

# Public Document Pack

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**Date:** Tuesday, 14 February 2023

**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, 22 February 2023, 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 18 January 2023 (Agenda Item 4) (Pages 5 - 10)**

18 January 2023 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 Nos 22/P/1965/LBC & 22/P/1967/MAA Devil's Bridge, Bleadon Hill, Weston-super Mare (Agenda item 6) (Pages 11 - 20)**

**1) Listed building consent for alterations to the existing parapet walls, including drilling holes in existing coping stones to install new railings to raise the height of the parapet**

**2) Application for Prior Approval under Schedule 2, Part 18, Class A of the Town and Country Planning (General Permitted Development) Order 2015, as amended – Alterations to the existing parapet walls, including drilling holes in existing coping stones to install new railings to raise the height of the parapet**

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

**7. Q3 Performance Report (Agenda item 7) (Pages 21 - 28)**

Section 3 report of the Director of Place Directorate

**8. Planning Appeals 22.02.23 (Agenda item 8) (Pages 29 - 32)**

Section 3 report of the Director of Place Directorate

**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, 18 January 2023

New Council Chamber - Town Hall

Meeting Commenced: 2.00 pm

Meeting Concluded: 3.20 pm

### Councillors:

James Tonkin (Chairman)

John Crockford-Hawley (Vice-Chairman)

Mike Bird

Peter Bryant

Caroline Cherry

Peter Crew

Ann Harley

Robert Payne

Timothy Snaden

Mike Solomon

Richard Tucker

Richard Westwood

**Apologies:** Councillors Stuart McQuillan

**Officers in attendance:** Richard Kent (Head of Planning, Place Directorate), Sue Buck (Solicitor - Litigation Team Leader) and Michèle Chesterman (Committee Services Senior Officer)

### PAR Chairman's Welcome 42

The Chairman welcomed everyone to this face-to-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 Public speaking at planning committees (Standing Order 17 & 17A) (Agenda 43 Item 1)

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

One request to speak had been received under Standing Order 17A and the speaker would be invited to address the committee immediately prior to the consideration of the application in question (agenda item 6).

**PAR 44 Declaration of Disclosable Pecuniary Interest (Standing Order 37) (Agenda Item 3)**

None.

**PAR 45 Minutes 14 December 2022 (Agenda Item 4)**

**Resolved:** that the minutes of the meeting dated 14 December 2022 be approved as a correct record.

**PAR 46 Planning Application No: 21/P/3185/FUL Erection of additional building at Busy Buddies Nursery, to increase the capacity of existing nursery, Cowslip Lane, Hewish, Banwell (Agenda item 6)**

At the invitation of the Chairman, Alistair Mead, Applicant, addressed the committee speaking in favour of the application.

The Director of Place's representative presented the report.

At the invitation of the Chairman, the ward member, Councillor Ann Harley addressed the committee.

Following debate it was:

Resolved that the application be **APPROVED** contrary to recommendation

The reasons for approval were as follows:

The Committee considered there was an overriding need for nursery provision in the locality and did not consider that there were any reasonably available alternative sites within the nursery's current catchment and that this outweighed the development plan policies. It noted that the nursery would serve the local community, staff at the adjacent Puxton Park complex and workers travelling to and from Weston-super-Mare and therefore would not have an unacceptable impact on sustainability objectives. It did not consider that the development caused harm to the landscape due to the proximity of other buildings and screen planting.

The approval was subject to the following conditions:

1. The development hereby permitted shall be begun before the expiry of three years from the date of this permission.

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in accordance with the

following approved plans and documents:

2021-44-ED-XX-00-DR-A-PL-000 A: EXISTING SITE PLAN  
2021-44-ED-XX-00-DR-A-PL-001 B: Site Location Plan  
2021-44-ED-XX-00-DR-A-PL-002: PROPOSED FIRSTFLOOR/REFUGE  
2021-44-ED-XX-00-DR-A-PL-002 A: PROPOSED SITE PLAN  
2021-44-ED-XX-00-DR-A-PL-003: PROPOSED PLANS & ELEVATIONS  
IMAGE 1 OF PROPOSED BUILDING  
IMAGE 2 OF PROPOSED BUILDING

BBD-BPC-ZZ-XX-RP-C-0001\_FRA: Flood Risk Assessment - Bailey Partnership, dated March 2022  
FLOOD RISK ASSESSMENT AND SUSTAINABLE DRAINAGE STRATEGY - Sutherland Property & Legal Services Ltd  
SEQUENTIAL TEST - Sutherland Property & Legal Services Ltd  
ENERGY STATEMENT - Sutherland Property & Legal Services Ltd  
Ecological Appraisal - Quantock Ecology, dated 31/08/2021  
EXTENSION SUPPORT LETTER

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

3. The building hereby permitted shall not be constructed until details of the walling, roofing, window and door materials to be used in the development have first 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 policy CS12 of the North Somerset Core Strategy and policy DM32 of the North Somerset Sites and Policies Plan (Part 1).

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any Orders revoking and re-enacting those Orders, with or without modification), the premises shall be used for children's day nursery only and for no other purpose (including any other purpose in Class E).

Reason: The Local Planning Authority wishes to retain control over the use of the premises in the interests of serving the local community and in accordance with policy CS25 of the North Somerset Core Strategy and policy DM68 of the North Somerset Sites and Policies Plan (Part 1).

5. The additional building hereby permitted shall not be occupied until a properly consolidated and surfaced parking area for five vehicles has been constructed in accordance with the approved plans and specifications. The approved parking area shall thereafter be permanently retained and kept available for parking at all times.

Reason: In order to ensure that adequate parking provision is made in the interests of preserving highway safety and in accordance with policies CS10 and

CS11 of the North Somerset Core Strategy, policies DM24 and DM28 of the North Somerset Sites and Policies Plan (Part 1) and the North Somerset Parking Standards SPD.

6. Prior to the first occupation of the development hereby approved a Flood Warning Evacuation Plan shall be submitted to and approved, in writing, by the local planning authority. This plan shall address the matters required pursuant to the National Planning Policy Framework and Planning Practice Guidance. Thereafter the Flood Warning Evacuation Plan shall be fully implemented.

Reason: To limit the risk of flooding by ensuring the provision of satisfactory means of flood management and incident response on the site in accordance with policy CS3 of the North Somerset Core Strategy.

7. Finished floor levels to be set at least 300mm above existing ground levels.

Reason: To reduce the risk of flooding to the proposed development and future occupants 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).

8. The nursery should not be used for overnight accommodation, and any sleeping areas should not be situated on the ground floor.

Reason: To reduce the risk of flooding to the proposed development and future occupants 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).

9. The additional building shall not be occupied until a hard and soft landscape scheme has been submitted to and approved in writing by the Local Planning Authority showing details of all trees, hedgerows and other planting to be retained; finished ground levels; a planting specification to include numbers, size, species and positions of all new trees and shrubs; details of existing and proposed walls, fences, other boundary treatment and surface treatment of the open parts of the site; and a programme of implementation. The hard and soft landscaping scheme shall be carried out in accordance with the approved details, specifications and programme of implementation. Trees, hedges and plants shown in the landscaping scheme to be retained or planted which, during the development works or a period of ten years following full implementation of the landscaping scheme, are removed without prior written consent from the Local Planning Authority or die, become seriously diseased or are damaged, shall be replaced in the first available planting season with others of such species and size as the Authority may specify. All hard landscape works shall be permanently retained in accordance with the approved details unless otherwise agreed, in writing, by the Local Planning Authority.

Reason: To ensure a satisfactory landscaping scheme is implemented and maintained in the interests of the character and biodiversity value of the area, and in accordance with policies CS4, CS5, CS9 and CS12 of the North Somerset Core Strategy, policies DM8, DM9, DM10 and DM32 of the North Somerset Sites and Policies Plan (Part 1) and the North Somerset Biodiversity and Trees



SPD.

For advice on how to discharge this condition, please refer to [www.n-somerset.gov.uk/landscapingconditions](http://www.n-somerset.gov.uk/landscapingconditions)

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order, with or without modification), no extensions to the additional building hereby permitted shall be carried out without the permission, in writing, of the Local Planning Authority.

Reason: The Local Planning Authority wish to retain control over extensions in order to maintain the integrity and appearance of this development and in accordance with policy CS12 of the North Somerset Core Strategy and policy DM32 of the North Somerset Sites and Policies Plan (Part 1).

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order, with or without modification), no gates, fences, walls or other means of enclosure shall be erected or constructed on any boundaries of the site, or elsewhere within the site (other than any expressly authorised by this permission).

Reason: The Local Planning Authority wish to retain control over means of enclosure in the interests of the character and appearance of the area and in accordance with policy DM32 of the North Somerset Sites and Policies Plan and policies CS5 and CS12 of the North Somerset Core Strategy.

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order, with or without modification), no garage, shed or other structure shall be erected within the curtilage of the additional building hereby permitted (other than any expressly authorised by this permission).

Reason: The Local Planning Authority wish to retain control over additional structures in order to maintain the integrity and appearance of this development and in accordance with policy CS12 of the North Somerset Core Strategy and policy DM32 of the North Somerset Sites and Policies Plan (Part 1).

13. The additional building hereby permitted shall not be occupied until works for the disposal of sewage have been provided on the site to serve the development hereby permitted, in accordance with details that have first been submitted to and approved in writing by the local planning authority.

Reason: To ensure that the development is served by a satisfactory system of foul drainage and to prevent pollution of the water environment, 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).

For advice about discharging this condition please refer to [www.n-somerset.gov.uk/drainageconditions](http://www.n-somerset.gov.uk/drainageconditions)

14. The additional building hereby permitted shall not be occupied until a means of vehicular access has been constructed in accordance with the approved plans and specifications 2021-44-ED-XX-00-DR-A-PL-002 A.

Reason: To ensure that the development is served by a satisfactory means of vehicular access in the interests of road safety, and in accordance with policy CS10 of the North Somerset Core Strategy and policy DM24 of the North Somerset Sites and Policies Plan (Part 1).

**PAR 47 Planning Appeals 18.01.23 (Agenda item 7)**

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

**Resolved:** that the report be noted.

**PAR 48 Urgent business permitted by the Local Government Act 1972 (if any) (Agenda item 8)**

None.

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Chairman

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**SECTION 2 – ITEM 6**

**Application Nos:** 22/P/1956/LBC & 22/P/1967/MAA

**Proposal:** 1) Listed building consent for alterations to the existing parapet walls, including drilling holes in existing coping stones to install new railings to raise the height of the parapet

2) Application for Prior Approval under Schedule 2, Part 18, Class A of the Town and Country Planning (General Permitted Development) Order 2015, as amended – Alterations to the existing parapet walls, including drilling holes in existing coping stones to install new railings to raise the height of the parapet

**Site address:** Devil's Bridge, Bleadon Hill, Weston-super-Mare

**Applicant:** Network Rail

**Target date:** 06.10.2022

**Extended date:** 01.03.2023

**Case officer:** Annika Lepoittevin

**Parish/Ward:** Weston-Super-Mare/Weston-Super-Mare Uphill

**Ward Councillors:** Councillor Peter Bryant and Councillor John Ley-Morgan

**REFERRED BY COUNCILLOR BRYANT**

**Procedure**

The works for new railings at Devil's Bridge require Listed Building Consent as the bridge is grade II listed and also a separate require Prior Approval under Schedule 2, Part 18, Class A of the Town and Country Planning (General Permitted Development) Order 2015 (GPDO), as amended. The works do not a require planning application, but the Local Planning Authority (LPA) must give prior approval under the "permitted development" provisions before the scheme can be undertaken

**Summary of recommendations**

It is recommended that the applications be **APPROVED** subject to conditions. The full recommendation is set out at the end of this report.

**The Site**

Devil's Bridge is located on Bleadon Hill approximately 140 metres to the east of the junction of Bridgwater Road (A370). The main train line leading into Weston runs under the

bridge. Immediately east of the bridge and to the south west are residential areas. In the north west, Bridgwater Road goes into Weston and there are fields before the residential areas of Weston and Uphill.

### **The Applications**

Listed building consent and prior approval is sought for alterations to the parapets to install black metal guard railings on the bridge parapets (brick) that will be 1.2 metres high.

### **Relevant Planning History**

**Year:** 2022

**Reference:** 21/P/3546/LBC & 22/P/0729/MAA

**Proposals:** Listed building consent and prior approval for alterations to the existing parapet walls on Devil's Bridge including drilling holes in existing coping stones to install new railings, raising height of parapet to 2.1m (including existing parapet wall) and proposed mesh screen fitted to railing parapet extension (track side).

**Decision:** Withdrawn

**Year:** 2018

**Reference:** 18/P/3259/LBC

**Proposal:** Listed building consent for railway bridge repairs and maintenance, including brickwork repairs (rebuild and re-pointing), waterproof and saddle, underpin abutments and wing-walls, provide positive drainage and provide barriers on approaches

**Decision:** Approved

### **Legislation**

The Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) requires the local planning authority to have special regard to the desirability of preserving and enhancing Listed Buildings, their settings and Conservation Areas.

Schedule 2, Part 18, Class A of the General Permitted Development Order 2015 (as amended) applies to the prior approval application.

### **Policy Framework**

The site is affected by the following constraints:

- Grade II listed structure
- Within the settlement boundary for Weston-Super-Mare
- Horseshoe bat zone C

### **The Development Plan**

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

The following policies are particularly relevant to this proposal:

CS4	Nature Conservation
CS5	Landscape and the historic environment
CS12	Achieving high quality design and place making

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

The following policies are particularly relevant to this proposal:

DM4	Listed Buildings
DM8	Nature Conservation
DM32	High quality design and place making

National Planning Policy Framework (NPPF) (2021)

The following sections are particularly relevant to this proposal:

- 12 Achieving well designed places
- 15 Conserving and enhancing the natural environment
- 16 Conserving and enhancing the historic environment

National Planning Practice Guidance (from March 2014)

Historic Environment (Decision-making: Historic environment)

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

- Biodiversity and Trees SPD (adopted December 2005)
- 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:**

One letter of support has been received. The principal planning points made is that the application is supported as it provides extra safety on the bridge.

No letters of objection have been received.

**Weston-Super-Mare Town Council:** "The Town Council previously objected to this application but having carefully considered the additional evidence submitted, the town council now SUPPORTS this application"

*Officer comment: The Town Council objected to applications ref. 21/P/3546/LBC & 22/P/0729/MAA that were withdrawn by the applicant.*

**Other Comments Received:**

Historic Building and Places (previously known as the Ancient Monuments Society):

No objection - HB&P objected to the previously proposed scheme [*i.e.*, *withdrawn application 21/P/3546/LBC*] due to the design of the proposed parapet, which would have greatly harmed the appearance and significance of the bridge. The parapet has now been redesigned and, rather than a stainless-steel mesh, a more traditional style metal railing will be installed featuring vertical uprights that will be painted black. While it is unfortunate a raised parapet is needed at all, this more open design is less visually intrusive than the previous scheme.

Victorian Society: No comments.

Historic England: No comments

**Principal Planning Issues**

The principal planning issues in this case are (1) Impact of the proposed railings to the grade II listed structure [22/P/1956/LBC], (2) safety considerations, (3) impact on the neighbourhood amenity [22/P/1967/MAA] and (4) biodiversity

**Issue 1: Impact on the grade II listed structure**

Devil's Bridge is a feature that forms part of the 'Great Western Railway' built in a pioneering phase of railway development. It was built at the initiative of Bristol businessmen and industrialists who recognised that a railway link to London and the rest of the country would benefit Bristol's economy. Isambard Kingdom Brunel was appointed as engineer for this work in 1833. Brunel erected what was at the time the highest and widest single-span bridge in the country. It was built economically as it used less masonry than an ordinary bridge, being supported by the sides of the cutting for the railway. It was known as Devil's Bridge, after 'Devil' Payne, a difficult landowner who possessed the land needed for the railway and who held out for a high price.

This proposal seeks the installation of black painted metal railings to be secured above the existing parapet walls to bring the full height of the parapets and railings to 2.6 metres high. The railings would be secured by drilling holes at approximately 1.8 metre centres into the existing brick parapets to insert sections of metal bar that will provide stability. Network Rail has supplied an image of railings used at Bristol Temple Meads station (a grade I listed building) and the railings now proposed for Devil's Bridge would be similar in appearance albeit taller.

In considering whether to grant listed building consent, section 66 of the Planning (listed buildings and Conservation Areas) Act 1990 requires Local Planning Authorities to have special regard to certain matters, including the desirability of preserving the listed building or its setting, or any special features of architectural or historic interest of which it may possess.

The statutory framework is reinforced by the National Planning Policy Framework (NPPF) that states in paragraph 199 "*When considering the impact of a proposed development on*

*the significance of a designated heritage asset, great weight should be given to the asset's conservation".*

Paragraph 200 of the NPPF states *"Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification."*

Paragraph 202 of the NPPF goes on to state that *'where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal'*

There are considered to be two main types of interest when assessing the significance of Devil's Bridge. Firstly, in terms of historic interest, holes will be drilled into the existing parapet walls with sections of metal bar slotted in. This means there will be harm to the existing fabric of the bridge. The parapets are not thought to be original as the Historic England list description describes them as being renewed, however, they form part of the existing structure and may have some historic value as it's unclear when they were renewed. Although, the drilling will cause harm to the masonry these holes could be repaired if the railings were ever to be removed in the future. In terms of NPPF guidance, these works are therefore considered to cause a low level of less than substantial harm to the historic interest or 'significance' of the bridge.

Secondly, the bridge has architectural and aesthetic interest when it is experienced in the landscape as a Victorian era railway bridge. It is most prominently viewed when travelling over the bridge by car or by foot but is also visible in more distant views when passing over the Uphill Railway bridge on Bridgwater Road and from Oldmixon bridge on Broadway. The proposed railings would have a very limited negative impact on long range views as the railings have quite fine proportions with gaps between them and therefore should blend into the landscape. The railings would be much more intrusive when standing on the bridge and due to their overall height have the potential to make the bridge feel quite enclosed. However, the applicants have significantly revised the original design of the railings since the previous application was withdrawn. Although overall they may have a negative impact on how the bridge is experienced, the proposals are now considered to be in a style that is more suited to the form and appearance of the bridge.

Any form of increase in height to the parapets would be intrusive to some extent but this design is considered to be the most sympathetic option to provide the needed safety to the bridge (see below). Alternative schemes have been considered by the applicants in order to provide the required safety measures (including a net arrangement under the bridge) but such schemes have been concluded to be impractical for various reasons. For example, if a safety net was to be used there is nothing to offer protection from a further fall from the net. Nets are also likely to trap debris harming the appearance of the bridge and lead to the need for extra maintenance to keep them clean.

Overall, the proposal has been assessed as resulting in less than substantial harm at a moderate to low level. In this case, although the railings would significantly change the appearance of the existing bridge, they have been considered necessary by the applicants on the health and safety grounds set out below. This public benefit is considered to outweigh the negative connotations discussed above.

Regard has been given to the significance of this heritage asset when determining the weight to be given to its conservation and the proposal is considered to be in accordance with policy CS5 of the North Somerset Core Strategy, policy DM4 of the Sites and Policies Plan (Part 1), section 16 of the NPPF and sections 16(2) and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

## **Issue 2: Safety considerations**

Network Rail (the applicant) has identified the need to raise the parapet height of Devil's Bridge following the British Transport Police (BTP) and Avon and Somerset Police having identified the bridge as a high risk area. BTP for example have recorded 9 incidents at the bridge over the last two years.

In its supporting information Network Rail has stated it is controlled by railway safety standard NR/L3/CIV/020 which is based on British standard BS EN 50122:1. This states that -

*'Parapet heights have been reviewed following detailed assessment of railway risks that can be partially mitigated by parapets on overline bridges and footbridges. The research indicates that...an increased parapet height will often be appropriate to mitigate the risks so far as reasonably practicable.'*

*In determining the revised parapet height requirements, consideration has also been given to:*

- *Network Rail's initiatives to reduce suicide, trespass, electrocution, vandalism and cable theft on the railway;*
- *The increased use of electrification on the network in the future; and*
- *The potential automation of railway operations in the future'*

Network Rail has responsibility over health and safety at Devil's Bridge. The standard discussed above and details of the incidents recorded by BTP are considered to provide the clear and convincing justification and provide an overriding public benefit as required by the NPPF to outweigh the less than substantial harm that will occur to the grade II listed building. In considering the proposals, regard has been paid to the significance of this heritage asset when determining the weight to be given to its conservation and the proposal is considered to be in accordance with policy CS5 of the North Somerset Core Strategy, policy DM4 of the Sites and Policies Plan (Part 1), section 16 of the NPPF and sections 16(2) and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

## **Issue 3: Prior Approval process: the amenity of the neighbourhood**

This section addresses the Local Planning Authority requirements for the "prior approval" application. As discussed previously, the works do not require a planning application, but the Local Planning Authority (LPA) must give prior approval before the scheme can be undertaken.

This site falls within operational railway land owned by Network Rail and was authorised by the Bristol and Exeter Railway Act 1836. The act bestows the railway company and its successors the power to make developments necessary to the running and management of the railway; including the alterations to bridges/structures crossing the railway.



The proposed alterations to Devil's Bridge are permitted development by virtue of Schedule 2, Part 18, Class A of the General Permitted Development Order 2015, as amended. Paragraph A.2 outlines the process by which the LPA can give prior approval and comment on the proposals. It states that the prior approval is not to be refused nor are conditions to be imposed unless the LPA is satisfied that –

- “(a) The development (other than the provision of or works carried out to a dam) ought to be and could reasonably be carried out elsewhere on the land; or*
- (b) The design or external appearance of any building, bridge, aqueduct, pier or dam would injure the amenity of the neighbourhood and is reasonably capable of modification to avoid such injury”.*

The LPA may therefore consider only the design, materials, or siting of the works to ensure that the development proposed “would not injure the amenity of the neighbourhood” and be satisfied that it could not be “reasonably carried out elsewhere”.

Point (a) above relates to the positioning of the proposal. As the works are new railings for an existing bridge, it is considered the works cannot be carried out in any other location.

Point (b) relates to the design and external appearance of the railings. This has been assessed in detail under the impacts on the grade II listed building (issue 1 above). The applicants have revised the designs to be more sympathetic to the appearance and age of the bridge. In this case, although the railings will significantly change the appearance of the existing bridge, they have been considered necessary on health and safety grounds. This requirement is considered to outweigh the heritage impacts discussed under issue 1. It is, therefore, considered the prior approval application should be granted.

#### **Issue 4: Biodiversity**

The results of a protected species survey have been submitted with the application which conclude that there is negligible potential for bats to be affected by the development. A condition has been recommended by the Council's Ecologist for the mitigation in the submitted report to be followed. This involves all site staff being briefed about the potential for bats to be present within gaps and crevices in the existing bridge and ensure checks are carried out before starting works. In this respect, regard has been paid to the requirements of the Conservation of Habitats and Species Regulations 2017 and the Natural Environment and Rural Communities Act 2006, and to policy CS4 of the North Somerset Core Strategy, policy DM8 of the Sites and Policies Plan (Part 1) and the council's Biodiversity and Trees SPD.

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

The proposed development has been screened separately 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.

## Conclusion

Whilst the proposal would fail to preserve the special interest of the Grade II listed bridge entirely therefore resulting in less than substantial harm, in this case, the applicants have provided clear and convincing justification that demonstrates the significant public benefits which outweigh the harm in accordance with paragraphs 200 - 202 of the NPPF. The applicants have made efforts to revise the designs to be more sympathetic to the appearance and age of the bridge. In this case, although the railings will significantly change the existing bridge, they have been considered necessary by the applicants on the health and safety grounds. This requirement is considered to outweigh the negative impacts to the character and appearance of the bridge. It is, therefore, considered the prior approval application and listed building consent should be granted.

**22/P/1956/LBC RECOMMENDATION: APPROVE** (for the reasons stated in the report above) subject to the following conditions:-

1. The development hereby permitted shall be begun before the expiry of three years from the date of this permission.

Reason: In accordance with the provisions of Section 18 of the Town and Country (Listed Building and Conservation Areas) Act 1990.

2. The development hereby permitted shall be carried out in accordance with the approved plans and documents to be listed on the decision notice.

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

3. The development shall not take place except in strict accordance with the measures outlined in Section 4.2 Recommendations of the Bat survey report (Development Ecology Consultants Ltd., 2021). If amendments to the methodology are required, details of the changes must be submitted in writing and agreed by the Local Planning Authority before relevant works proceed. The development shall then be implemented in accordance with the agreed changes.

Reason: To ensure compliance with the Conservation of Habitats and Species Regulations 2017 (as amended including by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019), the Wildlife and Countryside Act 1981 (as amended), The Natural Environment and Rural Communities (NERC) Act 2006, policy CS4 of the North Somerset Core Strategy and policy DM8 of the North Somerset Sites and Policies Plan (Part 1).

4. No metal railings shall be installed until detailed working drawings showing any changes in the height of the railings at the ends of the bridge have been submitted to

and approved, in writing, by the Local Planning Authority. Thereafter, the development shall not be carried out except in accordance with the approved details.

Reason: To clarify how variations in height of the existing parapet walls will be dealt with and if the proposed metal railings will need to change in height at certain locations, in order to maintain the architectural integrity of the building and the appearance of its surroundings and in accordance with section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended), policies CS5 and CS12 of the North Somerset Core Strategy and policies DM4 and DM32 of the North Somerset Sites and Policies Plan (Part 1). The details must be agreed prior to commencement in order to safeguard the architectural and historic interest of the Listed Building.

5. All new external and internal works and finishes, and works of making good, shall match the existing original work in respect of materials used, detailed execution and finished appearance except where indicated otherwise on the drawings hereby approved or where otherwise first agreed in writing by the local planning authority.

Reason: To protect the character and appearance of the Listed Building and in accordance with policies CS5 and CS12 of the North Somerset Core Strategy and policies DM4 and DM32 of the North Somerset Sites and Policies Plan (Part 1).

6. The materials to be used in the development hereby permitted shall be in complete accordance with the approved plans and specifications.

Reason: To ensure that materials to be used are acceptable in the interests of preserving the character and appearance of the Listed Building, and in accordance with policies CS5 and CS12 of the North Somerset Core Strategy and policies DM4 and DM32 of the North Somerset Sites and Policies Plan (Part 1).

**22/P/1967/MAA RECOMMENDATION: GRANT** (for the reasons stated in the report above) subject to the following conditions:-

1. The development shall not take place except in strict accordance with the measures outlined in Section 4.2 Recommendations of the Bat survey report (Development Ecology Consultants Ltd., 2021). If amendments to the methodology are required, details of the changes must be submitted in writing and agreed by the Local Planning Authority before relevant works proceed. The development shall then be implemented in accordance with the agreed changes.

Reason: To ensure compliance with the Conservation of Habitats and Species Regulations 2017 (as amended including by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019), the Wildlife and Countryside Act 1981 (as amended), The Natural Environment and Rural Communities (NERC) Act 2006, policy CS4 of the North Somerset Core Strategy and policy DM8 of the North Somerset Sites and Policies Plan (Part 1).

2. No metal railings shall be installed until detailed working drawings showing any changes in the height of the railings at the ends of the bridge have been submitted to

and approved, in writing, by the Local Planning Authority. Thereafter, the development shall not be carried out except in accordance with the approved details.

Reason: To clarify how variations in height of the existing parapet walls will be dealt with and if the proposed metal railings will need to change in height at certain locations, in order to maintain the architectural integrity of the building and the appearance of its surroundings and in accordance with section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended), policies CS5 and CS12 of the North Somerset Core Strategy and policies DM4 and DM32 of the North Somerset Sites and Policies Plan (Part 1). The details must be agreed prior to commencement in order to safeguard the architectural and historic interest of the Listed Building.

SECTION 3

## North Somerset Council

### Item 7

#### **REPORT TO THE PLANNING AND REGULATORY COMMITTEE**

**DATE OF MEETING: 22 FEBRUARY 2023**

**SUBJECT OF REPORT: 3RD 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

<b>Indicator</b>	<b>Target</b>
% 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

<b>Performance Indicator</b>	<b>Q3 21/22</b>	<b>Q2 22/23</b>	<b>Q3 22/23</b>	<b>Year 22/23 to date</b>	<b>Target 22/23</b>
% Of all applications determined < 8 Weeks or agreed time limit	92.4%	92.8%	92.1%	89.56%	>80%
% Of major applications determined in <13 Weeks or agreed time limit	60%	78.6%	88.90%	84.62%	>70%
% Of minor applications determined in <8 Weeks or agreed time limit	92.9%	89.9%	94.9%	83.76%	>75%
% Of other applications determined in <8 Weeks or agreed time limit	96.8%	94.4%	95.0%	86.72%	>86%
% Of all appeals that were allowed against a planning refusal	17.65%	14.29%	0%	17.78%	<30%
% Of enforcement notices upheld on appeal	33%	0%	0%	0%	>90%
% of applications that are delegated to officers	100%	98.21%	98.79%	99.05%	>90%

**SECTION 3**

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 year ending September 2022 47% applications had agreed extensions of time against a national average of 42%. Over the same period, the Council approved 92% of all planning applications (national average 87%) with 92% of the decisions made under delegated powers.

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

<b>Performance (Planning Appeals)</b>	<b>Q1</b>	<b>Q2</b>	<b>Q3</b>	<b>Year 22/23 to date</b>
Appeals received	11	11	5	27
Appeals decided	20	7	9	36
Appeals dismissed	13	6	9	28
% of appeals dismissed from appeals decided (target >70% dismissed)	65%	86%	100%	78%
% of appeals allowed in cases where Committee refused permission contrary to officer recommendation to approve	100%	100%	100%	100%*

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

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

Table 4 Appeals Received

Appeal Types Received (Planning Appeals)	Total 18/19	Total 19 /20	Total 20/21	Total 21/22	Q3 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	5	26
Totals	53	60	39	50	5	27

\* 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 Wrington which continued to create resource challenges. A 6<sup>th</sup> public inquiry for an airport park and ride site at Hewish took place in Q3 and in January the service took part in a 2 day planning and enforcement appeal hearing regarding a site in Banwell. These all required significant work to be carried out during Q3. Two further public inquiries are scheduled for May/June 2023 and work is already taking place in preparation for them .

The decisions on the 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, Wrington Land Adjacent to Westward Close, Wrington	Dismissed	25 August 2022



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20/P/1438/FUL	Land adjacent to Heathfield Park Bristol Road Hewish, Hewish	Decision awaited	
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An officer briefing was held for P&R Committee members on 15 June with the barrister representing the Council at the housing appeals to feedback on these appeals and explain the implications for future decision making.

Enforcement Performance

The council's Local Enforcement Plan was updated and agreed by the Committee at its December meeting and determines the priority accorded to each case. Case updates are produced quarterly for Parish and Town Councils to allow them to track progress on enforcement cases in their parishes. High caseloads coupled with appeal work and staffing issues means the team continues to have to prioritise very tightly.

Table 6 sets out the number of notices served.

Table 6

Notices Served	Q3 totals	Total 22/23	Total 21/22	Total 20/21	Total 19/20
*PCN's and 330 Notices	6	15	15	19	43
**BCN's	0	2	0	0	0
Enforcement Notices	0	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 through negotiation and in liaison with its partners.

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Resource Management

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

Table 7

Performance Target	Q3 21/22	Q2 22/23	Q3 22/23	Year 22/23 to date
No. of applications received	434	399	359	1127
No. of planning and enforcement appeals received	8	12	5	30
Reported alleged breaches of planning control (Enforcement)	118	116	120	359

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. Fee income for the year to date is forecast to achieve a shortfall on the 2022/23 £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 continues 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 inquiries referred to above also incur barrister's fees as well as consultants costs due to the in-house resources not being available.

Staffing

Due to the volume of major and complex applications submitted (or due to be submitted) a new Principal Planning Officer post was created last year. To date no suitable applicants have come forward. A second Principal Planning officer post has since become vacant due to the promotion of the previous postholder and has been advertised. A third Principal Planner in the same team started maternity leave in November and a temporary Agency contractor has been recruited to provide cover.

### SECTION 3

A further part time Senior Planning Officer is due to go on maternity leave from April and temporary cover is being sought.

In the Planning Policy team, a part time Principal Planning Officer retires in February. Following a review of CIL/S106 process and capacity, an additional part time CIL administrative role is being created (funded from CIL receipts) to assist with the management of the process and provide additional support to the existing Development Contributions Officer.

The Building Control service vacancies have been filled with a member of staff returning from maternity leave.

Resourcing has undoubtedly been an industry wide problem across the local government planning sector and is recognised by Government in its forthcoming reforms with a proposed increase in planning application fees to help LPAs increase capacity. It is understood that there will be a consultation on national fee level increases starting shortly. It will be important for us to consider how any additional income can be used to improve the opportunities for resourcing the service.

The pressure locally on the planning enforcement team also reflects the pressure on planning enforcement nationally. In November 2022, the Royal Town Planning Institute (RTPI) published a report commissioned by the Department for Levelling Up, Housing and Communities on "Planning Enforcement Resourcing". The report concluded "*that enforcement teams at local authorities across England are being stretched to their limits, facing immense pressure from both politicians and the public*". It found that enforcement teams nationally face recruitment challenges and insufficient resources within teams, PINs and the legal system adds delays.

#### Service Transformation

A Peer Review of the Planning service was carried out in January 2021 by the Planning Advisory Service. 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.

**SECTION 3**

**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.

**BACKGROUND PAPERS**

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

**PLANNING AND REGULATORY COMMITTEE – 22 February 2023  
REPORT OF THE DIRECTOR OF PLACE**

**A - PLANNING APPEAL DECISIONS**

1. Enforcement Notice Number 21/00431/UAW

**Site: The Old Town Quarry, South Road, Weston-super-Mare**

Description: Without planning permission, the erection of a structure

Recommendation: Enforcement Notice

**Appeal Dismissed 16 Jan 2023**

Type of appeal: Written Representation

Officer: Chris Joannou

Appellant: Mr Aaron Moffat

The main issue was whether a breach of planning had occurred.

2. Enforcement Notice Number 19/00450/UAW

**Site: Flat 5, Hillcote Mansions, 2 Atlantic Road, Weston-super-Mare**

Description: Without planning permission, the installation of uPVC casement windows.

Recommendation: Enforcement Notice

**Appeal Dismissed 16 Jan 2023**

Type of appeal: Written Representation

Officer: Chris Joannou

Appellant: Ms Liane Warbuton

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

3. Planning Application Number 22/P/0903/FUH

**Site: 55 Spring Hill, Weston-super-Mare**

Description: Proposed erection of a detached double garage.

Recommendation: Refused

**PLANNING AND REGULATORY COMMITTEE – 22 February 2023  
REPORT OF THE DIRECTOR OF PLACE**

**Appeal Dismissed 26 Jan 2023**

Type of appeal: Fast Track Appeal

Officer: Anna Hayes

Appellant: Mr Lewis

The main issues that were identified by the Planning Inspector were the effect of the development proposed on: 1) the character and appearance of the host dwelling and the surrounding area; and 2) the living conditions of the occupants of 2 Church Road (No 2), with particular regard to outlook and daylight.

4. Planning Application Number 21/P/2128/FUL

**Site: 165 Locking Road, Weston-super-Mare**

Description: Retrospective application for change of use from a car and van hire establishment to a mixed use of car sales and car washing and valeting. Creation of a dedicated enclosed wash bay under existing canopy. Replacement of 2.1m high fence to rear boundary with 3.1m high sheet metal fencing.

Recommendation: Refused

**Appeal Dismissed 2 Feb 2023**

Type of appeal: Written Representation

Officer: Julie Walbridge

Appellant: Mr John Gillard

The main issues that were identified by the Planning Inspector were 1) the effect of the proposal on the living conditions of nearby occupiers, with regard to noise and disturbance; 2) the character and appearance of the area; and 3) highway safety

**B – PLANNING APPEALS RECEIVED SINCE LAST COMMITTEE**

1. Planning Application Number 20/P/1579/OUT

**Site: Land at Lynchmead Farm, Ebdon Road, Wick St Lawrence**

Description: Outline planning application for a residential development of up to 75no. dwellings and associated infrastructure, with access for approval and appearance, scale, layout and landscaping reserved for subsequent approval

**PLANNING AND REGULATORY COMMITTEE – 22 February 2023  
REPORT OF THE DIRECTOR OF PLACE**

Date of Appeal: 6 Feb 2023  
Type of appeal: Public Inquiry  
Case Officer: Neil Underhay  
Appellant: Mead Realisations Ltd

**C- INQUIRIES/HEARINGS DATES AND VENUES**

**Site: Land at Lynchmead Farm, Ebdon Road, Wick St Lawrence**

Planning Application Number 20/P/1579/OUT

Description: Outline planning application for a residential development of up to 75no. dwellings and associated infrastructure, with access for approval and appearance, scale, layout and landscaping reserved for subsequent approval

Case Officer: Marcus Hewlett

Date of Appeal: 6 Feb 2023

Appellant: Mead Realisations Ltd

Type of appeal: Public Inquiry – date and venue to be confirmed

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**Summary Performance April 22 – March 23**

Appeals received 32

Appeals decided 43

Appeals dismissed 35

Percentage dismissed of appeals decided 81.4%

**Costs awarded against the Council**

Delegated Decision: 0

Committee decision: 0

Total: 0

**Appeals Allowed April 22 – March 23**

Delegated Decision 7

Committee Decision 1

**Costs awarded to the Council**

Delegated Decision: 0

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