation of biodiversity when delivering their functions.

AMENDMENT TO RECOMMENDATION:

The recommendation as published on page 51 of the agenda is amended as below with revised text in bold.

Subject to –

~~(a) clarification regarding renewable energy provision;~~

“(a) acceptance of Council's Habitats Regulations Assessment by Natural England; and

(b) the completion of a section 106 legal agreement securing ...” .(rest of recommendation as set out in the published recommendation)

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