

Public Document Pack

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Date: Tuesday, 8 November 2022

Attention is drawn to Update Sheets which include the latest information on a planning application. Please check the council's website for any supplementary despatches which will include Update Sheets if available.

Dear Sir or Madam

**Planning and Regulatory Committee – Wednesday, 16 November 2022, 2.30 pm
– New Council Chamber - Town Hall**

A meeting of the Planning and Regulatory Committee will take place as indicated above.

Please Note that this meeting is a face-to-face meeting being held in the New Council Chamber, Town Hall and will not be livestreamed.

The agenda is set out overleaf.

Yours faithfully

Assistant Director Legal & Governance and Monitoring Officer

Councillors (13):

James Tonkin (Chairman), John Crockford-Hawley (Vice Chairman), Mike Bird, Peter Bryant, Caroline Cherry, Peter Crew, Ann Harley, Stuart McQuillan, Robert Payne, Timothy Snaden, Mike Solomon, Richard Tucker, Richard Westwood

Agenda

1. **Public speaking at planning committees (Standing Order 17 & 17A) (Agenda Item 1)**

Please note that following changes to SO17A, public speaking about applications for planning permission will be at the start of relevant agenda items rather than at the start of the meeting. Time limits and notification deadlines remain unchanged, as set out below.

To receive and hear any person who wishes to address the Committee. The Chairman will select the order of the matters to be heard. Each speaker will be limited to a period of five minutes for public participation on non-planning matters (up to a maximum of 30 minutes) and three minutes for the applicant/supporters and three minutes for objectors on a planning application (up to a maximum of 30 minutes).

If there is more than one person wishing to object to an application, the Chairman will invite those persons to agree a spokesperson among themselves. In default of agreement the Chairman may select one person to speak.

Requests to speak must be submitted in writing to the Assistant Director Legal and Governance and Monitoring Officer, or to the officer mentioned at the top of this agenda letter, by noon on the day before the meeting and the request must detail the subject matter of the address.

Please ensure that any submissions meet the required time limits and can be read out in five minutes for public participation on non-planning matters (up to a maximum of 30 minutes) and three minutes for applicant/supporter statements and three minutes for objector statements on a planning application (up to a maximum of 30 minutes). Members of the public are advised that 400 words at normal speaking speed equate to a three minute statement.

2. **Apologies for absence and notification of substitutes (Agenda item 2)**

3. **Declaration of Disclosable Pecuniary Interest (Standing Order 37) (Agenda Item 3)**

A Member must declare any disclosable pecuniary interest where it relates to any matter being considered at the meeting. A declaration of a disclosable pecuniary interest should indicate the interest and the agenda item to which it relates. A Member is not permitted to participate in this agenda item by law and should immediately leave the meeting before the start of any debate.

If the Member leaves the meeting in respect of a declaration, he or she should ensure that the Chairman is aware of this before he or she leaves to enable their exit from the meeting to be recorded in the minutes in accordance with Standing Order 37.

4. Minutes 12 October 2022 (Agenda Item 4) (Pages 5 - 8)

12 October 2022 to approve as a correct record (attached)

5. Matters referred by Council, the Executive, other committees etc (if any) (Agenda item 5)

6. Planning Application No: 22/P/0227/OUT Outline planning application with all matters reserved, except access, for demolition of existing structures on site (75 Greenhill Road) and subsequent residential led mixed-use development comprising of up to 49no. residential dwellings (Class C3) and a change of use of land for education use (Use Class F1), along with associated infrastructure and works including landscaping, servicing, parking, new accesses, and a new access road. Land To The South Side Of Greenhill Lane And North Of Greenhill Road Sandford (Agenda item 6) (Pages 9 - 40)

Section 1 report of the Director of Place Directorate (attached)

7. Q2 Performance Report (Agenda item 7) (Pages 41 - 48)

Section 3 report of the Director of Place Directorate (attached)

8. Planning Appeals 161122 (Agenda item 8) (Pages 49 - 52)

Section 3 report of the Director of Place Directorate (attached)

9. Urgent business permitted by the Local Government Act 1972 (if any) (Agenda item 9)

For a matter to be considered as an urgent item, the following question must be addressed: "What harm to the public interest would flow from leaving it until the next meeting?" If harm can be demonstrated, then it is open to the Chairman to rule that it be considered as urgent. Otherwise the matter cannot be considered urgent within the statutory provisions.

Exempt Items

Should the Planning and Regulatory Committee wish to consider a matter as an Exempt Item, the following resolution should be passed -

"(1) That the press, public, and officers not required by the Members, the Chief Executive or the Director, to remain during the exempt session, be excluded from the meeting during consideration of the following item of business on the ground that its consideration will involve the disclosure of exempt information as defined in Section 100I of the Local Government Act 1972."

Also, if appropriate, the following resolution should be passed –

“(2) That members of the Council who are not members of the Planning and Regulatory Committee be invited to remain.”

Mobile phones and other mobile devices

All persons attending the meeting are requested to ensure that these devices are switched to silent mode. The chairman may approve an exception to this request in special circumstances.

Filming and recording of meetings

The proceedings of this meeting may be recorded for broadcasting purposes.

Anyone wishing to film part or all of the proceedings may do so unless the press and public are excluded for that part of the meeting or there is good reason not to do so, as directed by the Chairman. Any filming must be done as unobtrusively as possible from a single fixed position without the use of any additional lighting, focusing only on those actively participating in the meeting and having regard to the wishes of any members of the public present who may not wish to be filmed. As a matter of courtesy, anyone wishing to film proceedings is asked to advise the Chairman or the Assistant Director Legal & Governance and Monitoring Officer’s representative before the start of the meeting so that all those present may be made aware that it is happening.

Members of the public may also use Facebook and Twitter or other forms of social media to report on proceedings at this meeting.

Emergency Evacuation Procedure

On hearing the alarm – (a continuous two tone siren)

Leave the room by the nearest exit door. Ensure that windows are closed.

Last person out to close the door.

Do not stop to collect personal belongings.

Do not use the lifts.

Follow the green and white exit signs and make your way to the assembly point.

Do not re-enter the building until authorised to do so by the Fire Authority.

Go to Assembly Point C – Outside the offices formerly occupied by Stephen & Co

Minutes

of the Meeting of

The Planning and Regulatory Committee

Wednesday, 12 October 2022

New Council Chamber - Town Hall

Meeting Commenced: 2.30 pm

Meeting Concluded: 3.20 pm

Councillors:

James Tonkin (Chairman)

Peter Bryant
Caroline Cherry
Peter Crew
Ann Harley
Phil Neve (substituting for Stuart McQuillan)
Robert Payne
Mike Solomon
Richard Tucker
Richard Westwood

Apologies: Councillor John Crockford-Hawley (Vice Chairman), Stuart McQuillan

Absent: Councillors David Shopland, Timothy Snaden

Other Councillors in attendance: Karin Haverson

Officers in attendance: Sue Buck (Solicitor - Litigation Team Leader), Michèle Chesterman (Committee Services Senior Officer), Andrea English (Principal Transport Policy Officer) Richard Kent (Head of Planning, Place Directorate), Andrew Stevenson (Principal Planning Officer) James Wigmore (Lead Transport Planner), Roger Willmot (Service Manager Strategic Developments)

PAR Chairman's Welcome

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The Chairman welcomed everyone to this face-face meeting of the Planning & Regulatory Committee in the New Council Chamber.

He explained the new arrangements in place for speaking on planning applications under Standing Order 17A, with speakers to be invited to address the committee immediately before an application rather than at the start of the meeting.

The Chairman then introduced those officers present at the meeting

PAR 19 Public speaking at planning committees (Standing Order 17 & 17A) (Agenda Item 1)

It was noted there were no speakers under Standing Order 17 or 17A.

PAR 20 Declaration of Disclosable Pecuniary Interest (Standing Order 37) (Agenda Item 3)

None

PAR 21 Minutes 21 September 2022 (Agenda Item 4)

Resolved: that the minutes of the meeting be approved as a correct record.

PAR 22 Planning Application No: 22/P/0227/OUT Outline planning application with all matters reserved, except access, for demolition of existing structures on site (75 Greenhill Road) and subsequent residential led mixed-use development comprising of up to 49no. residential dwellings (Class C3) and a change of use of land for the provision school building (Use Class F1), with defined ancillary community use (Use Class F2), along with associated infrastructure and works including landscaping, servicing, parking, new accesses, and a new access road (Agenda item 6)

The Director of Place's representative presented the report. He also drew members' attention to the update sheet which had been published the previous day.

At the invitation of the Chairman, the ward members, Councillors Karin Haverson and Ann Harley addressed the committee.

Following debate it was:

Resolved: to **REFUSE** contrary to recommendation for the following reason:

The proposal constitutes unsustainable development due to inadequate public transport links to essential services contrary to policy CS10 of the Core Strategy 2017.

As the application was under section 1 of the agenda and the resolution was contrary to the officer recommendation the application is held over until a future meeting for the final decision to be made.

PAR 23 Planning Appeals 121022 (Agenda item 7)

The Director of Place Directorate's representatives reported on appeal decisions and appeals that had been lodged since the date of the last meeting.

Resolved: that the report be noted.

**PAR 24 Urgent business permitted by the Local Government Act 1972 (if any)
(Agenda item 8)**

None

Chairman

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Section 1

North Somerset Council

ITEM 6

REPORT TO THE PLANNING AND REGULATORY COMMITTEE

DATE OF MEETING: 16 November 2022

SUBJECT OF REPORT: Outline planning application with all matters reserved, except access, for demolition of existing structures on site (75 Greenhill Road) and subsequent residential led mixed-use development comprising of up to 49no. residential dwellings (Class C3) and a change of use of land for education use (Use Class F1), along with associated infrastructure and works including landscaping, servicing, parking, new accesses, and a new access road. Land To The South Side Of Greenhill Lane And North Of Greenhill Road Sandford

TOWN OR PARISH: Winscombe and Sandford

OFFICER/MEMBER PRESENTING: HEAD OF PLANNING

KEY DECISION: NO

RECOMMENDATIONS

Subject to the completion of:

- a) a satisfactory Habitats Regulations Assessment
- b) the submission of revised visibility splays drawings with SSD's aligned with the results of the speed surveys or delivery of an acceptable scheme for speed reduction mitigation measures, and
- c) the completion of a section 106 legal agreement securing financial contributions towards the provision of
 - £235,741.67 towards NSC Home to School Transport costs.
 - £30,000.00 per year for 3 years to provide an enhanced bus service (service 51) £50,000.00 to replace 2 bus stops
 - A £120.00 per dwelling contribution to be spent on active travel incentives such as bus vouchers, bicycle vouchers etc.
 - A £6,800 contribution required to make improvements to PRow AX29/45
 - The transfer of land for a playing field, and
 - The provision of 30% on site affordable housing

the application be **APPROVED** subject to the conditions set out in the report attached as Appendix 1 as amended by the Update Sheet in Appendix 2 together with any other

additional or amended conditions as may be required in consultation with the Chairman and Vice Chairman and local members.

1. SUMMARY OF REPORT

The application was considered by the Committee on 12th October when it was resolved that the application should be refused. As the Committee resolution was contrary to the officer's recommendation, the application was held over in accordance with the provisions of the Scheme of Delegation to enable the issues raised to be considered before the Committee confirms the decision. The applicant has made further submissions since the Committee considered the application including an increase in the financial contribution to supporting bus services.

2. POLICY

As set out in the report to the Planning and Regulatory Committee report of 12th October attached as Appendix 1.

3. DETAILS

The application is outline with only access to be approved at this stage. All other matters are reserved for subsequent approval. The application is for up to 49 dwellings.

The application was considered by the Committee at its November meeting where it was resolved that it be refused for the reason that "the proposal constitutes unsustainable development due to inadequate public transport links to essential services contrary to policy CS10 of the Core Strategy 2017."

The officer report to the November committee (Appendix 1) sets out the relevant development plan polices and the approach to be considered. In summary, the Town and Country Planning Act requires that planning applications are determined in accordance with the development plan unless "material considerations indicate otherwise". The development plan for the site includes the Core Strategy (adopted January 2017), the Sites and Policies Plan part 1 (July 2016) and the Sites and Policies Plan (April 2018).

The weight to be given to the development plan is affected by whether it is up to date. NPPF paragraph 11(d) indicates that where a local planning authority cannot demonstrate a five-year supply of deliverable housing sites the policies which are most important for determining an application should not be considered to be up to date. Therefore whilst Policy CS33 is relevant to the principle of residential development outside infill villages and carries weight, the policy itself is deemed to be out-of-date

Where, as in this case, the policies which are most important for determining the application are out of date, planning permission should be granted unless (i) the application of policies in the NPPF that protect areas or assets of particular importance provide a clear reason for refusing the development proposed; or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. This is often referred to as the "tilted balance."

Recent appeal decisions at Yatton and Backwell have established that the Council can currently only demonstrate a 3.5 year housing supply. Paragraph 11d of the NPPF is therefore engaged and the tilted balance is applicable. The issue, therefore, is whether adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

The officers' report to the Committee on 12th October weighs the impacts of the development against the benefits to the housing supply and other benefits which the applicant has also since emphasised as set out below.

In debating the application at the October Committee, members gave overriding weight to the reduced bus services in the village. As a consequence they considered that the proposal constituted unsustainable development due to inadequate public transport links contrary to policy CS10.

It should be noted however that policy CS10 is a strategic policy which sets out broad principles to be applied when considering the development of transport schemes and those schemes proposed over the plan period. It is not a detailed development management policy containing criteria against which schemes are assessed. It is supportive of increasing the choice of modes of transport but does not weigh against site specific proposals such as the current application in the manner suggested by the proposed reason for refusal. Policy CS33 has not been referred to in the proposed reason for refusal but is relevant to the principle of residential development outside infill villages. Policy DM24 is also relevant if it is considered that the development would give rise to a significant number of travel movements.

Whilst local bus services have been reduced as a result of the economic and other impacts of the pandemic, this is expected to be a short term issue. One of the reasons for recent proposed bus service reductions has been a shortage of drivers which it is understood the operators are working hard to resolve. Nevertheless Sandford does retain a service which connects it to Weston-super-Mare and other villages with facilities. The Council is also looking at mechanisms for restoring and improving the level of service including through developer funding from relevant sites and the Bus Service Improvement Plan (BSIP). The number 51 bus service is a supported service and the applicant in this case has agreed to make an annual £30k contribution to the total service cost for 3 years, an increase from the £20k originally agreed (see below).

The officers' report addresses the issue of sustainability which was explored in depth at previous appeals in the village and considered the current application in the context of the previous appeal decision for the site. It also sets out the conclusions on the other impacts of the development. It identifies the particular benefits that would arise from the development. These matters have all been reviewed since the previous meeting of the Committee and the officers' recommendation remains as set out in the previous report.

Further submission from the applicant

In response to the Committee's resolution, the applicant has also written to make further submissions on the application.

They make clear that, while the commercial decisions of First Bus with regards to service provision and scheduling are not the responsibility of the applicant, the applicant does

want to work with First Bus and the Council to contribute to the material improvement of public transport options for the village.

Given this, the applicant proposes to increase the financial contribution to the enhanced bus service from £60,000 to £90,000. In addition, if the Council deems it appropriate, the applicant would agree to the allocation of some or all of the £50,000 identified for the replacement of two bus stops to other works associated with public transport improvements. This could be combined with the £90,000 referenced above to create a bus improvement package of £140,000.

The applicant would also work with the Council to identify elements of the Council's Bus Service Improvement Plan that could potentially be delivered to complement the above proposals through the Community Infrastructure Levy.

The other key elements of the suggested S106 package are retained, including contributions towards Home to School Transport costs, £120 per dwelling contribution for active travel incentives, contribution to improving ProW AX29/45, the transfer of land for a playing field and the provision of 30% on site affordable housing.

The applicant points out that these contributions are geared towards ensuring the site is as sustainable as possible and significantly exceed those provided through the adjoining development which was allowed on appeal.

The applicant also reiterates what they consider to be the public benefits of the scheme. These can be summarised as follows:

- Provision of 49no. homes (including 30% affordable) in a relatively unconstrained location;
- Provision of 3,000sqm land to Sandford Primary School;
- The applicant is SME House Builder (not a volume housebuilder) and as such is proposing a bespoke development for the village;
- Biodiversity Net Gain on site;
- Landscape buffers which seek to retain and strengthen the mature hedging around the site perimeter;
- The proposed development site would be extremely permeable in terms of design, and as such inherently encourage pedestrian and cyclist movement through it, as well as avoid prejudicing the connectivity of green infrastructure;
- The existing PROW through the centre of the site would be retained and enhanced.

The applicant also considers the application is technically sound and has support of the Parish Council.

Further Consideration

4. CONSULTATION

Details of consultation responses are in the Committee report in Appendix 1.

5. FINANCIAL IMPLICATIONS

The National Planning Guidance makes it clear that LPAs are at risk of an award of costs against them on appeal if they are deemed to have acted unreasonably.

6. EQUALITY IMPLICATIONS

As set out in the previous Committee report in Appendix 1.

7. CORPORATE IMPLICATIONS

As set out in the previous Committee report in Appendix 1.

8. OPTIONS CONSIDERED

Planning applications can either be approved or refused.

AUTHOR Richard Kent. Head of Planning

BACKGROUND PAPERS

Planning and Regulatory Committee report 12th October, update sheet and draft minutes.

APPENDIX 1
Report to Planning and Regulatory Committee 12 October 2022

SECTION 6 – ITEM 1

Application No: 22/P/0227/OUT

Proposal: Outline planning application with all matters reserved, except access, for demolition of existing structures on site (75 Greenhill Road) and subsequent residential led mixed-use development comprising of up to 49no. residential dwellings (Class C3) and a change of use of land for the provision school building (Use Class F1), with defined ancillary community use (Use Class F2), along with associated infrastructure and works including landscaping, servicing, parking, new accesses, and a new access road

Site address: Land To The South Side Of Greenhill Lane And North Of Greenhill Road Sandford

Applicant: Stonewood Partnerships Ltd And Progress Land (Sandford) Ltd

Target date: 16.05.2022

Extended date: 22.06.2022

Case officer: Andrew Stevenson

Parish/Ward: Winscombe And Sandford Banwell And Winscombe

Ward Councillors: Councillor Karin Haverson Councillor Ann Harley

REFERRED BY COUNCILLOR HARLEY

Summary of recommendation

It is recommended that, subject to the completion of a legal agreement, and satisfactory Habitats Regulation Assessment, the application be **APPROVED** subject to conditions. The full recommendation is set out at the end of this report.

The Site

The site measures around 2.5 ha and comprises three fields of pasture extending along the rear of existing properties from behind Sandford Primary school to the junction of Greenhill Road with Greenhill Lane. The site is outside the settlement boundary for Sandford and adjoins existing residential development to the south and the Sandford Primary school to the south west. A development of 118 dwellings has recently been completed on land to the west. Beyond the northern boundary the land opens out to

farmland. Hedgerows mark the boundaries to the north and west, with the southern boundaries comprising a mix of walls, hedges and fencing.

A public right of way (AX29/46/10) runs through the site north to south from Greenhill Lane to Greenhill Road.

The Application

- This is an outline application for up to 49 dwellings, with garaging and parking, with all matters reserved for subsequent approval, with the exception of access, which is to be considered as part of this application.
- The site is accessed from Greenhill Road with the existing public rights of way, which cross the site, and will be incorporated into the development of the site.
- A mix of one, two, three, and four bedroom houses are proposed, comprising a maximum of two storey height.
- Up to 31% of the proposed dwellings will be for affordable housing
- The site density is approximately 20 dwellings per hectare.
- The existing boundary hedgerows around the site are retained and reinforced with new planting for the most part. A drainage attenuation pond is to be located towards the north western corner of the site where there is a natural fall in the level of the land.
- An area of land immediately to the north of Sandford Primary school is to be transferred to the school to facilitate the school's expansion if and when the need arises.

Relevant Planning History

Year: 2019

Reference: 17/P/0887/OUT

Proposal: Outline application for up to 93 dwellings and associated infrastructure

Decision: Appeal dismissed

Year: 2018

Reference: 18/P/3625/OUT

Proposal: Outline application for up to 85 dwellings (duplicate application to appeal scheme)

Decision: Withdrawn

Policy Framework

The site is affected by the following constraints:

- Outside the Sandford settlement boundary

The Development Plan

North Somerset Core Strategy (NSCS) (adopted January 2017)

The following policies are particularly relevant to this proposal:

CS2	Delivering sustainable design and construction
CS3	Environmental impacts and flood risk management
CS4	Nature Conservation
CS5	Landscape and the historic environment
CS9	Green infrastructure
CS10	Transport and movement
CS11	Parking
CS12	Achieving high quality design and place making
CS13	Scale of new housing
CS14	Distribution of new housing
CS15	Mixed and balanced communities
CS16	Affordable housing
CS33	Smaller settlements and countryside
CS34	Infrastructure delivery and Development Contributions

Sites and Policies Plan Part 1: Development Management Policies (adopted 19 July 2016)

The following policies are particularly relevant to this proposal:

DM1	Flooding and drainage
DM2	Renewable and low carbon energy
DM4	Listed Buildings
DM8	Nature Conservation
DM9	Trees
DM10	Landscape
DM11	Mendip Hills Area of Outstanding Natural Beauty
DM24	Safety, traffic and provision of infrastructure etc associated with development
DM25	Public rights of way, pedestrian and cycle access
DM26	Travel plans
DM28	Parking standards
DM32	High quality design and place making
DM71	Development contributions, Community Infrastructure Levy and viability

Sites and Policies Plan Part 2: Site Allocations Plan (adopted 10 April 2018)

SA1	Allocated residential sites (10 or more units)
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Other material policy guidance

National Planning Policy Framework (NPPF) (2021)

The following sections are particularly relevant to this proposal:

- 4 Decision-making
- 5 Delivering a sufficient supply of homes
- 11 Making effective use of land
- 12 Achieving well designed places
- 14 Meeting the challenge of climate change, flooding and coastal change
- 15 Conserving and enhancing the natural environment

Supplementary Planning Documents (SPD) and Development Plan Documents (DPD)

- Residential Design Guide (RDG1) Section 1: Protecting living conditions of neighbours SPD (adopted January 2013)
- Residential Design Guide (RDG2) Section 2: Appearance and character of house extensions and alterations (adopted April 2014)
- North Somerset Parking Standards SPD (adopted November 2021)
- North Somerset Landscape Character Assessment SPD (adopted September 2018)
- Biodiversity and Trees SPD (adopted December 2005)
- Affordable Housing SPD (adopted November 2013)
- North Somerset and Mendip Bats Special Area of Conservation (SAC) Guidance on Development: SPD (Adopted January 2018)

Consultations

Copies of representations received can be viewed on the council's website. This report contains summaries only.

Third Parties: 26 letters of objection have been received. The principal planning points made are as follows:

- Appeal for a similar housing development was dismissed
- Unsustainable location with limited services, facilities and transport links
- Reduction in the number of dwellings from 85 to 49 still does not overcome the adverse impacts
- The emerging local plan identifies other and better site
- The Banwell bypass development will increase traffic along the A368
- Overdevelopment and harmful to the rural character
- Increased traffic and congestion
- Harmful impact to living conditions of nearby residents
- Lack of local job opportunities
- No capacity at local schools
- Harm to nearby Mendip Hills AONB
- Disruption to wildlife and protected species
- Loss of agricultural land
- Parts of the site and surrounding areas at risk of surface water flooding
- Overall adverse effects of development outweigh the benefits of providing housing.
-

Winscombe and Sandford Parish Council:

Recommend approval subject to suggested developer contributions/conditions – That the land allocated to the school be officially made as such. That a footbridge be put over the ditch from this development to the Strongvox site. That the absolute minimum affordable housing be 31% and that the correct license be obtained to deal with the badger sett.

Principal Planning Issues

The principal planning issues in this case are (1) the principle of development, (2) landscape and character impact (3) transport and access, (4) ecology, (5) flood risk and drainage (6) living conditions (7) Impact to nearby listed buildings (8) Other matters, and (9) development contributions.

Issue 1: The principle of development in this location

Section 38 (6) of the Planning and Compulsory Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan includes the adopted Core Strategy and policy CS13 requires sufficient developable land to deliver a minimum of 20,985 dwellings between 2006 and 2026. Policy CS14 sets out the broad distribution of the housing requirement across the settlement hierarchy. This prioritises new housing development at Weston-super-Mare followed by the other towns and then service villages. Policies CS28, CS31 and CS32 provide flexibility to deliver an appropriate scale of growth within and adjoining town and service village settlement boundaries through the development management process.

The site is adjacent to, but outside the Sandford settlement boundary. Sandford is currently designated as an infill village where new housing proposals are to be determined against Policy CS33. This policy limits new residential development to infilling within the defined settlement boundary and strictly controls development elsewhere. The proposed development of up to 49 dwellings outside the settlement boundary therefore conflicts with this policy.

However, the Council cannot currently demonstrate a five year housing land supply, with a recent appeal decision in respect of Farleigh Farm, Backwell finding that the Council has only a 3.5 year supply of land. Paragraph 11 of the NPPF confirms that where a Local Planning Authority cannot demonstrate a 5 year housing land supply, the policies most important for determining applications for housing are deemed to be out of date. This includes policy CS33.

In such circumstances, the NPPF directs that planning permission should be granted unless the application of policies in the NPPF that protect areas or assets of particular importance provide a clear reason for refusal, or unless any adverse impacts of giving consent would significantly and demonstrably outweigh the benefits, again having regard to the policies in the framework. This matter is considered in more detail in the 'Planning Balance and Conclusion' section of this report.

The site is greenfield land located outside the Sandford settlement boundary and is not allocated for development in the Development Plan. Sandford has a limited range and scale of services and facilities. The adjacent site which has been developed for 118 dwellings also comprised a greenfield site and planning permission was granted on appeal in 2016.

The applicant has confirmed that the development will provide 30% on-site affordable housing provision at nil public subsidy. The affordable housing requirement is therefore 15 units which will be secured and delivered via a s106 agreement. This together with contributions to the school (see below) may assist the sustainability of Sandford by promoting a greater mix of housing and opportunity for younger people.

Appeal decision 17/P/0887/O

A previous appeal for a larger development on this site was dismissed in 2019. It is therefore pertinent to examine whether there have been any material changes either in terms of policy context or the site context that would point to a different outcome.

In the period since the appeal decision in June 2019 the circumstances of the village have continued to evolve. For example, some of the bus services have been withdrawn, reducing access to public transport, whilst on the other hand the Thatcher's cider plant has continued to expand contributing to an increase in local employment opportunities.

There are a number of differences between the proposals now before the Council and those dismissed at appeal in June 2019. Physically the site condition has remained relatively consistent between 2019 and now, however there has been a small reduction in the size of the development site, with the eastern corner of the site now omitted from the scheme. As a consequence, the site access has been moved approximately 50m to the west and would be located where there is presently a small garden machinery retail unit. The site access is therefore positioned a further distance away from the Grade II listed Pool Farmhouse. Impact to the listed building is dealt with within issue 7 of this report.

With regard to the proposed development, the primary change is in the reduction in quantum of development from up to 93 dwellings to up to 49 dwellings. Accordingly, this enables a reduction in the density of development from around 37 dwellings per hectare (dph) to around 20dph and increases the proportion of open space across the site. Additional landscape screening is proposed along the southern boundary softening and filtering views between existing properties and the new development. Details of the provision of land to be transferred to the school for outdoor play space have been further refined since the appeal scheme but in essence remain broadly similar. In addition, a smaller development will generate fewer traffic movements than the original proposal. Whilst these changes are encouraging in terms of mitigating some of the impacts of development, nevertheless, the proposals remain in conflict with the locational strategy of the Development Plan and Policy CS33.

Turning to the policy framework, in the 2019 appeal decision the settlement hierarchy of the Core Strategy, and thus policy CS33, was afforded a great degree of weight. This was because at the time of the appeal the Core Strategy had recently been adopted. The Inspector found that the Core Strategy housing figure was sound as it was subject to early review, and at that time was satisfied that the required review was taking place as the Council had produced a Strategic Housing Market Assessment and were progressing with the Joint Spatial Plan (JSP) and a new Local Plan.

However, the policy circumstances and hence the weight which can be given to the development plan have changed since 2019. The Core Strategy was adopted in full in 2017, although it had been first adopted in 2012 but legally challenged in respect of the housing requirement. That challenge was upheld, and the relevant policies were remitted for re-examination. In re-examining those policies, the examining Inspector concluded that Policy CS13 was sound, subject to a commitment to review the housing requirement by 2018. The JSP was intended to be the mechanism for implementing that review and a consequence of the JSP not progressing is that the review has not yet been completed. Accordingly, Inspectors in more recent 2022 appeal decisions have found that the most important policies for determining the application (which in this case would include

CS33), can only carry limited weight as there is no five year housing land supply. In the period since the 2019 appeal decision, the gap between review of the strategic housing policies has therefore grown and this in turn limits the weight that can be afforded to them.

In addition, during the period since 2019, the Council's five year housing supply shortfall has increased. At the time of the previous appeal decision the Council could demonstrate 4.4 years supply. This has reduced to 3.5 years, which underlines the weight to be given to the need for housing,

The Council is preparing a new Local Plan to address the housing needs of North Somerset and as part of this the settlement hierarchy is being reviewed. The role of Sandford is part of this, and the consultation draft Preferred Options plan suggested it as one of the more sustainable small villages falling within a new "Category B" group of villages. These are villages which are considered to be relatively sustainable by virtue of their proximity to a higher order settlement. They have some services and facilities and are closely related to a much higher order settlement which has a wide range of services and facilities.

Issue 2: Landscape and character impact

Policies CS5 and CS12 of the Core Strategy seek to protect the character, distinctiveness and quality of the landscape, and proposals are expected to demonstrate sensitivity to the existing local character. Views into and out of larger sites must also be carefully considered in terms of landscape setting.

The site is not within any statutory landscape designations although it is approximately 200m north of the Mendip Hills Area of Outstanding Natural Beauty (AONB). The North Somerset Landscape Character Assessment identifies the land as part of the landscape character area J2 River Yeo Rolling Valley Farmland landscape which is of moderate overall character, and in good condition.

The application proposes to develop three fields to the north of the existing settlement edge, filling an area between the existing residential properties along Greenhill Road to Greenhill Lane. The overall site measures approximately 2.5ha, and the proposals now put forward would result in approximately 1.3ha being developed for residential use.

Sandford has a distinctive linear shape where older and historic buildings are located along Greenhill Road and Hill Road. Later infill development has continued this pattern. More recently, the Strongvox development on land immediately to the west has introduced a northern expansion to the village edge. Development of the application site would consolidate this expansion and infill the area between the Strongvox site to the west and Greenhill Lane and Sandmead Road to the north and east.

It is considered that in the context of wider views and key vistas any significant adverse landscape effects are mainly confined to the site itself. The site is potentially visible from the northern edges of the AONB, however it would not be prominent and would be viewed

in the context of existing development. The paths through the AONB are densely wooded, so do not provide significant views to the site. Due to the topography and the existing built form, visibility of the site from in and around the village is restricted to properties immediately adjacent to it, from Sandmead Road and glimpses from Greenhill Road at the site entrance.

In the immediate surroundings the character of the site would become more urban in nature appearing as a northern extension of the village and as such the rural ambience would change. This would increase the depth of development to the north of Greenhill Road, though this change to the pattern of development has already occurred with the development of 118 houses on the 2019 appeal site to the west. As such it is considered that the proposed development would not appear unduly prominent or incongruous.

The illustrative masterplan demonstrates how the impact of development can be mitigated to some degree by the retention of landscape buffers along the northern edge of the development site and by the strengthening of landscaping along the southern boundary separating the site from adjacent properties. In comparison to the previous appeal scheme, the reduction in the number of dwellings has resulted in a looser form of development which would include stronger landscaping buffers and a greater extent of open space. The illustrative layout demonstrates how a scheme of up to 49 units could be presented, however this is caveated with the fact that design and appearance, layout and landscaping are reserved matters. The proposed design principles include a clear road hierarchy, a landscape strategy which supports a significant amount of green space and the provision of land for a playing field. The impact of new dwellings to the rear of existing properties situated along Greenhill Road would be assessed as part of a subsequent reserved matters application, however on the basis of the illustrative layout provided it is considered there is scope for any new development to accord with the adopted residential design guide SPD. For these reasons it is considered the extent of the landscape harm would be limited.

Comments have been received to say the proposals would give rise to adverse impacts on the Mendip Hills AONB. As the site is not within the AONB, there would not be any direct adverse impact on it. Instead, any impact would be on views to and from the AONB, however views of Sandford from that part of the AONB nearest the village are limited. Future impact can be softened by the proposed landscaping and the development would be seen to and from the AONB in the context of and as a natural extension to the village rather than an unwelcome projection into the open countryside.

Thus, as had also been identified by the 2019 appeal Inspector, development of the site would not introduce a distinct new built form into an AONB setting where none currently exists. Furthermore, the position of the site to the north of the village means the settlement edge would not encroach further towards the AONB. Any impact upon the AONB, in relation to views from or to it, would therefore be negligible.

Issue 3: Transport and access,

Policy DM24 of the Sites and Policies Plan Part 1 seeks to ensure that new development will not prejudice highway safety of the operation of the highways network and that the impact of any new developments are adequately mitigated. Development giving rise to a significant number of travel movements will only be refused on transport grounds if it is

likely to have severe residual cumulative impact on traffic congestion or on the character of the surrounding area.

The highway matters to be assessed with this application comprise the location of the proposed access and impact of this on the wider highway network, road safety and accessibility considerations. In support of the application a Transport Statement has been submitted which provides information on trip generation from the planned development, site access arrangements, and accessibility to local services facilities and job opportunities by pedestrian, cycle and public transport options. This concludes that the development site can be suitably and safely accessed by all users and will not have a material impact on the operation of the local highway network.

The site forms a parcel of land between the A368 Greenhill Road and Greenhill Lane. The site is bordered to the south by residential dwellings and proposals include the demolition of the garden machinery store at 75 Greenhill Road to provide access to the site. It is close to Sandford primary school and within walking distance of a local convenience store. The A368 Greenhill Road is an 'A' Class highway which provides a link between Weston-super-Mare and the A38. It joins the A38 in the east at Churchill signalised crossroads which then provides access to Bristol. The access to Weston-super-Mare is via Banwell and the junction with the A371.

A Transport Statement and subsequent Technical Design Note have been submitted with the application. These include data on the expected trip generation based on a housing mix of market and affordable housing which is consistent with the application. There would be an expected total of 169 daily trips resulting from the development, with arrivals and departures being 19 during the am peak and 18 during the pm peak. It is considered therefore that trip generation from this quantum of development would be relatively limited and well within existing junction capacity taken alone and cumulatively with other development in Sandford, Churchill and the wider area. It should be noted that there was no highway reason for refusal on the previous appeal scheme for 85 dwellings. As such, this level of vehicle movements would not result in a 'severe' impact to the local highway network as identified at paragraph 111 of the NPPF.

The applicant proposes to access the site via a new priority junction from the A368 Greenhill Road. The applicant has submitted revised access plans, swept path tracking plans and a stage one road safety audit to address comments received. At the time of writing there is still some ongoing dialogue in relation to the visibility splays at the site entrance in relation to vehicle speeds along this section of the A368 to address concerns that the stopping sight distances (SSD) on the revised visibility splays do not comply with the Manual for Streets guidance. This may be overcome with revised visibility splays with SSD's aligned with the results of the speed surveys or delivery of an acceptable scheme for speed reduction mitigation measures. It is expected that this will be resolved prior to the committee meeting and an update will be provided to the committee.

Home to school transport

The site is adjacent to Sandford Primary school with safe pedestrian connections therefore no transport contributions towards primary school transport are required. The application site is also within the statutory walking distance to the nearest secondary school at Churchill however, due to the local highway network and absence of footways along Churchill Green and Dinghurst Road, a safe walking route is not available. Home to school transport costs would therefore result from the development and are expected

to be met by the applicant. In the absence of a safe route, and the applicant not providing the funding it may not be possible to provide public transport leading to future residents transporting pupils by car. This would increase low vehicle occupancy, resulting in a net increase in vehicle trips. This is not in the interests of sustainable travel or convenience, and it is contrary to Policy CS10 of the Core Strategy. The contribution sums are set out in section 8 Development Contributions section of this report and are proportionate to the totals costs of providing bus travel to and from secondary school.

Public transport

The only public bus service through the village is the 51 service. To ensure the service is robust and attractive to deal with all future demands required in the early morning and later evening, the service would benefit from increased hours of use and increased frequency. A contribution of £20,000 per year (for 3 years) is considered a proportionate from this development and will enhance the flexibility of the service for users to reduce the reliance on single car journeys from the site. By providing funding for 3 years to extend the bus service it can increase the operating hours of a key local service and greater incentivise the use of public transport. This should encourage occupants of the proposed development and other local people to make greater use of public transport.

The closest east and west bound bus stop to the proposed development are on Greenhill Road and the planning obligations can be sought are to improve access to these bus stops. The bus shelters at these bus stops are outdated and they need replacing.

Issue 4: Ecology

Policy CS4 of the Core Strategy and DM8 of the Sites and Policies Plan Part 1 seek to protect priority habitats and the policy requires that development that could directly or indirectly harm protected species will not be permitted unless the harm can be avoided or mitigated. The NPPF puts in place the framework for assessing development proposals. This includes reference to minimising impact to biodiversity and ensuring that Local Planning Authorities place appropriate weight to statutory and non-statutory conservation designations, protected species, and biodiversity.

Whilst the appeal proposals had been subject to detailed ecological surveys and a Habitats Regulation Assessment concluding that no there would be no unacceptable impacts to protected species, these are no longer up to date due to the period of time since these surveys were carried out. The applicant has therefore undertaken further surveys of the site and surroundings to assess the ecological significance, constraints and opportunities of the site in order to provide a robust mitigation strategy in respect of protected species and nature conservation and enhancement. The site has been subject to an extended phase 1 ecological survey together with further protected species surveys. The two badger setts that had previously been identified along the western side of the site are no longer active.

This site is of potential relevance to the North Somerset and Mendip Bats Special Area of Conservation (SAC) due to its importance for lesser and greater horseshoe bats. The site lies within Consultation Band B of the SAC.

The proposed mitigation strategy for the site includes measures to retain and protect hedgerows and trees, the incorporation of ecological buffer zones within the indicative

layout, and the creation of a SuDS system. It is considered no significant loss of habitat for horseshoe bats will result from the development proposals. Important habitats, namely the hedgerows, will be retained and subject to appropriate management

Light spill from street lighting in Greenhill Road already adversely impacts bat activity, particularly over the eastern field. A condition requiring the submission and approval of a lighting plan which avoids illumination of the hedgerows would ensure no further adverse impact on bats present on the site.

A shadow Habitats Regulation Assessment (HRA) has been undertaken in respect of the development's potential impacts on the North Somerset and Mendips Bats SAC. This shows that individually or cumulatively with other developments in the area, the development is unlikely to have significant effects on the Bats SAC. At the time of writing the formal HRA in relation to the SAC required for this proposal has not been completed however the principles within the shadow HRA are broadly agreed. Appropriately worded conditions are required to secure the mitigation as set out in the plans and reports accompanying the application. A monitoring programme must include triggers and mechanisms for action, both in relation to lighting and in relation to habitat condition. Outline information on how the long-term monitoring and management of greenspace on site will be achieved should be provided in advance of determination, including financial and management mechanisms and responsibilities for implementation.

Accordingly, the adoption of the HRA and appropriate conditions to secure the mitigation as set out in the plans and reports accompanying the application are stipulated in the recommendation at the end of this report and members will be updated accordingly.

Subject to the imposition of appropriately worded conditions to cover matters including retained habitats, ecological buffer zones and a lighting plan, it is considered that the proposal will not have an adverse impact to ecology and protected species.

Issue 5: Flood risk and drainage

Policies CS3 of the Core Strategy and DM1 of the Sites and Policies DPD seek to ensure that new development does not create problems in terms of flood risk. The site lies within Flood Zone 1.

The submitted drainage strategy demonstrates how surface water flows will be attenuated ensuring that the discharge rate does not exceed that of the calculated greenfield rate. Overland surface run off routes can be contained within the site with falls to ensure that the site generated surface water run-off is intercepted by the attenuation pond to be situated in the lowest part of the site towards the north-west corner. Further details would be required at the reserved matter stage, and conditions can be attached to the outline planning permission to secure this. For the purposes of assessing the outline application the development is not considered to be at risk of flooding and with an appropriate drainage scheme will not increase the risk of flooding to neighbouring properties or the highway. It is therefore in accordance with policies CS3 and DM1.

Issue 6: Impact to living conditions of neighbours

Policy DM32 of the Sites and Policies plan seeks to ensure high quality design and buildings and ensure that the design and layout of development should not prejudice the living conditions of adjoining occupiers.

The application site is positioned to the rear of properties along Greenhill Road and to the south of a group of dwellings accessed from Greenhill Lane. Towards the western end of the site these neighbouring properties are set within good sized plots, although from the centre where Greenhill Croft projects into the site and onwards towards the eastern edge of the site the plot sizes taper in.

The properties along Greenhill Road have a slightly elevated view over the application site and across the levels landscape beyond. Whilst residents will no doubt attach substantial value to these views, it is an established principle of the planning system that little weight can be given towards the protection of a private view.

The proposals, albeit in outline form, provide an indication of the potential layout, and a reduced quantum of development in comparison with the appeal proposals allows for the more relaxed layout as shown on the indicative plans. Whilst this would be assessed further at reserved matters stage, it is considered that there is sufficient space relative to the site shape and proportions to ensure the quantum of development now sought is capable of being set in such a manner that it does not prejudice the living conditions of future residents or existing neighbours having regard to the residential design guide SPD. Matters of detail and individual relationship between existing and proposed dwellings can be assessed at the reserved matters stage.

It is considered therefore that an appropriate layout can be achieved that would be in accordance with the guidelines of the Residential Design Guide SPD and the aims of policy DM32.

Issue 7: Impact on nearby listed buildings

The site access is located approximately 50m to the west of the Grade II listed Pool Farmhouse and the listing extends to the curtilage listed barn which sits along the pavement on the south side of Greenhill Road. The setting of this barn is already compromised by the A368.

The main listed building cannot be seen from the road due to the position of the barn and the large hedgerows, however the setting of the listed buildings does not only include visual impact to the buildings but also the extra noise and traffic generated from the development site. In accordance with paragraphs 199 and 202 of the NPPF the impact to the significance of the heritage asset must be given great weight, and where less than substantial harm may occur, this should be weighed against the public benefits of the proposal.

It is considered that as the location of the access is off-set from the barn, and is clearly separated by the A368 any impact to the setting of the listed building would be negligible. In reaching this conclusion, consideration has been given to any additional increase in traffic and movement that may occur from the site. As identified in issue 3 of this report, the trip generation from the 49 dwellings will be relatively limited, and in this case would assimilate into existing traffic flows passing by the curtilage listed barn.

The proposed development would be situated to the north of existing dwellings along Greenhill Road and would be no more than two-storey in height. This arrangement ensures there is no inter-visibility between the site and the listed building and thus no impact to the settling of the heritage asset.

Issue 8: Other matters

The Parish Council comments together with the third-party representations have been given full consideration. All the issues which have been raised have been taken into account in reaching the recommendation below.

Issue 9: Development contributions.

Policy CS34 of the Core Strategy and Policy DM71 of the Sites and Policies Plan Part 1 set out the requirement and mechanism to seek developer contributions to mitigate the impacts of a development proposal. This application is for residential development of up to 49 dwellings and therefore subject to developer contributions which are identified below.

Contributions have been sought towards affordable housing, green infrastructure, and highways and transport matters.

Affordable Housing

Policy CS16 of the Core Strategy sets a trigger for on-site provision are schemes of 10 or more dwellings. There is no upper limit on affordable housing provision, but 30% of the total housing number provided as 'affordable housing' is the normal requirement. The applicants have agreed that they would deliver 30% of the homes as 'affordable housing' units which, based on a total of up to 49 units coming forward equates to an affordable housing requirement of 15 of the units.

Green Infrastructure

On-site provision of green infrastructure. On-site provision will require 15 year commuted maintenance sums to be paid prior to adoption, where the land is to be transferred to and maintained by North Somerset Council or Sandford and Winscombe Parish Council.

This will also include the transfer of land to the rear of the primary school for use as a playing field free of encumbrances and enclosed by a fence of equivalent height and design to the secure line of the existing school.

Highways and transport

- A contribution of £235,741.67 towards NSC Home to School Transport costs. The contributions are required for transportation and/or delivery of a highway improvement scheme (should this be commissioned during the contribution period).
- A Public Transport contribution to provide an enhanced bus service (service 51) of £20,000.00 per year for 3 years (total £60,000.00) and replace 2 bus stops at £25,000.00 each (total £50,000.00) total contribution of £110,000.00
- A £120.00 per dwelling contribution to be spent on active travel incentives such as bus vouchers, bicycle vouchers etc.
- A £6,800 contribution required to make improvements to PRow AX29/45.

Community Infrastructure Levy

The Council's Community Infrastructure Levy (CIL) Charging Schedule took effect on 18 January 2018. This means that the development may be liable to pay the CIL.

The Charging Schedule and supporting information can be viewed on the website at www.n-somerset.gov.uk/cil.

Natural Environment and Rural Communities (NERC) Act 2006

The impact of the proposal on European protected species is referred to within Issue 4 above.

The Town and Country Planning (Environmental Impact Assessment) Regulations 2017

The proposed development has been screened under the above Regulations and has been found not to constitute 'EIA development'. An Environmental Statement is not, therefore, required.

The Crime and Disorder Act 1998

The proposed development will not have a material detrimental impact upon crime and disorder.

Local Financial Considerations

The Localism Act 2011 amended section 70 of the Town and Country Planning Act 1990 so that local financial considerations are now a material consideration in the determination of planning applications. This development is expected to generate New Homes Bonus contributions for the authority. However, it is considered that the development plan and other material considerations, as set out elsewhere in this report, continue to be the matters that carry greatest weight in the determination of this application

Planning Balance and Conclusion

In the absence of a 5 year housing land supply, paragraph 11 of the NPPF deems that the policies which are most important for determining the application are out of date which means that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole. This is commonly referred to as the "tilted balance". As noted above, the Council cannot currently demonstrate a five-year housing land supply, with the most recent tested position indicating that supply stands at around 3.5 years.

In this particular case there are no areas or assets of particular importance where NPPF policies would provide a clear reason for refusing the development, and therefore consideration must be given to whether any adverse impacts of approving the proposal would significantly and demonstrably outweigh the benefits.

Adverse impacts

The proposed erection of 49 dwellings outside the settlement boundary of this infill village is in conflict with development plan policies particularly CS33. However, as these policies are deemed out of date by virtue of the five year housing land supply position this conflict has to be given reduced weight and the application falls to be considered under the tilted balance in NPPF paragraph 11.

Sandford is an infill village with a limited range of services and facilities, which would mean the day-to-day needs of future residents would more likely be sought away from the village. As there are limited bus services and constraints to on easy convenient and safe cycle and pedestrian movements between the settlements this may lead to a reliance on the private car.

A change from open fields to housing could be seen as inherently harmful and weigh against the development in the planning balance. The site does not however form part of a designated or protected landscape and impact to heritage assets will be negligible. These impacts should be given some weight.

The proposed development would result in the loss of some existing hedgerow where a new access road would need to pass through the two central hedges. Without the mitigation measures proposed this would impact on the presence of bats and other wildlife. There is therefore some environmental impact likely in the short term whilst the development is implemented, and any new and replacement planting undertaken. Over time the provision of green infrastructure on site, the retention of trees and hedgerows, and establishment of ecological buffer zones to support the bat population and protected Species will even this out. The short term environmental impact should be given limited weight

Benefits

The provision of up to 49 dwellings is a benefit that should be afforded substantial weight. It would support the Government's objective of significantly boosting the supply of homes, as set out in paragraph 60 of the NPPF. The proposed development would also provide the policy-compliant figure of 30% affordable housing. This further benefit too should also be afforded significant weight.

The Council is preparing a new Local Plan and as part of this the settlement hierarchy is being reviewed. The role of Sandford is part of this and the consultation draft Preferred Options plan identifies it as one of the more sustainable small villages as it has some services and facilities and are closely related to higher order settlements which have a wider range of services and facilities. The relationship to these higher order settlements is accorded weight in favour of the proposals.

The site layout and proposed S106 includes provision of land as a playing field which will assist with the expansion of the Primary school should the need arise. The school site is currently limited in size which is a constraint to its future growth and expansion. In terms of use of the land as a playing field this is a positive aspect of the proposal which carries weight in favour of the proposal. The creation of a footpath link over the watercourse running between this and the development site to the west. This is considered to improve the connectivity of the development and is afforded some limited weight in favour.

The delivery of 49 new homes would give rise to some economic benefits as a result of the jobs created during the construction phase and the spending power of new residents

within the local economy. These benefits would arise from any similar-sized housing development and therefore are given limited weight.

Conclusion

Accordingly, it is concluded on balance, that in the absence of a 5 year housing land supply the adverse impacts do not significantly or demonstrably outweigh the benefits associated with the delivery of new market and affordable housing when assessed against the policies of the NPPF as a whole and the application should be approved.

RECOMMENDATION:

Subject to

- a) the completion of a Habitat Regulation Assessment and
- b) the submission of revised visibility splays drawings with SSD's aligned with the results of the speed surveys or delivery of an acceptable scheme for speed reduction mitigation measures, and
- c) the completion of a section 106 legal agreement securing financial contributions towards the provision of
 - £235,741.67 towards NSC Home to School Transport costs.
 - £20,000.00 per year for 3 years to provide an enhanced bus service (service 51) £50,000.00 to replace 2 bus stops
 - A £120.00 per dwelling contribution to be spent on active travel incentives such as bus vouchers, bicycle vouchers etc.
 - A £6,800 contribution required to make improvements to PRow AX29/45
 - The transfer of land for a playing field, and
 - The provision of 30% on site affordable housing

the application be **APPROVED** (for the reasons stated in the report above) subject to the following conditions and any other additional or amended conditions as may be required in consultation with the Chairman and Vice Chairman and local members:

1. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiry of three years from the date of this permission.

Reason: in accordance with the provisions of Section 92 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be begun before the expiry of two years from the date of approval of the last of the reserved matters to be approved.

Reason: in accordance with the provisions of Section 92 of the Town and Country Planning Act 1990.

3. Approval of the details of the scale, layout, appearance of the buildings and the landscaping of the site (hereinafter called ("the reserved matters")) shall be obtained from the Local Planning Authority, in writing before any development is commenced.

Reason: The application was submitted as an outline application in accordance with the provisions of Article 4 of the Town and Country

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Planning (Development Management Procedure) Order 2010 and in accordance with Policies DM32 of the Sites and Policies Plan Part 1 and Policy CS12 of the North Somerset Core Strategy.

4. The development hereby permitted shall be carried out in accordance with the approved plans (*to be inserted*).

Reason: For the avoidance of doubt and in the interest of proper planning.

5. No more than 49 dwellings shall be erected on the application site.

Reason: To avoid an overdevelopment of the site which would be likely to result in a form of development that is out of keeping with the character and appearance of the site and surrounding area in accordance with Policy CS33 of the Core Strategy and DM32 of the Sites and Policies Plan Part 1.

6. No work shall be commenced until samples of the materials to be used in the development have been submitted to and approved, in writing, by the Local Planning Authority. The development shall be carried out in the approved materials unless otherwise agreed in writing.

Reason: To ensure that the materials are acceptable in the interests of the appearance of the area and in accordance with section 7 and paragraph 17 of the National Planning Policy Framework.

7. The dwellings shall not be occupied until details of a scheme for providing space and facilities for the storage and collection of waste have been submitted to and approved in writing by the Local Planning Authority and the approved scheme has been implemented. Thereafter the approved space and facilities for the storage and collection of waste shall be permanently retained unless otherwise agreed in writing with the local planning authority.

Reason: The local planning authority wishes to encourage sustainable waste collection initiatives in the interests of local amenity and sustainable waste shall be permanently retained unless otherwise agreed in writing with the Local Planning Authority.

8. No development shall commence until a tree and hedgerow retention plan identifying all existing trees and hedgerows to be retained has been submitted to, and approved in writing by the Local Planning Authority.
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Authority.

Reason: To ensure that features of ecological and landscape importance are maintained and in accordance with Policy DM9 of the Sites and Policies Plan Part 1.

9. No development shall take place until a method statement identifying measures to protect all trees to be retained has been submitted to and approved in writing by the Local Planning Authority. The method statement shall include proposed tree protection measures during site preparation (including clearance and demolition work), construction and landscaping operations (including any changes to ground levels). Thereafter the site clearance works and development shall be undertaken in accordance with the approved details.

Reason: To ensure the protection of trees during the development process in the interests of the character and biodiversity of the area and in accordance with policies CS4 and CS5 of the North Somerset Core Strategy and Policy DM9 of the Sites and Policies Plan Part 1.

10. The reserved matters application for landscaping shall be accompanied by a detailed Landscape Masterplan and Strategy to demonstrate that the landscaping proposals have taken account of and been informed by the existing landscape characteristics of the site and by any loss of existing vegetation on the site.

Reason: To ensure that a satisfactory landscaping scheme is implemented and in accordance with Policies DM9, DM10 and DM32 of the Sites and Policies Plan Part 1.

11. Trees, hedges and plants shown in the landscaping masterplan and strategy to be submitted with the reserved matters application for landscaping, that are to be retained or planted which, during the development works for 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, shall be replaced in the first available planting season with others of such species and size as the Authority may specify in accordance with DM9 and DM10 of the Sites and Policies Plan Part 1 Publication Version 2015.

Reason: To ensure as far as possible that the landscaping scheme is fully effective and in accordance with Policy DM9 and DM10 of the Sites and Policies Plan Part 1.

12. All landscaping works should be carried out during the months of October to March inclusive following occupation of the dwellings or completion of the development, whichever is the sooner.

Reason: To ensure that a satisfactory landscaping scheme is implemented in accordance with policy CS9 of the North Somerset Core Strategy and policy DM9 of the North Somerset Sites and Policies Plan Part 1.
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13. Details of the external lighting shall be provided at the Reserved Matters stage including:
(i) details of the type and location of the proposed lighting;

- (ii) existing lux levels affecting the site (dark and full moon);
- (iii) the predicted lux levels; and
- (iv) lighting contour plans.

The scheme shall ensure that light levels do not exceed 0.5 lux above base on features important to bats, including foraging habitat and flight lines and boundary buffer corridors. Any external lighting shall be installed and operated in accordance with the approved details and shall not be varied without agreement in writing from the Local Planning Authority.

Reason: To reduce the potential for light pollution in accordance with Policy CS12 of the Core Strategy, Policy DM8 of the Sites and Policies Plan Part 1 and to protect bat habitat in accordance with the Conservation of Habitats and Species Regulations 2010 (as amended) and Wildlife and Countryside Act 1981 (as amended).

14. Prior to the commencement of development details of the fencing or means of enclosure to be provided around private gardens of the individual dwellings adjacent to the ecological buffer zones shall be submitted to, and approved in writing by the Local Planning Authority. The fencing or means of enclosure shall be of sufficient height and standard to prevent light spill from individual dwellings onto the boundary hedgerows and ecological buffer zones. Thereafter the approved boundary treatment shall be constructed in accordance with the approved details for each dwelling before the occupation of that dwelling.

Reason: To reduce the potential for light pollution in accordance with Policy CS12 of the Core Strategy, Policy DM8 of the Sites and Policies Plan Part 1 and to protect bat habitat in accordance with the Conservation of Habitats and Species Regulations 2010 (as amended) and Wildlife and Countryside Act 1981 (as amended).

15. Before commencement of development, a Construction Environment Management Plan (CEMP) shall be submitted to, and approved in writing, by the Local Planning Authority. This shall include mitigation measures required to protect legally protected species and their retained habitats from injury or damage and include information for construction workforce; timings of site clearance; details of appropriate fencing for buffer areas to protect retained on site habitats; overnight ramps placed within open trenches and daily checks of excavations for trapped wildlife; pre-commencement surveys for species that are dynamic in distribution (e.g. badger); a walk over check by ecologist immediately prior to vegetation and other site clearance activities. The approved plan shall be implemented and adhered to during the vegetation clearance and construction phases.

Reason: To ensure the retained habitats and species are not adversely impacted by the proposed works in accordance with the Wildlife and Countryside Act 1981 (as amended); Wild Mammals Protection Act (1996) and policy CS4 of the Core Strategy policy CS4 and policy DM8 of the Site and Policies Plan Part 1.

16. Prior to the commencement of development, a Habitat Management Plan shall be submitted to, and approved in writing, by the Local Planning Authority. The plan shall cover a ten-year period and include measures for establishment, enhancement and management of habitats within the site, including planting schedules and details of ongoing management. This shall include a timetable for management activities as well as a monitoring schedule for habitats and species, including bat monitoring post completion.

Reason: To ensure the development contributes to the protection and enhancement of the site's ecology in accordance with policy CS4 of the Core Strategy and Site and policy DM8 of the Sites and Policies Plan Part 1.

17. None of the dwellings hereby approved shall be occupied until the new site access to Greenhill Road has been constructed and the related visibility splays have been provided in accordance with the approved details. The approved visibility splays shall be maintained free of vegetation or other obstruction above 600mm above the nearside carriageway level at all times thereafter.

Reason: in the interests of highway safety and in accordance with policy DM24 of the Sites and Policies Plan Part 1.

18. No dwelling hereby permitted shall be occupied until the access serving the dwelling has been completed in accordance with the details shown on the approved plans.

Reason: in the interests of highway safety and in accordance with policy DM24 of the Sites and Policies Plan Part 1.

19. Prior to the occupation of each dwelling, the relevant number of parking spaces for that dwelling will be provided in accordance with the North Somerset Parking Standards SPD.

Reason: To ensure that each dwelling has the necessary on-site parking provision and in accordance with the North Somerset Parking Standards SPD.

20. Prior to the commencement of development, a Construction Method Statement shall be submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- i. The method and duration of any pile driving operations to include expected starting date and completion date
 - ii. The hours of work, which shall not exceed the following: construction and associated deliveries to the site shall not take place outside 07:00 to 19:00 hours Mondays to Fridays, and 08:00 to 16:00 Saturdays, nor at any times on Sundays or Bank Holidays

- iii. The arrangements for prior notification to the occupiers of potentially affected properties
- iv. The responsible person (e.g. site manager / office) who could be contacted in the event of complaint
- v. measures to control the emission of dust and dirt during construction
- vi. Details of wheel washing facilities
- vii. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- viii. A scheme for recycling/disposing of waste resulting from demolition and construction works
- ix. The parking of vehicles of site operatives and visitors

Reason: In the interests of residential amenity and to ensure the safe operation of the highway and to minimise disruption.

21. No development shall take place until surface water drainage works have been implemented in accordance with details that have first been submitted to and approved in writing by the local planning authority. This shall provide for a sustainable drainage system in accordance with the principles set out in the National Planning Policy Framework, associated Planning Practice Guidance and the non-statutory technical standards for sustainable drainage systems, and the results of the assessment provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the system shall be designed such that there is no surcharging for a 1 in 30-year event and no internal property flooding for a 1 in 100-year event + 40% allowance for climate change. The submitted details shall:
- a) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site to greenfield run off rates and volumes, taking into account long-term storage, and urban creep and the measures taken to prevent pollution of the receiving groundwater and/or surface waters; temporary storage facilities, means of access for maintenance
 - Planning and Regulatory Committee 8 August 2018
(4 metres minimum to sustainable drainage elements) to prevent flooding.
 - c) Any works and calculations required off site to ensure adequate discharge of surface water without causing flooding to existing properties and highways or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant)
 - d) Flood water exceedance routes both on and off site
 - e) Details of the management of the surface flow route through the site, so existing and new properties do not flood.

Reason: To secure a working drainage system to the approved strategy that shall therefore be implemented and retained in accordance with paragraph 17 and sections 10 and 11 of the National Planning Policy Framework, Paragraph 103 of the National Planning Policy Framework ;and the Technical Guidance to the National Planning Policy Framework (March 2015) and the Core Strategy policy CS3 and

paragraph 1 of policy DM1: Flooding and Drainage of the North Somerset Council - Sites and Policies Plan Part 1 Development Management Policies.

22. The drainage works hereby permitted shall be maintained by the developer for 1 year prior to being offered to an approved body (approved by the LPA or LLFA) for maintenance, this must include all open watercourses. The system will then be maintained by the approved body for the lifetime of the development. In accordance with submitted details:
- a) As built drawings
 - b) Maintenance schedule and Operational manual.
 - c) Detailed plan of the drainage system, annotated with who maintains which parts including watercourses
 - d) Name and address of the operator and maintenance company
 - e) The developer will rectify any defects prior to hand over to an approved body within the set timetable.

Reason: To ensure that maintenance of the sustainable drainage system can be carried out for the lifetime of the development.

23. No development will take place within 5 metres of the top of bank of any watercourse on one bank to allow access for maintenance and a biodiversity corridor.

Reason: To ensure clear access for maintenance over the lifetime of the development and in accordance with policy CS3 of the North Somerset Core Strategy.

24. No culverting of watercourses on the site will take place except for access points without the agreement of the Local Planning Authority

Reason: To ensure that there is no restriction in the conveyance of the flow or volume of water. To preserve the biodiversity and habitats in the water corridor and ensure that clear access to watercourses for maintenance is allowed.

25. The dwellings hereby approved shall, unless otherwise first agreed in writing by the Local Planning Authority, not be occupied until measures to generate 15% of the on-going energy requirements of the use (unless a different standard is agreed) through micro renewable or low carbon technologies have been installed and are fully operational in accordance with the approved 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.

Reason: To proactively support the wider transition towards a low carbon future through the use of renewable and low carbon energy in accordance with policy CS1 of the North Somerset Core Strategy and policy DM2 of the North Somerset Site and policies Plan Part 1, Development Management.

APPENDIX 2

PLANNING AND REGULATORY COMMITTEE

UPDATE SHEET

12 October 2022

Item 6 – 22/P/0227/OUT – Land To The South Side Of Greenhill Lane And North Of Greenhill Road, Sandford

Description of development

The committee report incorrectly refers to the original description of development which included provision of a “school building (Use Class F1), with defined ancillary community use (Use Class F2)”. It was agreed that this should be omitted from the proposals.

The description of development should therefore be amended to:

“Outline planning application with all matters reserved, except access, for demolition of existing structures on site (75 Greenhill Road) and subsequent residential led mixed-use development comprising of up to 49no. residential dwellings (Class C3) and a change of use of land for education use (Use Class F1), along with associated infrastructure and works including landscaping, servicing, parking, new accesses, and a new access road”

Additional information from the applicant

The applicant has provided an additional plan showing a suggested highways narrowing scheme on the A368 to the east of the new site access. This would reduce the width of the A368 to 6m to reduce traffic speeds in the vicinity of the access to meet the council’s visibility splay guidance.

Officer comments: The proposed road narrowing scheme is under review by Highways road safety officers. Any further information on this will be reported verbally at the meeting.

AMENDMENT TO RECOMMENDATION:

It is proposed to amend the timing for submission of details about boundary fencing and enclosure of gardens and drainage details to reflect government advice on pre-commencement conditions. In addition, information about tree and hedgerow retention should now be reflected in the proposed conditions. Amendments to the wording of conditions 8, 14, 21 and 22 and deletion of condition 9(with consequent re-numbering) are recommended as follows:

Proposed Condition 8

The development hereby approved shall be carried out in accordance with the measures identified within the approved method statement and tree retention plan (Arboricultural Impact Assessment dated 25th January 2022) unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the protection of trees during the development process in the interests of the character and biodiversity of the area and in accordance with policies CS4 and CS5 of the North Somerset Core Strategy and Policy DM9 of the Sites and Policies Plan Part 1.

Delete Condition 9: To be deleted as covered by the revised wording of condition 8

Proposed Condition 14: The trigger point for the condition to be amended to

Details of the fencing or means of enclosure to be provided around private gardens of the individual dwellings adjacent to the ecological buffer zones shall be provided at the Reserved Matters stage. The fencing or means of enclosure shall be of sufficient height and standard to

prevent light spill from individual dwellings onto the boundary hedgerows and ecological buffer zones. Thereafter the approved boundary treatment shall be constructed in accordance with the approved details for each dwelling before the occupation of that dwelling.

Reason: To reduce the potential for light pollution in accordance with Policy CS12 of the Core Strategy, Policy DM8 of the Sites and Policies Plan Part 1 and to protect bat habitat in accordance with the Conservation of Habitats and Species Regulations 2010 (as amended) and Wildlife and Countryside Act 1981 (as amended).

Proposed Condition 21: to be reworded to ensure compliance with submitted details

No above ground work shall take place until surface water drainage works have been implemented in accordance with the approved Foul & Surface Water Drainage Strategy (ref 21219-HYD-XX-XX-RP-DS-5001-P03) and a timetable for its implementation is agreed in writing with the Local Planning Authority.

Reason: To reduce the risk of flooding to the development from surface water/watercourses, and in accordance with policy CS3 of the North Somerset Core Strategy policy and policy DM1 of the North Somerset Sites and Policies Plan Part 1 (Development Management Policies).

Proposed Condition 22: to be reworded as follows

No above ground work shall take place until details of the implementation, maintenance and management of the approved sustainable drainage scheme have been submitted to and approved, in writing, by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. The details to be submitted shall include:

a) a timetable for its implementation and maintenance during construction and handover; and

b) a management and maintenance plan for the lifetime of the development which shall include details of land ownership; maintenance responsibilities/arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable urban drainage scheme throughout its lifetime; together with a description of the system, the identification of individual assets, services and access requirements and details of routine and periodic maintenance activities.

Reason: To reduce the risk of flooding and to ensure that maintenance of the SUDs system is secured for the lifetime of the development, and in accordance with policy CS3 of the North Somerset Core Strategy policy and policy DM1 of the North Somerset Sites and Policies Plan (Part 1- Development Management Policies).

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SECTION 3

North Somerset Council

Item 7

REPORT TO THE PLANNING AND REGULATORY COMMITTEE

DATE OF MEETING: 16 NOVEMBER 2022

**SUBJECT OF REPORT: 2ND QUARTER PLANNING PERFORMANCE
2022/23**

TOWN OR PARISH: ALL

OFFICER PRESENTING: HEAD OF PLANNING

KEY DECISION: NO

RECOMMENDATIONS:

That the report be **NOTED**.

1. SUMMARY OF REPORT

The service continues to contribute to delivering the Council's vision and priorities to deliver an open, fairer, greener North Somerset as set out in the report.

2. POLICY

The Corporate Plan 2020-24 sets out the Council's vision for North Somerset. The Council's vision is to secure "an open, fairer, greener North Somerset". The 3 core priorities are to be:

- a thriving and sustainable place
- a council which empowers and cares about people
- an open and enabling organisation

These priorities set the direction for Directorate and Team planning. As part of this, the Planning and Building Control service contributes to corporate performance indicators (KCPI's) to track how it is working to deliver the council's priorities. These include progress against key milestones for progressing the new Local Plan; updating the Local Enforcement Plan; performance against targets for major and minor planning applications and completion of the implementation of the Planning Advisory Service peer review recommendations for the provision of pre-application advice.

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Within this framework, the service has a number of specific performance indicators as set out in table 1.

Table 1 Dashboard of Service performance indicators

Indicator	Target
% of all planning applications determined within target	> 80%
% of major planning applications determined within target	> 70%
% of minor planning applications determined within target	> 75%
% of other planning applications determined within target	> 86%
% of appeals that were allowed against a planning refusal	<30%
% of enforcement notices upheld on appeal	>90%

Performance against these indicators is addressed below.

3. DETAILS

Planning application and enforcement performance (Q2)

The performance for the second quarter of 2022/23 is set out in table 2 below. Performance for the comparable quarter of the previous financial year (2020/21) is shown in column two for comparison. Additional indicators focussing on the key enablers are also included.

Table 2

Performance Indicator	Q2 21/22	Q1 22/23	Q2 22/23	Year 22/23 to date	Target 22/23
% Of all applications determined < 8 Weeks or agreed time limit	92.9%	84.54%	92.8%	88.38%	>80%
% Of major applications determined in <13 Weeks or agreed time limit	66.7%	100%	78.6%	82.35%	>70%
% Of minor applications determined in <8 Weeks or agreed time limit	85.5%	78.57%	89.9%	78.57%	>75%
% Of other applications determined in <8 Weeks or agreed time limit	96.1%	86.96%	94.4%	90.38%	>86%
% Of all appeals that were allowed against a planning refusal	22.2%	35.00%	14.29%	29.63%	<30%
% Of enforcement notices upheld on appeal	0%	0%	0%	0%	>90%
% of applications that are delegated to officers	100%	100%	98.21%	99.17%	>90%

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Registration of Major applications within 10 working days of receipt	100%	100%	100%	100%	>90%
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Due to resource pressures, performance has been managed partly by agreeing extensions of determination times with applicants. For the 24 months ending March 2022 39% of non-major applications had agreed extensions of time against a national average 38%. It should be noted that capacity constraints in other service areas (e.g. highways, drainage, ecology) impact on the speed with which planning applications are determined. Delay can increase the risk of fees having to be refunded under the national Planning Guarantee unless applicants agree to an extension to time to determine planning applications.

Table 3 shows the appeal success against the refusal of planning permissions (excluding enforcement appeals) and includes performance against all appeals decided, regardless of whether the decision was under delegated powers or by committee. This shows a continuing sound performance in the defence of the Council's decisions on appeal.

Table 3 Appeals Decided

Performance (Planning Appeals)	Q1	Q2	Q3	Q4	Year 22/23 to date
Appeals received	11	11			22
Appeals decided	20	7			27
Appeals dismissed	13	6			19
% of appeals dismissed from appeals decided (target >70% dismissed)	65%	86%			70%
% of appeals allowed in cases where Committee refused permission contrary to officer recommendation to approve	100%	100%			100%*

* Application 19/P/3197/FUL Land at Moor Rd, Yatton

Table 4 shows the total number of appeals and the totals for the various types of appeal processes.

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Table 4 Appeals Received

Appeal Types Received* (Planning Appeals)	Total 18/19	Total 19 /20	Total 20/21	Total 21/22	Q2 Total	Total 22/23 year to date
Public Inquiries	2	3	1	9	0	1
Hearings	2	2	2	2	0	0
Written Representations	49	55	36	30	11	21
Totals	53	60	39	50	11	22

* Whilst public inquiries have taken place in this quarter, the table relates to the date when the appeal was received rather than when the inquiry itself takes place.

As previously reported, public inquiries and hearings are resource intensive and put significant pressure on staff and financial resources which impacts on other work areas. In addition to the 3 public inquiries against the refusal of major housing developments at Yatton and Backwell which took place in Q4 last year, two further inquiries took place in Q1 this year for sites in Churchill and Wrinton which continued to create resource challenges. A 6th public inquiry for an airport park and ride site at Hewish is scheduled for November/December and has required significant work to be carried out during this quarter.

The decisions on the major housing sites determined by public inquiry this year are set out in the table below.

Application no	Site	Decision	Date of appeal decision
19/P/3197/FUL	Land at Moor Rd, Yatton	Allowed	27 April 2022
21/P/0236/OUT	Rectory Farm, Chescombe Road, Yatton	Allowed	15 June 2022
21/P/1766/OUT	Land at Farleigh Farm and 54 and 56 Farleigh Rd, Backwell	Allowed	22 June 2022
21/P/2049/OUT	Land to the east of Church Lane and north of Front Street, Churchill	Dismissed	2 August 2022
20/P/2990/OUT	Land off Butts Batch, Wrinton Land Adjacent to Westward Close, Wrinton	Dismissed	25 August 2022

An officer briefing was held for P&R Committee members on 15th June with the barrister representing the Council at the appeals to feedback on these appeals and explain the implications for future decision making.

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Enforcement Performance

The council's Local Enforcement Plan was updated and agreed by the Committee in November 2019 and determines the priority accorded to each case. Work is underway on an update to the plan for the Committee to consider at its next meeting in December. Updates are produced for Parish and Town Councils to allow them to track progress on enforcement cases in their parishes. The team is still managing a backlog following an increase in work which arose during the Covid-19 lockdown. Together with related appeal work and staffing issues this means the team continues to have to prioritise very tightly resulting in cases are taking longer to resolve than might normally be the case.

Table 6 sets out the number of notices served.

Table 6

Notices Served	Q2 totals	Total 22/23	Total 21/22	Total 20/21	Total 19/20
*PCN's and 330 Notices	6	9	15	19	43
**BCN's	2	2	0	0	0
Enforcement Notices	2	7	14	14	16
Stop Notices	0	0	0	0	0
Temporary Stop Notices	0	0	0	0	0
Injunctions	0	0	0	0	0
***Section 215 Notices	0	0	0	0	0

* Planning Contravention Notice

** Breach of Condition Notice

*** Notices that deal specifically with the visual amenity of land/buildings.

As well as formal enforcement action being taken through the issuing of formal notices and the instigation of prosecution action the Enforcement team has been active in resolving cases without the need for formal action. This is done by negotiation and in liaison with its partners.

Resource Management

The volume of the main work areas is set in table 7

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Table 7

Performance Target	Q2 21/22	Q1 22/23	Q2 22/23	Year 22/23 to date
No. of applications received	453	369	399	768
No. of planning and enforcement appeals received	13	13	12	25
Reported alleged breaches of planning control (Enforcement)	151	123	116	239

Following a surge last year, householder planning application numbers have reverted to 20/21 levels. The number of minor applications received is comparable to Q2 last year whilst major applications received in Q2 are down on the same period last year but comparable to 20/21 levels.

Budget savings are being achieved through vacancy management in accordance with the Council's financial management strategy. The vacancy management savings target for the planning services for 2022/23 is £89.5k and a further £18.8k for Building Control.

Income is generated through planning application fees, pre-application and permitted development advice, and planning performance agreements. There are income targets for each fee earning area, the largest being for planning application fees. Whilst application fee income for July was significantly below target, it was offset by above average receipts in August. Fee income for the year to date is forecast to achieve its £1.56m target although this is highly dependent on the number of planning applications received in the second half of the year.

Plan making costs are significant with the Council responsible for the costs of the examination process for statutory planning documents. Work is ongoing on a submission draft plan following the consultation on the draft Preferred Options (Consultation Draft) for the Local Plan 2036 with Counsel's advice and consultancy support procured for specialist areas.

Public inquiries incur significant additional expenditure on legal fees and in recent cases, consultant witnesses have been used to assist where necessary. The housing inquiries referred to above also incur barrister's fees as well as consultants costs due to the in-house resources not being available.

Staffing

Two new Planning Officers have recently joined the Applications and Consents team to fill vacancies created by internal promotion and turnover. The vacant Planning Applications Manager post which arose from the departure for family reasons of the previous postholder has been filled by internal promotion. A third vacant Planning Officer post responsible primarily for the discharge of planning conditions for the

SECTION 3

Strategic Developments Team is filled from the end of October. Due to the volume of major and complex applications submitted (or due to be submitted) a new Principal Planning Officer post has been created. To date no suitable applicants have come forward. A second Principal Planning officer post has become vacant due to the promotion referred to above and has been advertised. A third Principal Planner is due to start maternity leave in November and a temporary Agency contractor is being recruited to provide cover.

Building Control continues to have vacant posts and attempts to recruit replacements remains ongoing. Another member of the team is on maternity leave but due to return at Christmas.

Service Transformation

A Peer Review of the Planning service was carried out in January 2021 by the Planning Advisory Service. The recommendations of the Peer Review were considered by a member working group and subsequently agreed by Council on 19th July. The recommendations have been largely implemented. Work is still in progress regarding recommendations addressing pre-application processes, enforcement and codes of conduct.

4. CONSULTATION

All policy documents and planning applications are the subject of consultation. Regular liaison meetings take place with Town and Parish Councils and an Agents forum to discuss service issues.

5. FINANCIAL IMPLICATIONS

As set out in the report.

6. EQUALITY IMPLICATIONS

Equality issues are taken into account in all relevant development management decisions.

7. CORPORATE IMPLICATIONS

The Group plays a role in meeting a number of corporate aims and performance indicators.

8. OPTIONS CONSIDERED

Options for service improvement are under constant consideration.

AUTHOR

Richard Kent, Head of Planning.

SECTION 3

BACKGROUND PAPERS

Corporate Plan
Annual Directorate Statement
Statistical returns
Customer complaints and compliments
Group Budgets

**PLANNING AND REGULATORY COMMITTEE – 16 NOVEMBER 2022
REPORT OF THE DIRECTOR OF PLACE**

A - PLANNING APPEAL DECISIONS

1. Planning Application Number 21/P/3225/FUL

Site: 12 Rudleigh Avenue, Pill

Description: New two storey dwelling in garden of No 12 Rudleigh Avenue.

Recommendation: Refused

Appeal Dismissed 6 Oct 2022

Type of appeal: Written Representation

Officer: Ellena Fletcher

Appellant: Mr. Bob Lindsay

The main issues that were identified by the Planning Inspector were 1) the effect of the proposal on the character and appearance of the surrounding area; and 2) the effect of the proposal on the living conditions of the occupants of No 13 Rudleigh Avenue, having particular regard to privacy.

2. Planning Application Number 22/P/0081/FUL

Site: 47 Bristol Road Lower, Weston-super-Mare

Description: Retrospective application for the replacement of a boundary fence fronting Kew Road and additional requirement to infill fence (as was installed previously) and to provide replacement gates.

Recommendation: Refused

Appeal Dismissed 17 Oct 2022

Type of appeal: Written Representation

Officer: Zac Hemborough

Appellant: Mr Allen

The main issue that was identified by the Planning Inspector is whether the development preserves or enhances the character or appearance of the Great Weston Conservation Area.

**PLANNING AND REGULATORY COMMITTEE – 16 NOVEMBER 2022
REPORT OF THE DIRECTOR OF PLACE**

3. Planning Application Number 21/P/1931/FUL

Site: Atcost Barn, Glen Farm, Sandy Lane, Lower Failand

Description: Demolition of existing agricultural building and erection of 1no. dwelling

Recommendation: Refused

Appeal Dismissed 2 Nov 2022

Type of appeal: Written Representation

Officer: Jessica Smith

Appellant: Paul Wilson

The main issues that were identified by the Planning Inspector were 1) whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies; 2) the effect of the proposal on the openness of the Green Belt; 3) whether the appeal site is in a suitable location for new housing, having regard to the proximity to local services; and 4) whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.

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B – PLANNING APPEALS RECEIVED SINCE LAST COMMITTEE

None

C- INQUIRIES/HEARINGS DATES AND VENUES

1. Site: Land off Summer Lane, Banwell

Enforcement Notice Number 19/00095/UAW

Description: Without planning permission, the creation of a hardstanding and access track

Case Officer: Chris Joannou

Planning Application Number 19/P/0314/FUL

**PLANNING AND REGULATORY COMMITTEE – 16 NOVEMBER 2022
REPORT OF THE DIRECTOR OF PLACE**

Description: Use of land for the stationing of caravans for residential purposes as a single pitch gypsy/traveller site and the erection of a day room building ancillary to that use

Case Officer: Simon Exley

Enforcement Notice Number 20/00186/COU

Description: Without planning permission, the material change of use of agricultural land to a use as a single pitch traveller site

Case Officer: Chris Joannou

Appellant: Ms Kathleen Kiely

Type of Appeal: Hearing – 17 January 2023 – scheduled for 2 days. Venue - Kenn Room, Town Hall, Weston-super-Mare

2. Site: Proposed Park and Ride adjacent to Heathfield Park, Bristol Road, Hewish, Puxton

Planning Application Number 20/P/1438/FUL

Description: Change of use of land from gypsy pony track/agricultural land to use for a Park and Ride car park for Bristol Airport with 3101 parking spaces plus arrival/departure area with construction of associated roads and surfaces and the erection of a reception centre

Case Officer: Neil Underhay

Appellant: J B Pearce Limited

Type of appeal: Public Inquiry – 30 November 2022 – scheduled for 8 days. Venue - New Council Chambers, Town Hall, Weston-super-Mare

**PLANNING AND REGULATORY COMMITTEE – 16 NOVEMBER 2022
REPORT OF THE DIRECTOR OF PLACE**

Summary Performance April 22 – March 23

Appeals received 26
Appeals decided 31
Appeals dismissed 23
Percentage dismissed of appeals decided 74.1%

Appeals Allowed April 22 – March 23

Delegated Decision 7
Committee Decision 1

Costs awarded against the Council

Delegated Decision: 0
Committee decision: 0
Total: 0

Costs awarded to the Council

Delegated Decision: 0