

Public Document Pack

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Date: Tuesday, 6 June 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, 14 June 2023, 2.30 pm
– New Council Chamber**

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):

Hugh Malyan (Chairperson), Christopher Blades, Peter Bryant, Peter Burden, Stuart Davies, Stuart McQuillan, Robert Payne, Tom Nicholson, Terry Porter, Timothy Snaden, Mike Solomon, Richard Tucker and Hannah Young

Agenda

1. **Election of Vice-Chairperson for the Municipal Year 2023-24**
2. **Public speaking at planning committees (Standing Order 17 & 17A)**

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 Chairperson 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 Chairperson will invite those persons to agree a spokesperson among themselves. In default of agreement the Chairperson 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.

3. **Apologies for absence and notification of substitutes**
4. **Declaration of Disclosable Pecuniary Interest (Standing Order 37)**

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 Chairperson 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.

5. **Minutes 15 March 2023 (Pages 5 - 26)**

15 March 2023 to approve as a correct record (attached)

6. **Matters referred by Council, the Executive, other committees etc (if any)**
7. **Planning Application No: 22/P//0564/OUT Outline planning application for the development of up to 68 no. dwellings supported by the provision of highways, open space, ecological enhancement and associated and ancillary infrastructure, with access for approval off A368 (Bath Road); with appearance, landscaping, layout and scale reserved for subsequent approval (Pages 27 - 54)**

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

8. **Q4 Planning Performance 2022-23 (Pages 55 - 62)**

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

9. **Planning Appeals 14 June 2023 (Pages 63 - 70)**

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

10. **Urgent business permitted by the Local Government Act 1972 (if any)**

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, 15 March 2023

New Council Chamber - Town Hall

Meeting Commenced: 2.30 pm

Meeting Concluded: 4.10 pm

Councillors:

James Tonkin (Chairman)
John Crockford-Hawley (Vice Chairman)
Mike Bird
Peter Crew
Ann Harley
Patrick Keating (substitute for Robert Payne)
Stuart McQuillan
Timothy Snaden
Mike Solomon
Richard Westwood

Apologies: Councillors Caroline Cherry, Robert Payne, Richard Tucker

Absent: Councillor Peter Bryant

Other Councillors in attendance: Karin Haverson, Steve Bridger, Steve Hogg

Officers in attendance: Richard Kent (Head of Planning, Place Directorate), Roger Willmot (Strategic Development Service Manager), Sue Buck (Solicitor - Litigation Team Leader), Andrea English, (Principal Transport Policy Officer), James Wigmore (Lead Transport Planner), Emma Schofield (Principal Planning Officer), Dee Mawn (Environmental Protection Service Leader), Michèle Chesterman (Committee Services Senior Officer), Jessika Robinson (Committee Services Support Officer)

Also in attendance: Matthew Parker, ACOM, Transport Consultants

PAR Chairman's Welcome 57

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

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

Resolved: that Standing Order 17A be suspended under Standing Order 40 to allow for four speakers to address the Committee in support of the application and four speakers against, with each speaker limited to three minutes.

PAR 59 Declaration of Disclosable Pecuniary Interest (Standing Order 37) (Agenda Item 3)

None

PAR 60 Minutes 22 February 2023 (Agenda Item 4)

Resolved: that the minutes of the meeting dated 22 February 2023 be approved as a correct record.

PAR 61 Planning Application 22/P/1768/R3EIA Banwell Bypass (Agenda item 6)

Construction of a 3.3km single carriageway road from the A371 Summer Lane to A368 Towerhead Road, including a 3m shared use path to Sandford, one bridge, ten culverts, associated infrastructure, and landscaping. Construction of a 0.63km (including junction link to Banwell Bypass) single carriageway Southern Link Road, including associated infrastructure and landscaping. Mitigation and enhancement measures, which consist of environmental mitigation and enhancement measures in connection with the Banwell Bypass and the Southern Link including flood compensation areas, planting and habitat creation, attenuation basins, replacement playing fields at Banwell Football Club, associated infrastructure and landscaping. Placemaking improvements within Banwell, comprising mitigation and enhancement measures to the public realm. Demolition of a wall at 25 Castle Hill. Active travel routes including works to footpaths, cycleways and bridleways. Improvements to the wider local road network in Sandford, Churchill, Locking and Winscombe and creation of shared use paths between Sandford and Churchill and Langford and Churchill

The Committee's proceedings with Standing Order 17A suspended then followed. The speakers listed below addressed the meeting:-

Speakers against the application

1. Cllr Tom Nicholson, Parish Councillor, Winscombe & Sandford Parish Council, Banwell Bypass Working Group
2. Cllr Archie Forbes, Chair, Winscombe & Sandford Parish Council
3. Simon Hegarty, local resident, Churchill
4. *Philip Hale, local resident - registered to speak but was unable to attend at the last minute*

Speakers for the application

1. Allan Pitt, ARUP, on behalf of the Applicant (Banwell Bypass Project Team)
2. Cllr Paul Blatchford, Chair, Banwell Parish Council
3. Steve Voller, local resident
4. David Eddins, Mendip Activity Centre

The Chairman thanked the speakers for their addresses.

At the conclusion of public speaking the Committee's proceedings under the provisions of Standing Orders then resumed.

The Director of Place's representative presented the report. He also drew attention to the Update Sheet published the previous day which made reference to further representations about The Old Police House. He explained the Public Sector Equality Duty including reference to the requirement to have due regard to the need to eliminate discrimination and advance equality of opportunity. He confirmed that both the applicant and the local planning authority had taken the equality duty into account and these issues would continue to be fully considered at the detailed design stages. The impacts of the development on The Old Police House were dealt with within the main report.

Reference was made to additional third party comments. Two additional letters of support had been received since the report was published. No issues were raised which had not been previously considered.

A further email and attachments had been received from Churchill Parish Council reiterating comments previously made including concerns about the impact on surrounding villages, the volume of traffic; travel times; active travel and safety of children attending Churchill Academy.

Additional comments were also received from Natural England (NE), National Highways (NH), Historic England (HE) and Sport England. The Update Sheet referred to the fact that as the Habitats Regulation Assessment had been concluded, and National Highways holding recommendation lifted, As the Habits Regulation Assessment had been concluded and National Highways holding recommendation lifted the Update Sheet amended the officer recommendation to delete "subject to (a) the conclusion of the Habitats Regulation Assessment and (b) the satisfactory resolution of the issues raised by National Highways". In addition, amendments were proposed to Conditions 2,4,7,8,26 and additional conditions 32 and 33 added as recommended by National Highways.

At the invitation of the Chairman, ward members, Councillors Karin Haverson, Patrick Keating (adjacent ward member) and Ann Harley to speak.

Following debate it was:

Resolved that the application be **APPROVED** as recommendation on Update Sheet

Subject to the following conditions (with amended condition 8 in italics):

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:

Site location plan

BNWLBP-ARP-LSI-XXXX-DR-ZL-000013

Red line Boundary Plans

Sheet 1 of 9 - BNWLBP-ARP-LSI-XXXX-DR-ZL-000018

Sheet 2 of 9 - BNWLBP-ARP-LSI-XXXX-DR-ZL-000005

Sheet 3 of 9 - BNWLBP-ARP-LSI-XXXX-DR-ZL-000006

Sheet 4 of 9 - BNWLBP-ARP-LSI-XXXX-DR-ZL-000007

Sheet 5 of 9 - BNWLBP-ARP-LSI-XXXX-DR-ZL-000008

Sheet 6 of 9 - BNWLBP-ARP-LSI-XXXX-DR-ZL-000009

Sheet 7 of 9 - BNWLBP-ARP-LSI-XXXX-DR-ZL-000010

Sheet 8 of 9 - BNWLBP-ARP-LSI-XXXX-DR-ZL-000011

Sheet 9 of 9 - BNWLBP-ARP-LSI-XXXX-DR-ZL-000012

PMA Visibility Drawing 1 BNWLBP-ARP-HGN-X_BB_Z-DR-CH-000009

PMA Visibility Drawing 2 BNWLBP-ARP- HGN-X_BB_Z-DR-CH-000010

SBR-0550-Culvert GA SBR-0550 Wallymead Rhyne Culvert (West)

General Arrangement Drawing BNWLBP-ARP-SBR-X_BB_Z-0550-DR-CB-000001

SBR-1375-Culvert GA SBR-1375-Wallymead Rhyne Culvert (East)

General Arrangement Drawing BNWLBP-ARP-SBR-X_BB_Z_01375-DR-CH-000001

SBR-1760 Culvert GA SBR-1760 Old Yeo Rhyne Culvert (East) General

Arrangement Drawing BNWLBP-ARP-SBR-X_BB_Z_1760-DR-CB-000001

SBR-1930 Bridge GA SBR-1930 Banwell River Underbridge Approval in Principle Drawing BNWLBP-ARP-SBR-X_BB_Z_1930-DR-CB-000001

SBR-2310 Culvert GA SBR-2310 East Mead Rhyne Culvert General Arrangement Drawing BNWLBP-ARP-SBR-X_BB_Z_2310-DR-CB-000001

Moor Road Diversion Structures BNWLBP-ARP-SBR-XXXX-SK-CB-00017
Plan and Profile – Mainline

Sheet 1 of 6 - BNWLBP-ARP-HML-X_BB_Z-DR-CH-000101

Sheet 2 of 6 - BNWLBP-ARP-HML-X_BB_Z-DR-CH-000102

Sheet 3 of 6 - BNWLBP-ARP-HML-X_BB_Z-DR-CH-000103

Sheet 4 of 6 - BNWLBP-ARP-HML-X_BB_Z-DR-CH-000104

Sheet 5 of 6 - BNWLBP-ARP-HML-X_BB_Z-DR-CH-000105

Sheet 6 of 6 - BNWLBP-ARP-HML-X_BB_Z-DR-CH-000106

Plan and Profile – Side Road

Sheet 1 of 6 - BNWLBP-ARP-HSR-X_BB_Z-DR-CH-000101

Sheet 2 of 6 - BNWLBP-ARP-HSR-X_BB_Z-DR-CH-000102

Sheet 3 of 6 - BNWLBP-ARP-HSR-X_BB_Z-DR-CH-000103

Sheet 4 of 6 - BNWLBP-ARP-HSR-X_BB_Z-DR-CH-000104

Sheet 5 of 6 - BNWLBP-ARP-HSR-X_BB_Z-DR-CH-000105

Sheet 6 of 6 - BNWLBP-ARP-HSR-X_BB_Z-DR-CH-000106
 Typical Cross-Section
 Sheet 1 of 2 – BNWLBP-ARP-HGN-X_BB_Z-DR-CH-000006
 Sheet 2 of 2 – BNWLBP-ARP-HGN-X_BB_Z-DR-CH-000007
 Placemaking Site Layout Drawing
 Sheet 1 of 9 – BNWLBP-ARP-ELS-XXXX-DR-LS-000002
 Sheet 2 of 9 – BNWLBP-ARP-ELS-XXXX-DR-LS-000003
 Sheet 3 of 9 – BNWLBP-ARP-ELS-XXXX-DR-LS-000004
 Sheet 4 of 9 – BNWLBP-ARP-ELS-XXXX-DR-LS-000005
 Sheet 5 of 9 – BNWLBP-ARP-ELS-XXXX-DR-LS-000006
 Sheet 6 of 9 – BNWLBP-ARP-ELS-XXXX-DR-LS-000007
 Sheet 7 of 9 – BNWLBP-ARP-ELS-XXXX-DR-LS-000008
 Sheet 8 of 9 – BNWLBP-ARP-ELS-XXXX-DR-LS-000010
 Sheet 9 of 9 – BNWLBP-ARP-ELS-XXXX-DR-LS-000011
 Highway Drainage Drawing
 Sheet 1 of 7 – BNWLBP-ARP-HDG-X_BB_Z-DR-CD-000001
 Sheet 2 of 7 – BNWLBP-ARP-HDG-X_BB_Z-DR-CD-000002
 Sheet 3 of 7 – BNWLBP-ARP-HDG-X_BB_Z-DR-CD-000003
 Sheet 4 of 7 – BNWLBP-ARP-HDG-X_BB_Z-DR-CD-000004
 Sheet 5 of 7 – BNWLBP-ARP-HDG-X_BB_Z-DR-CD-000005
 Sheet 6 of 7 – BNWLBP-ARP-HDG-X_BB_Z-DR-CD-000006
 Sheet 7 of 7 – BNWLBP-ARP-HDG-X_BB_Z-DR-CD-000007
 Drainage Catchment Drawings Set 1 of 2
 Sheet 1 of 2 – BNWLBP-ARP-HDG-X_BB_Z-SK-CD-000001
 Sheet 2 of 2 – BNWLBP-ARP-HDG-X_BB_Z-SK-CD-000001
 Private Means of Access Visibility Plan
 BNWLBP-ARP-HGN-X_BB_Z-DR-CH-000010
 Wider Network Mitigation General Arrangement Plans
 Sheet 1 of 13 - BNWBP-ARP-GEN-X_A368WCH_Z-DR-CH-000001
 Sheet 2 of 13 - BNWBP-ARP-GEN-X_A368WCH_Z-DR-CH-000002
 Sheet 3 of 13 - BNWBP-ARP-GEN-X_A368WCH_Z-DR-CH-000003
 Sheet 4 of 13 - BNWBP-ARP-GEN-X_A368WCH_Z-DR-CH-000004
 Sheet 5 of 13 - BNWBP-ARP-GEN-X_A368WCH_Z-DR-CH-000005
 Sheet 6 of 13 - BNWBP-ARP-GEN-X_A368WCH_Z-DR-CH-000006
 Sheet 7 of 13 - BNWBP-ARP-GEN-X_A368WCH_Z-DR-CH-000007
 Sheet 8 of 13 - BNWBP-ARP-GEN-X_A368WCH_Z-DR-CH-000008
 Sheet 9 of 13 - BNWBP-ARP-GEN-X_A368WCH_Z-DR-CH-000009
 Sheet 10 of 13 - BNWBP-ARP-GEN-X_A368WCH_Z-DR-CH-000010
 Sheet 11 of 13 - BNWBP-ARP-GEN-X_A368WCH_Z-DR-CH-000011
 Sheet 12 of 13 - BNWBP-ARP-GEN-X_A368WCH_Z-DR-CH-000012
 Wider Network Mitigation Standard Detail for Raised Zebra Crossings
 Draw-ng - BNWLBP-ARP-GEN-X_A368WCH_Z-DR-CH-000014
 Wider Network Mitigation Standard Raised Detail for Raised Signalised
 Crossings Drawing – BNWLBP-ARP-GEN-X_A368WCH_z-DR-CH-
 000015
 Environmental Master Plans
 Sheet 1 of 6 - BNWLBP-TACP-ELS-X_BB_Z-DR-LE-000010
 Sheet 2 of 6 - BNWLBP-TACP-ELS-X_BB_Z-DR-LE-000011
 Sheet 3 of 6 - BNWLBP-TACP-ELS-X_BB_Z-DR-LE-000012
 Sheet 4 of 6 - BNWLBP-TACP-ELS-X_BB_Z-DR-LE-000013
 Sheet 5 of 6 - BNWLBP-TACP-ELS-X_BB_Z-DR-LE-000014
 Sheet 6 of 6 – BNWLBP-TACP-ELS-X_BB_Z-DR-LE-000015

General Arrangement Drawings

Sheet 1 of 6 – BNWLBP-ARP-HGN-X_BB_Z-DR-CH-000001

Sheet 2 of 6 – BNWLBP-ARP-HGN-X_BB_Z-DR-CH-000002

Sheet 3 of 6 – BNWLBP-ARP-HGN-X_BB_Z-DR-CH-000003

Sheet 4 of 6 – BNWLBP-ARP-HGN-X_BB_Z-DR-CH-000004

Sheet 5 of 6 – BNWLBP-ARP-HGN-X_BB_Z-DR-CH-000005

Sheet 6 of 6 – BNWLBP-ARP-HGN-X_BB_Z-DR-CH-000006

Cross section A371 M5 Overbridge BNWLBP- ARP-HGN-XXXX-DR-CH-000002- P01

Plans and Drawings Update Report

Planning Statement

Planning, Design and Access Update Report

Environmental Statement

Environmental Statement Update Report

Flood Evacuation Plan

Health Impact Assessment

Walking Cycling Horse-riding Assessment Report

Walking Cycling Horse-riding Review Report – Preliminary Design

Transport Assessment

Stage 1 Road Safety Audit Response

Wider Network Mitigations Measure Speed Limits Assessment Report

Surface Water Drainage Strategy

Lighting Strategy

Carbon Management Plan

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

3. No works, including any site clearance or demolition works, shall take place until a Works Programme, showing the subdivision of the scheme into defined work phases has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development hereby approved shall not proceed other than in accordance with the approved phasing details.

Reason: It is necessary that the stages of development and the provision of associated infrastructure follow a co-ordinated sequence and in accordance with Policy CS2 of the North Somerset Core Strategy

4. Prior to commencement of any earthworks, drainage works, carriageway construction or other road construction work on any phase of the development a Construction Management Plan has been submitted to, and approved in writing by, the local planning authority in consultation with National Highways The approved Plan shall be adhered to throughout the construction period. An Early Works Construction Management Plan will be prepared to cover the early works only. The Construction Management Plan shall provide for:
 - a) Construction hours, and how the loading and unloading of plant and materials and other goods will be managed to (i) avoid conflict with peak periods of vehicle activity on local approach and trunk roads and junctions and (ii) reduce potential conflict with pedestrian movement.

This shall include procedures for emergency deviation of the agreed working hours;

- b) Any necessary temporary closures or diversions of highways and Public Rights of Way;
- c) Procedures for maintaining good public relations including complaint management, public liaison, and communicating planned works in advance to help minimise disruption;
- d) Wheel washing facilities or other measures to prevent or clear mud or debris from the highway where appropriate;
- e) Provision for construction staff car parking, times of site operation, waiting or parking areas for construction vehicles and safety measures such as banksman. This shall include measures for traffic management including routing of vehicles to and from the site, details of the number and frequency and sizes of vehicles and proposed on-site parking for vehicles associated with the construction works including site personnel, operatives and visitors and the provision made for access thereto;
- f) Measures for controlling the use of site lighting whether required for safe working or for security purposes;
- g) Location of construction compounds, the type and location of activities to take place within the construction compounds and any required lighting;
- h) The location and design of the construction accesses including visibility splays. This shall include the proposed route(s) to and from the site including temporary site access, including connections to work compounds;
- i) The erection and maintenance of security hoarding, including displays and facilities for public viewing where appropriate;
- j) Stockpile management including location, heights and coverage.

The development shall be carried out in accordance with the approved details.

Reason: In the interest of highway safety and to minimise the impact on the development of nearby residents in accordance with Policies CS3 & CS10 of the North Somerset Core Strategy and Policy DM24 of the North Somerset Sites and Policies Plan Part 1.

5. Prior to commencement of any development for each work phase approved under Condition 3 (Phasing), a detailed Construction Environmental Management Plan (CEMP) which accords with the outline CEMP for that phase shall be submitted to and approved in writing by the Local Planning Authority. The level of detail included in the CEMP shall be appropriate to each phase and shall outline:

(a) All site clearance and construction works to be in accordance with the Environmental statement.

(b) Arrangements for liaison with the Local Planning Authority's Pollution Control Team and on site presence to enable appropriate responses to matters such as unforeseen contamination.

(c) Mitigation measures to rectify any potential capacity impact, damage to structures or highway.

(d) Proposals for the temporary movements and stockpiling of a soil and spoil and proposals for the testing of soils to be used in soft landscaping areas for contamination.

(e) Measures to control the emission of vibration, dust and dirt during construction including a piling works risk assessment and verification plan and details of how vibration, dust and dirt during construction will be mitigated to protect the pollution from entering local watercourses. The treatment and removal of suspended solids from surface water run-off during construction works and measures to prevent building material finding its way into a watercourse.

(f) A scheme for recycling/disposing of waste resulting from demolition

(g) Details of measures to ensure the Rhyne network and any other aquatic habitats on or adjacent to the development site are not adversely affected during construction (to include no light spill to dark corridor during the construction phase);

(h) Details of measures to protect wildlife habitats, protected species and Section 41 species during construction. The approved plan shall be implemented and adhered to thereafter at all time during construction.

(i) The employment of an Environmental Clerk of Works.

(j) Procedures for emergency deviation of the agreed working hours.

(k) The use of a 'Considerate Contractors' or similar regime and arrangements for site induction for workforce highlighting pollution prevention and awareness.

(l) Measures for controlling the use of site lighting whether required for safe working or for security purposes.

(m) Arrangements for briefing contractors and sub-contractors on the importance of the ecological features which are to be retained on site and the ecological value of the SNCIs in particular. The CEMP should follow best practice pollution control measures and biosecurity.

(n) A detailed Ecological Method Statement to include mitigation measures to protect ecological features during the construction and to include precautionary working measures for key species, including:

(i) Best practice construction methods for the scope of works;

- (ii) Suitable protection measures of ecological fencing and hedgerows with protective fencing and signage;
- (iii) All works to be completed with suitable toolbox talks and ecological watching briefs;
- (iv) Sensitive storing and siting of materials, chemicals and machinery;
- (v) Pollution control measures to protect quality of surface and ground waters;
- (vi) Measures for disposal of waste;
- (vii) Sensitive construction lighting scheme including minimisation of night-time working.

(o) Details of a baseline survey to identify the working locations of invasive botanical species, for example not limited to where floating pennywort is located, and to detail the management of these species to ensure a high level of biosecurity when working near identified species or habitats found to contain them, to reduce the risk of spreading identified invasives. The CEMP should follow best practice pollution control measures and biosecurity.

The development shall be implemented in accordance with the approved details and subject to review of ongoing monitoring surveys for protected and notable species identified as being impacted by the works, without mitigation, and as referenced in the supporting documentation.

Reason: In the interest of public safety and to minimise the impact on the development of nearby residents as required by policies CS3, CS4 and CS10 of the North Somerset Core Strategy and to comply with the Habitats and Species Regulations (2010) and ensure the survival of rare or protected species, and the protection of a Wildlife Site in accordance with Policy CS4: Nature Conservation in the adopted North Somerset Core Strategy.

6. Prior to the commencement of development, a detailed Landscape Ecological Management Plan (LEMP) which accords with the outline LEMP) and provides for the long term post establishment 25 year period for the mitigation planting, habitat creation, grazing regime and enhancement shall be submitted to and approved in writing by the Local Planning Authority. The LEMP shall include a detailed scheme of mitigation, compensation, habitat management, and biodiversity net gain and enhancement measures including a timetable for the monitoring, management responsibilities, and maintenance and grazing schedules for all landscape and ecological areas including but not limited to planting and habitat creation, essential mitigation and enhancements, flood compensation areas, attenuation basins, grazing areas identified, and other requirements set out within the approved plans. This shall include planting specifications comprising locally appropriate native species; annual habitat management prescriptions; table of works and monitoring regimes; and location and installation prescriptions of species-specific mitigation and enhancements.. The development shall be implemented in accordance with the approved details.

Reason: To ensure compliance with the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended)], Protection of Badgers Act 1992 and the Wild Mammal Protection Act 1996; North Somerset's Core Strategy policy CS4 and Site and Policies Plan Part 1, Development Management policy DM8. All sites should achieve net ecological gain in accordance with the NPPF, UK Government 25 Year Environment Plan.

7. For each work phase approved under condition 3 (phasing), detailed plans and details of the following aspects shall be submitted as a single submission for each phase and be approved in writing by the Local Planning Authority before the works approved in that phase are begun:
 - (a) Materials and hard landscaping details (including paving, surfaces, edge details and kerbing);
 - (b) Soft landscaping details showing existing planting to be retained and new planting (including location, number, species, size and planting density of any proposed planting, cultivation, finished ground levels, importing of materials and other operations to ensure plant establishment) and a programme of implementation;
 - (c) Street furniture and equipment (including signals, control equipment and signage);
 - (d) Bicycle storage and hubs;
 - (e) Placemaking works (including how these take into account nearby heritage assets);
 - (f) Riverside bridge design and screening;
 - (g) Street lighting (including a lighting level contour plan to assess light spill impacts upon ecology);
 - (h) Bus stop infrastructure;
 - (i) Noise attenuation barrier and screening;
 - (j) Boundary fences and treatments (including the location, design, height and any vehicle or pedestrian gated access points) and security arrangements;
 - (k) Surface water drainage.
 - (l) Measures to prevent unauthorised access along shared use paths
 - (m) Signage strategy including any parking restrictions
 - (n) A detailed assessment of road surface materials to demonstrate if noise reduction can be achieved with a low noise surface material.

The development shall thereafter be implemented in accordance with the approved plans and details. unless otherwise agreed in writing by the Local Planning Authority prior to the first use of any part of the road by the public with the exception of the Banwell placemaking works which shall be carried out in accordance with an agreed timetable and planting that may be carried out no later than during the first planting season following the first use of any part of the road by the public. 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.

Reason: To ensure a coordinated design of the elements identified so as to ensure the satisfactory appearance and functioning of the development and to accord with Policies CS3, CS4, CS5 and CS9 of the North Somerset Core Strategy, policies DM1, DM3, DM4, DM8, DM9, DM10, DM11, DM24 and DM32 of the North Somerset Sites and Policies Plan (Part 1) and the North Somerset Biodiversity and Trees SPD.

8. Prior to the commencement of implementation of the proposed wider traffic mitigation works in Sandford, Winscombe and Churchill submitted as part of the development hereby approved, a speed and traffic monitoring plan shall be submitted to and approved in writing by the Local Planning Authority. Speed and traffic monitoring will thereafter be carried out in accordance with the approved plan and any further speed and traffic reduction measures as may be required shall be implemented in accordance with details to be submitted to and approved by the Local Planning Authority in accordance with a timetable to be agreed with the Local Planning Authority

Reason: To provide information to inform any evaluation of the Performance of the speed reduction measures

9. No above ground work shall take place for each work phase approved under Condition 3 (Phasing), until details of the surface water drainage works for that phase have been submitted to and approved in writing by the local planning authority. The submitted details shall:
 - (i) 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 the measures taken to prevent pollution of the receiving groundwater and/or surface waters; and
 - (ii) include a timetable for its implementation.

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).

10. 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 road which shall include details of land ownership; maintenance responsibilities to secure the operation of the sustainable drainage scheme throughout its lifetime; together with a description of the system, the identification of individual assets, services and access requirements, routes 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).

11. No above ground work shall take place until details of the implementation, maintenance and management of the flood mitigation areas 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 road which shall include details of land ownership; maintenance responsibilities to secure the retention of the flood mitigation areas throughout its lifetime; together with the identification of individual assets, services and access requirements, routes, and details of routine and periodic maintenance activities.

Reason: To reduce the risk of flooding and to ensure that the flood mitigation areas are 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).

12. The development shall be carried out in accordance with the submitted Flood Risk Assessment (FRA) ('HIF Banwell Bypass and Highways Improvements Project – ES Appendix 13.B – Flood Risk Assessment', ref. BNWLBP-WHS-GEN-X_BB_Z-RP-CD-000003 rev. P05 dated 27 September 2022, Wallingford Hydrosolutions) and the following mitigation measures it details:

- The proposed crossing of the River Banwell by the Moor Road Riverside link road shall have a minimum soffit level equivalent to the 1 in 100 (1%) flood level including climate change allowance, as stated in section 3.3.7 of the submitted FRA.
- All other crossings of designated 'main rivers' shall have a minimum soffit level equivalent to the 1 in 100 (1%) flood level including

climate change plus 600mm freeboard, as stated in section 5.4.1 of the submitted FRA.

- Floodplain compensation areas shall be provided as indicated in Figure 12 and described in sections 5.4.2-5.4.8 of the submitted FRA.
- Areas of residual minor increase in flood risk in design conditions, as described in section 6.4 of the submitted FRA, shall be subject to a Compulsory Purchase Order (CPO) including right to flood.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To prevent increases in flood risk elsewhere because of the proposed development and to comply with Policy CS3 of the North Somerset Core Strategy and Policy DM1 of the North Somerset Sites and Policies Plan Part 1.

13. Prior to commencement of the works, a scheme for drainage of the Towerhead catchment shall be submitted to and approved in writing by the local planning authority demonstrating no interruption of drainage channel and no increase of flood risk as a result of the works. The development shall be implemented in accordance with the approved details.

Reason: To ensure there is no increase of flood risk to third parties and to comply with Policies CS3 of the North Somerset Core Strategy and DM1 of the North Somerset Sites and Policies Plan (Part 1).

- 14 The development hereby permitted may not commence until such time as a scheme to:
 - (a) investigate, risk assess and secure de-watering of the road and embankments
 - (b) risk assess and secure the protection and sustainability of licensed and un-licensed sources of water with regard to water quality and resource availability
 - (c) risk assess and monitor the maintenance of spring-fed flows
 - (d) risk assess and secure the protection of groundwater dependent terrestrial ecosystems
 - (f) specify the form of the road foundations
 - (g) risk assess and specify any intrusive foundation design through the historic landfill area
 - (h) develop options to install additional monitoring wells to better delineate the stratigraphy and hydrogeological conditions in the deeper sections of the bedrock, and provide robust evidence of a linkage between the Banwell Spring PWS and the proposed construction site.

- (i) continue and improve where necessary monitoring of the hydrogeological conditions in both the shallow and deeper aquifer strata, water quality and hydraulic interactions in controlled water receptors prior to, during and post construction
- (j) manage the construction phase to prevent pollution of the environment and controlled waters
- (k) agree pollution prevention measures for the above ground storage of oils, fuels and chemicals during the construction phase has been submitted to, and approved in writing by, the Local Planning Authority. Any such scheme should include a maintenance programme of the facilities to be provided. The scheme shall be fully implemented and subsequently maintained, in accordance with the scheme, or any changes as may subsequently be agreed, in writing by the Local Planning Authority.

Reason: To ensure that the proposed development, including the construction, monitoring, and maintenance of the bypass, does not harm the water environment and in accordance with Policy CS3 of the North Somerset Core Strategy and Policy DM1 of the North Somerset Sites and Policies Plan Part 1.

15. A scheme for managing any borehole installed for the investigation of soils, groundwater or geotechnical purposes shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide details of how redundant boreholes are to be decommissioned and how any boreholes that need to be retained, post-development, for monitoring purposes will be secured, protected, and inspected. The boreholes that are retained must also be secured to avoid potential uncontrolled discharge of artesian groundwater. The scheme as approved shall be implemented prior to any part of the permitted development.

Reason: To ensure that redundant boreholes are safe and secure, and do not cause groundwater pollution or loss of water supplies and in accordance with Policy CS3 of the North Somerset Core Strategy and Policy DM1 of the North Somerset Sites and Policies Plan Part 1.

- 16 No development approved by this permission shall be commenced until a scheme for prevention of pollution during the construction phase has been approved by the Local Planning Authority. The scheme should include details of the following:

1. Site security.
2. Fuel oil storage, bunding, delivery and use.
3. How both minor and major spillage will be dealt with.
4. Containment of silt/soil contaminated run-off.
5. Disposal of contaminated drainage, including water pumped from excavations.
6. Site induction for workforce highlighting pollution prevention and awareness.

Invitation for tenders for sub-contracted works must include a requirement for details of how the above will be implemented.

The development shall be carried out in accordance with the approved scheme.

Reason: To prevent pollution of the water environment and to comply with Policies CS3 of the North Somerset Core Strategy and Policy DM1 of the North Somerset Sites and Policies Plan Part 1.

17. If during a phase of development, contamination not previously identified is found to be present at the site then no further development on that phase (shall be carried out unless otherwise agreed in writing with the Local Planning Authority) until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To ensure that the development does not contribute to and is not put at unacceptable risk from or adversely affected by unacceptable levels of water pollution from previously unidentified contamination sources at the development site and in accordance with Policy CS3 of the North Somerset Core Strategy and Policy DM1 of the North Somerset Sites and Policies Plan Part 1.

18. No development shall commence on any phase of the development approved under condition 3 until further ground investigation has been carried out for that phase and details submitted to and approved in writing by the Local Planning Authority to determine the extent of any landfill, including ground gas monitoring (in unflooded monitoring wells) to confirm the ground gas regime and groundwater sampling, and determine any further mitigation/on-going monitoring required. The development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure that the proposed development does not harm groundwater quality or resources and is in accordance with Policy CS3 of the North Somerset Core Strategy and Policy DM1 of the North Somerset Sites and Policies Plan Part 1.

19. Prior to the commencement of each work phase approved under Condition 3 (Phasing) as appropriate, a Road Safety Audit for that phase shall be submitted to the Local Planning Authority for that phase and the development shall be carried out in accordance with the recommendations unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety and to accord with Policy CS10 of the North Somerset Core Strategy and Policy DM24 of the North Somerset Sites and Policies Plan Part 1.

- 20 Prior to the commencement of works adjacent to trees shown to be retained for each work phase approved under Condition 3 (Phasing), a detailed Arboricultural Method Statement and Tree Protection Plan for that phase shall be submitted to and approved in writing by the Local Planning Authority. Tree protection fencing shall remain in place during site works. Nothing shall be stored or placed in any area fenced in accordance with this tree protection fencing and approved ecological method statements. Condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority. No equipment, machinery or structure shall be attached to or supported by a retained tree or hedge. No mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area. The Local Planning Authority is to be advised prior to development commencing of the fact that all protection measures required are in place and available for inspection. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the trees to be retained are not adversely affected by the development, in the interests of the character and biodiversity value of the area, and in accordance with Policies CS4 and CS9 of the North Somerset Core Strategy, Policies DM8, DM9, DM10 and DM19 of the North Somerset Sites and Policies Plan Part 1 and the North Somerset Biodiversity and Trees SPD.

21. Prior to commencement of construction of any works on the playing field land needed for the scheme, details of the proposed temporary reprovision of facilities for sporting use during construction and during the establishment of the replacement playing field land shall be submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented and complied with in full throughout the carrying out of the development.

Reason: To safeguard and secure replacement playing fields in accordance with Policies DM68 and DM69 of the North Somerset Sites and Policies Plan Part 1.

22. Prior to commencement of construction of any works on the playing field land, details of access and any site clearance works including demolition of structures and undergrounding of utilities shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that satisfactory replacement playing fields are provided in accordance with Policies DM68 and DM69 of the North Somerset Sites and Policies Plan Part 1, in the interests of highway safety in accordance with Policy DM24 of the North Somerset Sites and Policies Plan Part 1, to ensure satisfactory landscaping in accordance with Policy DM8, DM9 and DM10 of the North Somerset Sites and Policies Plan Part 1 and to protect bat habitat in accordance with the Conservation of

Habitats and Species Regulations 2017 (as amended), Wildlife and Countryside Act 1981 (as amended), policy CS4 of the North Somerset Core Strategy and policy DM8 of the North Somerset Sites and Policies Plan Part 1.

23. Prior to the commencement of construction of any works on the playing field land, a written specification and schedule of works for the replacement playing field that demonstrates that the replacement playing field will be, at least, constructed and maintained to an equivalent quality and quantity as the existing playing field shall be submitted to and approved in writing by the Local Planning Authority. The approved specification and schedule shall be implemented in full and the playing field shall remain in existence for as long as the development hereby permitted exists.

Reason: To safeguard and secure replacement playing fields in accordance with Policies DM68 and DM69 of the North Somerset Sites and Policies Plan Part 1.

24. Prior to the demolition of section of wall from the medieval deer park as shown on the plans hereby approved that forms the boundary of the Banwell Conservation Area, details of its storage and future re-use shall be submitted to and approved in writing by the Local Planning Authority, including any details of any pointing, coursing, and/or jointing involved in the re-use of the wall. The development shall be carried out in accordance with the approved details.

Reason: To ensure the historic material from the non-designated heritage asset is re-use appropriately as part of the scheme and the appearance of the rebuilt wall will be satisfactory in the interests to the visual appearance of the conservation area and in accordance policies CS5 and CS12 of the North Somerset Core Strategy and policies DM3, DM7 and DM32 of the North Somerset Sites and Policies Plan (Part 1).

25. No development shall take place until an Archaeological Mitigation Strategy has been submitted to and approved by the local planning authority in writing. The strategy shall include an assessment of significance and research questions; and;
1. The programme and methodology of site investigation and recording
 2. The programme for post investigation assessment
 3. Provision to be made for analysis of the site investigation and recording
 4. Provision to be made for publication and dissemination of the analysis and records of the site investigation

5. Provision to be made for archive deposition of the analysis and site investigation
6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation

No development shall take place other than in accordance with the approved Archaeological Mitigation Strategy and the development hereby approved shall not be open to traffic until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the approved Archaeological Mitigation Strategy and the provision made for analysis, publication and dissemination of the results and archive deposition has been secured.

Reason: To make provision for a programme of archaeological mitigation, so as to record and advance understanding of any heritage assets which will be lost, in accordance with policy CS5 of the North Somerset Core Strategy and policy DM6 of the North Somerset Sites and Policies Plan (Part 1 – Development Management Policies).

26. Prior to commencement of any relevant construction approved under Condition 3 (Phasing), a tiered assessment of the hydrological impact of the Scheme on the preservation environment of the Scheduled Monument (Roman Villa) and associated deposits within its setting shall be carried out in accordance with Historic England's Preserving Archaeological Remains Guidance. The results will be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To make provision for a programme of archaeological mitigation, so as to record and advance understanding of any heritage assets which will be lost, in accordance with policy CS5 of the North Somerset Core Strategy and policy DM6 of the North Somerset Sites and Policies Plan (Part 1 – Development Management Policies).

27. Notwithstanding the submitted drawings, prior to commencement of the relevant phase of development, details of the following shall be submitted to and approved in writing by the Local Planning Authority:
 - (a) Means of restraint for cyclists and horse riders where the bypass shared path is adjacent to embankments.
 - (b) The hardstanding and turning area for maintenance vehicles shown at CH2300 on plan BNWLBP-ARP-HGN-X_BB_Z-DR-CH-000004 Rev P10 Sheet 4.
 - (c) Control feature to be provided at the terminus of Eastermead Lane.

- (d) The bend shown at CH2300 on plan BNWLBP-ARP-HGN-X_BB_Z-DR-CH-000004 Rev P10 Sheet 4. to be redesigned to serve cyclists and pedestrians and improve visibility.
- (e) Speed reduction measures for Sidcot Road, Hilliers Lane and Dinghurst Road.
- (f) pedestrian facilities at the Nye Road junction.
- (g) Bus bays on A368/Greenhill Road by Sandford Primary School.
- (h) Crossing point for cyclists and pedestrians at junction of upgraded PRow AX14/21 and A368/Greenhill Road to be agreed
- (i) Crossing point with give/ take section for upgraded PRow AX14/36 junction with Church Lane.
- (j) Crossing point/ narrowing for upgraded PRow AX14/36 junction with Ladymead Lane.
- (k) Bus stop improvements and safe pedestrian crossing point at Hilliers Lane/Dinghurst Road (A368).
- (l) Bus stop buildouts east of the Railway Inn

The development shall be carried out in accordance with the approved details and implemented prior to the first use of the bypass.

Reason: In the interests of highway safety and to accord with Policy CS10 of the North Somerset Core Strategy and Policy DM24 of the North Somerset Sites and Policies Plan Part 1.

28 Notwithstanding the submitted plans and prior to the commencement of development of the relevant phase, tracking details shall be submitted to and approved in writing by the Local Planning Authority for that phase.

This is to include acceptable tracking for:

(a) Wider Network Mitigation GA Plans Sheet 1 of 13 Rev P08. 2-way tracking of the 5.5m roads at the gateway feature.

(b) General Arrangement Sheet 2 of 6. The turning head for Wolvershill Road south prior to bus gate/Bypass junction for the turning of waste/recycling vehicles.

(c) Wider Network Mitigation GA Plans Sheet 2 of 13 P08. 2-way tracking at the raised bus boarders east of the Railway Inn and at the crossing point west of Nye Road for widths (larger vehicles/HGV's/buses).

The development shall be implemented in accordance with the approved details.

Reason: In the interests of highway safety and to accord with Policy CS10 of the North Somerset Core Strategy and Policy DM24 of the North Somerset Sites and Policies Plan Part 1.

29. For each work phase approved, detailed plans and details of soft landscaping details showing existing planting to be retained and new planting (including location, number, species, size and planting density of any proposed planting, cultivation, finished ground levels, importing of materials and other operations to ensure plant establishment) and a programme of implementation shall be submitted to and be approved in writing by the Local Planning Authority before the works approved in that phase are begun.

The development shall thereafter be implemented in accordance with the approved plans and details unless otherwise agreed in writing by the Local Planning Authority prior to the first use of any part of the road by the public with the exception of the planting that may be carried out no later than during the first planting season following the first use of any part of the road by the public. 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.

Reason: To ensure a coordinated design of the elements identified so as to ensure the satisfactory appearance and functioning of the development and to accord with Policies CS3, CS4, CS5 and CS9 of the North Somerset Core Strategy, policies DM1, DM3, DM4, DM8, DM9, DM10, DM11, DM24 and DM32 of the North Somerset Sites and Policies Plan (Part 1) and the North Somerset Biodiversity and Trees SPD.

30. No external lighting shall be installed except in strict accordance with the lighting specification and locations as shown in the approved lighting strategy and detailed mitigation plans. No lighting shall be installed until supplementary details are submitted to and approved in writing by the Local Planning Authority, including:
- (i) details of the type and location of the proposed lighting
 - (ii) existing lux levels affecting the site
 - (iii) the proposed lux levels
 - (iv) lighting contour plans

Any lighting shall be installed and operated in accordance with the approved details and subject to review of ongoing monitoring surveys for protected and notable species identified as being impacted by the works, and as referenced in the supporting documentation.

Reason: To reduce the potential for light pollution in accordance with policy CS3 of the North Somerset Core Strategy and to protect bat habitat in accordance with the Conservation of Habitats and Species Regulations

2017 (as amended), Wildlife and Countryside Act 1981 (as amended), policy CS4 of the North Somerset Core Strategy and policy DM8 of the North Somerset Sites and Policies Plan Part 1.

31. No development shall commence until a timescale for the implementation of the wider traffic mitigation measures in Sandford, Winscombe and Churchill has been submitted to and approved in writing by the local planning authority. The traffic mitigation measures shall be implemented in accordance with the approved timescales and prior to the first use of the bypass by vehicular traffic.

Reason: To ensure that the wider traffic mitigations are in place prior to The first use of the bypass and in the interests of highway safety in accordance with Policy DM24 of the North Somerset Sites and Policies Plan (Part 1).

- 32 A cycleway scheme across the M5 Knightcott Overbridge/A371 which is compliant with the Design Manual for Roads and Bridges shall be delivered generally in accordance with design drawing BNWLBP-ARP-HGN-XXXX-DR-CH-000002-P01, subject to any necessary changes identified during the detailed design and Road Safety Audit process, or an alternative scheme as may be agreed in writing by the Local Planning Authority (in consultation with National Highways).

Reason: To protect the integrity of the M5 Knightcott Overbridge and in the interest of the safe and efficient operation of the strategic road network.

- 33 Prior to the commencement of the development hereby permitted, a detailed drainage strategy shall be submitted to and approved by the Local Planning Authority (in consultation with National Highways). The drainage strategy will include:

- o Surveys of all existing drainage assets on and adjacent to the M5 Knightcott Overbridge in accordance with the requirements of CS551 'Drainage Surveys' of the Design Manual for Roads and Bridges.
- o Full details of any works to existing connections or points of discharge into the National Highways drainage asset.
- o Details of future access arrangements to National Highways drainage assets following construction of the cycleway scheme to ensure our ability to access and maintain our drainage assets will not be compromised.

The drainage strategy shall give due regard to the requirements of DfT Circular 01/2022 and shall be implemented in accordance with the agreed design and be maintained as such thereafter.

Reason: In the interest of the safe and efficient operation of the strategic road network and to safeguard the National Highways drainage assets.

PAR 62 Planning Appeals 150323 (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 63 Urgent business permitted by the Local Government Act 1972 (if any) (Agenda item 8)

None

Chairman

SECTION 1 – ITEM 6

Application No: 22/P/0564/OUT

Proposal: Outline planning application for the development of up to 68 no. dwellings supported by the provision of highways, open space, ecological enhancement and associated and ancillary infrastructure, with access for approval off A368 (Bath Road); with appearance, landscaping, layout and scale reserved for subsequent approval

Site address: Land south of Bristol Road and north of Bath Road, Churchill

Applicant: Vistry Homes

Target date: 02.06.2022

Extended date: 15.03.2023

Case officer: Andrew Stevenson

Parish/Ward: Churchill /Blagdon And Churchill

Ward Councillors: Councillor Patrick Keating

REFERRED BY COUNCILLOR KEATING

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 comprises approximately 5.6 ha of greenfield pasture extending along the rear of the existing properties fronting onto the A38 Bristol Road, and to the north of the A368 Bath Road. To the west is a triangular area of land adjacent to Churchill Gate junction which is currently being developed by Newland Homes for a scheme of 41 dwellings. Land to the east comprises open field, interspersed with some residential properties along Says Lane.

The site is outside the settlement boundary for Churchill and adjoins existing residential development to the north and new residential development to the west. Hedgerows mark the boundaries to the south and east.

A public right of way (AX14/15/10) runs along the eastern edge of the site.

The Application

This is an outline application for up to 68 dwellings, with all matters reserved for subsequent approval, with the exception of access, which is to be considered as part of this application.

In response to consultation comments received, amended plans have been submitted that reduced the scale of development from “up to 83 dwellings” to “up to 68 dwellings”. The description of development has been updated to reflect these changes.

The site is to be accessed from A368 Bath Road. The alignment of the road is proposed to be adapted adjacent to the new site access to form visibility splays.

The existing public right of way crossing the site will be incorporated into the development of the site. Pedestrian and cycle access will come via the neighbouring Newland Homes development

Up to 30% of the proposed dwellings will be for affordable housing.

Landscaping will comprise a central open space and landscape buffer to the southern edge. 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 eastern corner of the site where there the level of the land is lowest.

Policy Framework

The site is affected by the following constraints:

Outside the Churchill settlement boundary
Adjacent to the Mendip Hills AONB
North Somerset and Mendip Bats SAC. The site lies within consultation zone C

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 |
| CS32 | Service Villages |

- 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
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

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)

- 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: 135 letters of objection have been received. The principal planning points made are as follows:

Outside the settlement boundary. Not an allocated site in the current Development Plan or draft Local Plan. Contrary to national and local planning policies
Significant new development has already taken place around Churchill

No local need for further development

Overdevelopment and harmful to the rural character. Lack of pavements and safe walking routes.

Unsustainable location with limited services, facilities and transport links

Increased traffic and congestion. Access to the A368 inappropriate and dangerous

Harmful impact to living conditions of nearby residents

Harm to views into and out from the nearby Mendip Hills AONB and negative impact on dark skies through site illumination

Parts of the site and surrounding areas at risk of surface water flooding, potential flood risk and concerns over proposed surface water drainage strategy

Disruption to wildlife and protected species

Loss of agricultural land

One letter of support has been received. The principal planning points made is that housing is desperately needed across the country

Churchill Parish Council:

1. The reduction in house numbers does not materially affect the reasons why this proposal should be rejected.
2. The proposal remains in conflict with numerous provisions contained within planning policy at both local and at national level. Far from being plan-led, this proposal is starkly plan-opposed. None of the major objections raised previously by Churchill Parish Council and many residents have been substantially addressed
3. The site remains outside of the village settlement boundary and its development would be contrary to Policy CS32.
4. There exists here a major flooding problem attributable to surface water flooding (and additionally evident as flooding of the adjacent A368. This is caused by substantial through-flow and overland flow delivered from the adjacent Mendip Hills. This was apparent during the recent construction of the adjacent development immediately west of this proposed site. The attenuation pond proposed here is an inadequate substitute for the present absorption and consequent attenuation of rapid runoff (north of the A368) by the existing pastureland. Furthermore, the very extended route proposed to convey floodwater offsite, away from the site's (inadequate) attenuation pond, is both implausible and directs stormwater into an already inadequate stormwater sewer which follows the (sometimes flooded) A38, subsequently drains into the Langford Brook, and thus ultimately contributes to flooding in Lower Langford at Blackmoor. In this flood context, the failure of the applicants to supply key geotechnical data for the site is particularly notable and very disturbing. This lack of data is also commented upon adversely by the Lead Local Flood Authority.
5. The applicant's ecological survey work indicates the high biodiversity of this site. It is entirely unclear how the proposed mitigation measures might offset substantially the considerable ecological damage done by this development. It is particularly unclear how an inevitable increase in local night-time light levels could be offset. This increase in light pollution is unacceptable on a site adjacent to an AONB (see below) and would certainly confuse and deter the two highly light-sensitive species of (highly protected) Horseshoe Bats found here.
6. We are further concerned that an existing rural Public Right of Way would be diverted and converted into an urban walkway across this rural village site.
7. It must also be carefully noted that the Mendip Hills Area of Outstanding Natural Beauty (AONB) is immediately adjacent. In landscape terms, views both into and outwards from

the AONB are protected by statute. This Act places an explicit duty on the relevant local authority to sustain and enhance these views. The construction here of a highly visible housing estate would have precisely the opposite effect.

Finally, we must reiterate that, since there is no sign of new supporting infrastructure, it would be irresponsible to add yet more population to an area, remote from centres of employment, and already sorely disadvantaged by meagre, and persistently declining local services. The recent permanent closure of Churchill Sports Centre together with the decline in rural bus services and the oversubscribed local medical services are prime examples.”

Objections have also been received from Wrington and Burrington Parish Councils. The principal points made are:

- The proposals in this application are clearly contrary to local plan policies including, in particular, Policies CS14 and CS32 of the adopted Core Strategy (January 2017) which identify Churchill as a 'service village'. The site is well outside the defined settlement boundary and does not adjoin that boundary. This site (identified as Site HE2010105) has already been considered by North Somerset Council, and has been discounted through its Strategic Housing Landscape Availability Assessment, February 2022.
- The scale of development which Churchill Parish has had in the last few years has outgrown the village amenities, increased its carbon footprint and damaged its previous rural distinctiveness and character.
- There are questions as to whether Churchill Primary School and local medical services can continue with the increased demands upon their services, which already appear to be stretched. Churchill Academy
- This proposed development adds nothing to the local environment or landscape setting, but would result in a further 'urban sprawl' totally contrary to maintaining any sense of 'village'.
- Working families will need to travel to employment sites outside the immediate area. Bristol, Bath and Weston-super-Mare are the nearest centres of employment and none is reached conveniently by cycling, walking or public transport. The car will be the preferred means of transport and that will result in increased congestion on what is already a major and congested artery into Bristol (A38).
- No amount of enhanced hedging or tree lining to 'hide it' from the views out of the AONB
- North Somerset Council does not have a 5 year housing supply shortfall based on recent data. Even if there were to be a deficit in housing land supply across North Somerset as a whole, that would not be a good reason to grant permission for more housing on sites outside defined settlements of the size proposed in this application, given the role of Churchill as a service village'.
- Any further permissions on sites of this kind would be most likely to lead to further speculative applications on ad hoc sites around and outside the village, without an overall plan that takes account of (and mitigates) the cumulative impacts of housing development on the local environment, and infrastructure.

Other Comments Received:

Natural England

Initial concerns have been addressed through correspondence and revised plans and lighting strategy.

Mendip Hills AONB Service

The proposed outline development as set out above is located outside boundary of the nationally protected landscape of the Mendip Hills Area of Outstanding Natural Beauty (AONB), but within the setting of the AONB. The site is outside of the existing settlement boundaries of Langford and Churchill, and is not a strategic allocation.

The Mendip Hills AONB Partnership consider that the proposed outline development will have a significantly detrimental impact on views towards the Mendip Hills AONB from the Public Rights of Way (PROW) traversing the east of the site, which runs north-south. In addition, the site is visible from Dolebury Warren, a Scheduled Ancient Monument Iron Age hill fort impacting upon both daytime and night-time views out across the eastern edge of the North Somerset Moors across the Yeo Valley to Cadbury Hill Fort and the Severn Estuary. Views into, and out from the AONB are an important part of the special qualities of the AONB designation, the natural beauty of which should be conserved and enhanced.

Should North Somerset LPA be minded to approve this outline proposal, the Mendip Hills AONB Partnership request that careful consideration be given to design, scale, roof ridge heights and orientation of buildings to minimise the impact on views towards, and out from the AONB. We request that any street lighting should be kept to a minimum and be designed in accordance with Institution of Lighting Professional Guidance for Bats and Artificial Lighting. We also request that hedgerows and any specimen trees should be retained and protected during any development, and enhanced as important nature recovery networks and green infrastructure. Finally, we request that robust biodiversity net gain is secured to mitigate against the adverse impact of any forthcoming development

Principal Planning Issues

The principal planning issues in this case are (1) the principle of development and sustainability issues, (2) landscape and character impact (3) transport and access, (4) ecology, (5) flood risk and drainage (6) living conditions, (7) any other matters) and (8) development contributions.

Issue 1: The principle of development in this location

The site is outside the settlement boundary for Churchill and the application is for up to 68 dwellings. The site is close to, but not within, the Mendip Hills AONB. The AONB designation extends towards the south east corner of the site but is separated from the site by Elmgrove Farm and the A368 Bath Road.

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 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 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.

Where a development does not adjoin the settlement boundary policy CS33 applies. This policy limits new residential development to infilling within the defined settlement boundary and strictly controls development elsewhere. The proposed development is for up to 68 dwellings outside the settlement boundary and therefore conflicts with this policy and is contrary to the Development Plan.

However, the Council cannot currently demonstrate a five year housing land supply having had its position tested at 3 public inquiries in 2022. The most recent appeal decision in respect of Farleigh Farm, Backwell found that the Council has only a 3.5 year supply of land. Paragraph 11 of the National Planning Policy Framework (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' section of this report.

Notwithstanding the extent of the Churchill settlement boundary, which at its closest edge follows the northern side of the A38 Bristol Road, the application site does physically adjoin the built edge of the village comprising recent development on the Newland Homes site and a ribbon development of older properties located on the southern side of the A38. It is anticipated that as part of the emerging Local Plan process the settlement boundary may be redrawn to follow the extended edge of the village to the southern side of the A38 Bristol Road, as consulted upon in the Preferred Options local plan (Regulation 18) consultation last year. However, at this point in time, as the draft new local plan has not reached examination stage it carries very limited weight. As a matter of principle the proposed development is contrary to Policy CS33. Even if the proposed development were to adjoin the defined settlement boundary then the scale of development of up to 68 dwellings is so in excess of that set out as being appropriate for service villages that it raises issues in relation to the spatial strategy.

As indicated above however, the Council cannot demonstrate a five year housing land supply and so the relevant development plan policies are deemed to be out of date and therefore do not carry full weight. Accordingly consideration must be given to paragraph 11 of the NPPF (the so called "tilted balance") and 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 NPPF taken as a whole. In this respect, paragraph 60 of the NPPF reaffirms the Government's objective of significantly boosting the supply of homes, and at paragraph 79 it stipulates that in order to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities and provide opportunities for villages to grow and thrive, especially where this will support local services.

It should be noted that the development is in outline form so final details are not yet established. Nevertheless, the parameters of development set out through the indicative layout and landscaping proposals in terms of use of the land and inclusion of green edges respects the local character and demonstrates that the development could be made acceptable if the principle of development is agreed. In this context its position as an extension to the adjacent development and proximity to existing development to the north and west south would ensure the new development would be capable of being assimilated into the village edge. The site is accessible on foot to local facilities available in Churchill by connections along the route of the existing public right of way and through the adjacent development. With these pedestrian connections the site is sufficiently close to bus stops positioned along the A38 and A368 which in turn provide for a reasonable level of bus services. Whilst there are no footways or safe cycle routes along the A368 Bath Road from the new vehicle access to the site, the development would have pedestrian and cycle connections through to the Newland Homes development and pedestrian links via the public right of way that join with the local connections of paths and footways.

The proposed housing mix is for determination at reserved matters stage however the illustrative layout plan shows a mix of short terraces, semi-detached and detached two-storey dwellings which is considered to be appropriate to the village. Churchill is classified as a service village and it is considered that an additional 68 dwellings would not cause significant adverse impacts on the village's role as a local hub for community facilities and services either individually or cumulatively when taken with other recent residential development in Churchill as there is no overriding evidence of insufficient capacity. As set out in detail in the following sections of this report, it is considered that the cumulative impacts on traffic will not result in a severe impact and the site-specific matters connected with achieving safe access to the site itself can be satisfactorily resolved.

In summary, the location of development is in conflict with Policy CS33. Furthermore, a development of up to 68 dwellings outside the settlement boundary would conflict with policy CS32 if the development were to be adjacent to the settlement boundary. However, the Council cannot currently demonstrate a five year housing land supply. 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 below and in the 'Planning Balance' section of this report.

The applicant has confirmed that the development will provide 30% on-site affordable housing provision at nil public subsidy, with a tenure split of 77% social rent and 23% shared ownership. The affordable housing requirement of 15 units will be delivered via a s106 agreement.

Issue 2: Landscape and character impact

Landscape policy is set out in policy CS5 of the Core Strategy, and which is amplified through DM10 and DM11 of the Sites and Policies Plan. Policy DM10 includes a requirement for development not to have an unacceptable adverse impact on the designated landscape character of the district as defined in the Landscape Character SPD. Policy DM11, states development which would have an adverse effect on the

landscape, setting and scenic beauty of the AONB, including views into and out the AONB will not be permitted unless there are exceptional circumstances.

Though the site is not within any statutory landscape designations, its close proximity to the northern edge of the Mendip Hills means views into and out of the AONB are a material consideration. The tests of policy DM11 therefore apply.

The application proposes to develop a triangular shaped field situated to the south of the existing settlement edge, filling an area on the southern side of the village between the A38 Bristol Road and A368 Bath Road. The proposals would result in approximately 3ha being developed for residential use, primarily for the new dwellings and associated infrastructure, but would also include landscape buffers and areas for ecological mitigation of the site.

The site is adjacent to the existing village edge, and in longer views would appear as an extended part of the built area. It is contained by development to the west and north, and also by Bath Road to the south. Retained hedgerows together with proposed planting would provide a reasonable degree of screening.

Visibility of the site from within and around the village is restricted to the road and properties immediately adjacent to it. The character of the site, if developed, would become more urban in nature, appearing as an infill of a parcel of land and contributing to an extension of the village to the south and outwards along the A368 Bath Road.

The North Somerset Landscape Sensitivity Assessment 2018 notes that land to the south adjacent to Bristol Road, is allocated for development (the Newlands Homes site) and land beyond this and adjacent to the settlement edge (including the application site) is generally well enclosed by hedgerows and trees. This land has inter-visibility with the AONB to the south, however, if this land was developed it would be seen in context with existing development and development at allocated sites. Owing to this, land to the south and south-east of Churchill, adjacent to the settlement edge, is defined as being of medium landscape sensitivity.

Initial concerns were expressed in relation to the extent and projection of the proposed development to the south, towards the AONB. As such the applicant has responded to this by reducing the scale of development, leaving the southernmost section of the site undeveloped, and increasing the depth of the landscape buffers adjacent to A368 Bath Road. The Illustrative Masterplan shows properties fronting onto this southern edge in an informal pattern following the frontage line created by the adjacent Newland Homes site.

With regard to impact on the landscape there would be a loss of existing open grassland, arising from the construction of the dwellings and access roads. There would also be a loss of hedgerow arising as a consequence of the vehicle entrance off the Bath Road and its road realignment, which could give rise to extensive views into the site. As the site access is to be located on the outside of a curve a significant section of the existing hedgerow and embankment would need to be removed and repositioned further into the site to achieve the necessary visibility splays. The removal of the existing hedgerow and embankment is a significant impact of the development. In the short term this will increase visual impact of the development from the A368, as well as the AONB and its setting and cause some degree of harm. To mitigate this impact replacement hedgerow planting is proposed along Bath Road to restrengthen the screening. A detailed mitigation scheme

for the loss of this hedge would be required and would need to be implemented at an early stage of construction to gain some growth whilst the dwellings are still under construction.

The revised proposals with a reduction in the number of units as shown on the indicate layout plan now enables sufficient space for a landscaped buffer to the south, which would help to address the impact by allowing new hedge banks to replace the existing hedge where it is to be removed.

The application is supported by a Parameter Plan and Illustrative Masterplan which demonstrates how 68 units can be accommodated on the site. The Illustrative Masterplan is typical of contemporary housing estates, with dwellings arranged as a mix of terraces, semi-detached and detached properties along a network of estate roads.

Impact upon the AONB and its immediate setting.

At its nearest point the site is approximately 150m from the edge of the AONB. The application has been accompanied by a Landscape Visual Impact Assessment (LVIA). The LVIA includes consideration of the effects on the AONB for robustness given its proximity, albeit the site itself is not the subject of any statutory landscape designation. The LVIA concludes that the two special qualities of the AONB that may be affected by the proposed development are the dark skies and panoramic views out from the AONB. Views towards the site from the AONB are limited, mainly due to the screening effect of the woodland on the hillside to Dolebury Warren. Where the development does feature in these views, it would be seen in the context of, and set against, the existing and recently emerged built form and will not significantly change the character and composition of such views. From Dolebury Warren and the Limestone Link long distance footpath approximately 1km to the south, views from these elevated positions take in much wider vistas and in this context the impact of development on the application site would be less obvious. Even though the site is on the southern side of the A38 its development would not dominate the immediate foreground. An appropriate landscaping scheme strengthening the southern boundary line will over time, help to lessen any visual impact when viewed from the AONB. In relation to lighting, the site is surrounded on two sides by existing residential development. The A368 Bath Road is unlit, but the existing settlement to the north and west is a source of light. The proposed development will be seen in the context of this more substantial light source.

The LVIA has been reviewed and it is agreed that there are no substantial adverse impacts arising from the proposed development. The loss of the hedgerow to form the access is an adverse impact and there would be a loss of open fields, but in all other respects the impact upon the wider landscape is relatively confined, assisted by the retention and replacement of the hedge along the A368 Bath Road and additional landscape planting on the southern and eastern boundaries.

Comments have been received to say the proposals would give rise to adverse impacts on the Mendip Hills AONB. However, the site is not within the AONB and there would not be any direct impact on it. Instead, any impact would be on views to and from the AONB. On this point, and as described above, views of Churchill 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 existing development and as an extension to the village rather than an unwelcome and substantial projection into the open countryside.

The application site is not held to be of a unique character or of a high level of sensitivity to change. In the absence of any demonstrable, overriding harm to the character and appearance of the site other than the loss of its intrinsic rural appearance, it is considered that the proposed development is reasonably sensitive to its setting. The proposal therefore does not conflict with policies CS5 and CS12 of the Core Strategy, and DM10 of the Sites and Policies Plan.

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 impacts 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 to the wider highway network, road safety and accessibility considerations. A Transport Assessment (TA) has been submitted with the application providing 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 TA includes data on the expected trip generation based on a housing mix of market and affordable housing for an application of up to 83 dwellings, although in revising the proposals, this number of units has dropped to up to 68 so in this regard the TA is over-specified in terms of vehicle movements. It is considered that trip generation from a development of up to 68 dwellings would not be significant and would not negatively impact on existing junction capacity in its own right, or when combined with other development in Churchill and the wider area. 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 vehicle access is proposed via a new priority junction with the A368 Bath Road, approximately 380m to the east of the A38 junction. The visibility splays have been updated in response to comments from the Local Highway Authority and these are now sufficient to serve the new access. Pedestrian and cycle access is proposed via a connection to the adjacent Newland Homes development. This would need to be secured by a condition to ensure a good level of connectivity is provided to the services and facilities of the village.

If outline permission is granted, the internal road layout would be designed to reflect the North Somerset Highway Development Design Guide and the majority of the roads would be delivered via a Section 38 agreement and offered for adoption by the Highway Authority. Parking is a reserved matter and has therefore not been considered in detail at this stage, however it would be expected that any subsequent development must adhere to the parking standards set out in the North Somerset Parking Standards SPD, which establishes the minimum required number of car parking spaces for residential development.

The applicant has indicated agreement to the £150,000 sum requested towards public transport contributions plus an additional £150 per dwelling towards travel vouchers to be secured through a S106. With the pedestrian and cycle connection through the adjacent Newlands Home development, the site is within safe walking distance to Churchill Primary and Churchill Academy Secondary Schools. If this connection had not been agreed a contribution to meet home to school transport costs would be sought.

Overall, it is considered that the scale of the development would not result in significant number of new vehicle movements that would have a severe impact on junction capacity. The revised site access plans demonstrate that there will be no unacceptable harm to highways safety as a result of the proposed development. The application is therefore in accordance with Policy DM10 of the Sites and Policies DPD.

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.

The site is located within the 5km protection zone for the North Somerset and Mendip Bats Special Area of Conservation. The application has been accompanied by an Ecological Impact Assessment setting out the appropriate surveys that have been undertaken to assess the potential for the development to impact upon protected species and priority habitats. This has also been updated to include revised Biodiversity Net Gain (BNG) metrics which reflect the reduced number of dwellings and revised parameter plans.

On-site ecological improvements include a wide buffer to the eastern and southern edges bordered with hedgerows and new hedgerow planting to assist bat habitats. Revisions made to proposals include the provision of a hedgerow to either side of the southern area of public open space which is intended to create a suitable dark area for bats. The revisions and reduction in the number of dwellings now also allow for a deeper buffer to be provided to the eastern edge, which in turn will help protect an area for a dark corridor to support bat movements.

The impact of lighting from the development, and the need to minimise or avoid light spill to manage potential impact to bats has been assessed. The applicant has provided a detailed lighting strategy based on the parameter plans which demonstrate levels of light spill from the development can be minimised to ensure dark corridors for bats along the sensitive site edges can be retained. The principles of this lighting strategy are accepted and this can be conditioned to ensure lighting levels adhere to the lighting strategy when the exact layout of the dwellings is established at reserved matters stage.

Due to the site location within the Bats SAC, a Habitats Regulation Assessment (HRA) has been carried out which included bat survey data and mitigation strategy. The data submitted infers that both Lesser and Greater Horseshoe bats use the linear features of the application site. The development provides a mitigation strategy comprising a

minimum of 5m buffers alongside existing hedgerows and lighting strategy designed to ensure dark conditions are maintained. It is considered that sufficient bat habitat is retained on site.

The HRA has assessed in-combination effects with other committed developments within the SAC and it is concluded that as mitigation appropriate to horseshoe bats has been secured with each development that there would be no likely significant effect in-combination effect on horseshoe bat populations. In consultation with Natural England it has been concluded that this proposal would not have a likely significant effect (alone or in combination with other plans and projects) on the North Somerset and Mendip Bats Special Area of Conservation provided that the specified planning conditions are imposed if planning permission is granted.

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 and comply with the relevant development plan policies.

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 will be required at the detailed design 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 fronting onto Bristol Road and to the east of the new dwellings being constructed on the Newlands Homes site. The properties along Bristol Road have relatively deep gardens and mature boundary planting affording a good level of screening.

The proposals, albeit in outline form, provide an indication of the potential layout, and a reduced quantum of development in comparison with the initial proposal allows for a more flexible 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: Other matters

The Parish Councils' comments together with the third-party representations have been given full consideration. It is recognised that there is opposition to the development and all the issues which have been raised have been taken into account in reaching the recommendation below.

An archaeological survey has been carried out including written scheme of investigation and geophysical survey work. This has established that there are no features of definite archaeological interest present on the site and thus there is no need for further archaeological investigation.

In terms of important trees the central oak tree will be retained and should have a clear 15m Root Protection Area. The submitted Arboricultural Impact Assessment demonstrates how this can be achieved although details of landscaping are reserved so ultimately this will be dealt with at reserved matters stage.

Issue 8: Development Contributions and Community Infrastructure Levy

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..

Contributions have been sought towards: (a) affordable housing, (b) green infrastructure, and (c) highways and transport matters as set out below.

Affordable Housing

Policy CS16 of the Core Strategy follows Government Policy and sets out the Council's policy on affordable housing and says the 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 68 units coming forward equates to an affordable housing requirement of 21 of the units.

Green Infrastructure

On-site provision of green infrastructure 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 Churchill Parish Council.

Green Infrastructure requirements will include new on site provision for neighbourhood open space, conservation site, green corridors, woodland and an equipped play area.

Highways and transport

- A Public Transport contribution to provide an enhanced bus services of £150,000
- A £150.00 per dwelling contribution to be spent on active travel incentives such as bus vouchers, bicycle vouchers etc.
- A £2,800 contribution required to make improvements to the public rights of way network in the vicinity of the site.

The applicant has stated that a pedestrian and cycle access can be provided via a segregated connection into the adjacent Newland Homes Mendip Gate site. A planning condition has been worded to secure this in a timely manner. As a fall back, if the route cannot be delivered a contribution of £925,233 would be sought towards NSC Home to School Transport costs.

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

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.

Equalities assessment

The Equalities Act 2010 sets out the Public Sector Equalities Duty ("PSED"). This duty has to be taken into account in the determination of this application.

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. 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

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. This means that Paragraph 11(d) of the NPPF (the “tilted balance”) is engaged. 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 scheme fails to accord with the locational strategy set out in the adopted development plan and is contrary to the provisions of Policy CS33 which seeks to restrict unsustainable development. The housing policies of the Core Strategy and Site Allocations Plan are consistent with the NPPF and the spatial strategy is underpinned by the notion of directing new housing to the most sustainable locations. However, in the absence of a five-year housing land supply the weight that can be afforded to Policy CS33 is reduced.

The size of the proposed development is significant for a service village where, had this been a site adjoining the settlement boundary, policy CS32 indicates that developments of around 25 dwellings might be appropriate subject to other considerations. Policy CS32 requires that larger schemes should be progressed through the plan making process as they may have implications for sustainable development particularly any cumulative impacts. However, in the circumstances where there is a 5 year housing land supply shortfall this requirement carries less weight.

The site is outside the Churchill settlement boundary but does sit adjacent to existing development fronting onto A38 Bristol Road and new development under construction by Newlands Homes at the Churchill Gate junction. This is a material consideration insofar that the edge of the settlement is already well established beyond the defined settlement boundary. The proposed development would extend the village edge further into the countryside which is a negative aspect of the proposal. Nevertheless, this adverse impact is mitigated to some degree by the shape of the site and form of the proposed layout as shown on the indicative plan which maintains landscaped edges to the south and east.

The site is in close proximity to the northern edge of the Mendip Hills and the impact to, and views into and out of, the AONB are a material consideration to be given substantial weight. It has been concluded that there would be no overriding adverse visual impacts to the AONB arising from the proposed development. The loss of the hedgerow to form the access would have an adverse impact and there would be a loss of open agricultural land, though the retention and replacement of the hedge along the A368 Bath Road and additional landscape planting on the southern and eastern boundaries would temper this impact. Considering the proposed mitigation measures to be secured through the reserved matters and conditions, the potential significant impact to the AONB can be reduced to a moderate adverse impact.

The proposed development would result in the loss of some existing hedgerow and embankment on the northern side of the A368 Bath Road and without suitable mitigation this would result in landscape and character harm that could be afforded significant weight. A change from open fields to housing does create some harm which weighs against the development. However, the site does not form part of a designated or protected landscape and as no significant harm would occur the adverse landscape character impact is given moderate weight.

Without sufficient control, artificial lighting emanating from the development could have an adverse impact on the AONB. Nevertheless, parameter plans and a lighting strategy have been provided to demonstrate how this impact could be substantially reduced and therefore any negative impact to the AONB in terms of lighting and activity can be reduced to a moderate adverse impact.

Where the proposed development would result in the loss of some existing hedgerow and trees and without the mitigation measures proposed would impact on the presence of bats and other wildlife. Therefore there would be some environmental impact likely in the short term whilst the development is implemented, and any new and replacement planting undertaken. This is given moderate weight.

Some impacts will arise from additional traffic and transport pressures as well as fundamental change in the character of the village resulting from rapid unplanned growth, which in combination with other nearby development will change the character of Churchill as a place to live. This is given moderate weight.

Benefits

As the Council is unable to demonstrate a five-year supply of deliverable housing land, the tilted balance of paragraph 11 of the NPPF applies. This means the application has to be considered in the context of the presumption in favour of sustainable development unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits of doing so.

The provision of an additional 68 dwellings contributes to housing supply and helps to meet the need for affordable housing. In the absence of a five-year housing land supply substantial weight is therefore attached to these benefits. This aligns with the Government's objective of significantly boosting the supply of homes set out at 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 development would give rise to some limited economic benefits as a result of the jobs created during the construction phase and the spending power of new residents within the local economy.

The existing public right of way that crosses the site would be upgraded along with some resurfacing of the footpath through the site. This would benefit those walking to and from the site and would encourage greater use of the Public Right of Way network and active travel modes. Moderate to significant weight is given to this.

Both on and off-site ecological and bat mitigation measures are proposed with a resulting biodiversity net gain which exceeds that required in respect of the development proposal. The landscape conditions which are recommended together with their subsequent implementation following the grant of the reserved matters application would benefit the habitat of local ecology and wildlife. This is given moderate weight.

Conclusion

It is concluded on balance, that in the absence of a 5 year housing land supply the adverse impacts of the development 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 an acceptable Habitats Regulation Assessment , and
(b) completion of a legal agreement securing, where not funded through the CIL: (i) the provision of on-site affordable housing (ii) green infrastructure, (iii) financial contributions towards the improvement of public transport services and the provision of travel packs (iv) improvements to PROWs and (v) contribution to Home to School Transport if the link through the Newlands Homes development is not delivered within a set period.

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 member:

1. Application for approval of the first 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 Planning and Regulatory Committee 8 August 2018 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 Core Strategy.

4. The development hereby permitted shall be carried out in accordance with the approved plans.

Location Plan LP.01 Rev C

Parameters Plan PP.01 Rev E

Proposed Site Access P20-2499 Figure 4.1 Rev B

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

5. No more than 68 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.

Materials

6. No development above DPC level 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.

Waste collection

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 in accordance with Policy CS7 of the Core Strategy.

Trees and hedgerows

8. No development shall commence until a detailed Arboricultural Method Statement Report with Tree Survey and Tree Protection Plan following the recommendations contained within BS 5837:2012 has been submitted to and approved in writing by the Local Planning Authority. The arboricultural method statement report shall include the control of potentially harmful operations such as site preparation (including demolition, clearance and level changes); the storage, handling and mixing of materials on site, burning, location of site office, service run locations including soakaway locations and movement of people and machinery. The report shall incorporate a provisional programme of works; supervision and monitoring details by an Arboricultural Consultant and provision of site visit records and certificates of completion to the local planning authority. The Tree Protection Plan must be superimposed on a layout plan, based on a topographical survey, and exhibit root protection areas which reflect the most likely current root distribution, and reflect the guidance in the method statement report. No development or other operations shall thereafter take place except in complete accordance with the approved details.

Reason: The details are required prior to commencement of development because the development/construction works have the potential to harm retained trees and to ensure that trees to be retained are not adversely affected by the development, in the interests of the character and biodiversity value of the area, and in accordance with policies CS4, CS5 and CS9 of the Core Strategy, policies DM8, DM9, DM10 and DM32 of the Sites and Policies Plan Part 1 and the North Somerset Biodiversity and Trees SPD.

9. No site access works to Bath Road shown on plan (ref. P20-2499 Fig 4.1 Rev B) shall commence until details of the landscape measures shown on the approved illustrative masterplan (ref. IMP.01 Rev F) as features 4 (hedgerow infilling to eastern corridor), 5 (hedge planting to southern corridor), 8 (hedge bank installation to southern corridor) and the proposed hedgerow/line of trees adjacent to the eastern boundary, and as specified in more detail on the approved Landscape Strategy Plan (ref. 13540_P12b), are submitted to and approved by the local planning authority. These features shall be delivered within the first planting season following completion of the access works to Bath Road.

Reason: In the interest of maintaining a dark corridor to support foraging horseshoe bats in accordance with policy CS4 of the Core Strategy and the North Somerset and Mendip Bats SAC SPD and the timely implementation of a landscape mitigation scheme in accordance with policy CS5 of the Core Strategy and policies DM8, DM9, DM10, and DM11 of the Sites and Policies Plan Part 1.

Landscaping

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.

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, and completed 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 Core Strategy and policy DM9 of the Sites and Policies Plan Part 1.

Lighting strategy

13. Any application for approval of reserved matters shall be accompanied by an external lighting report which models the effect of the proposed street lighting on the southern and eastern ecology corridors. The external lighting report shall employ a maintenance factor of 1 and shall demonstrate that lighting levels in the ecology corridors will be a maximum of 0.5 lux and equal to or lesser than those demonstrated in the illustrative external modelling (Report and Plan ref. 16948 R5, dated March 2023) accompanying the outline application. The developer shall commit to any necessary mitigation measures required to achieve these lighting levels, which include, but are not limited to, the use of non-standard lighting columns which may necessitate that sections of the highway are maintained by a private Management Company (rather than being suitable for adoption).

Reason: In the interest of maintaining a dark corridor to support foraging horseshoe bats in accordance with policy CS4 of the Core Strategy and the North Somerset and Mendip Bats SAC SPD.

14. Any application for approval of reserved matters shall be accompanied by an internal lighting report which models the effect of the proposed internal lighting within dwellings on the southern and eastern ecology corridors. The internal lighting report shall set out details for maintenance and shall demonstrate that lighting levels in the ecology corridors will be a maximum of 0.5 lux and equal to or lesser than those

demonstrated in the illustrative internal modelling (Report ref. 16948 R2, dated March 2023) accompanying the outline application. The developer shall commit to any necessary mitigation measures required to achieve these lighting levels, which include, but are not limited to the erection of appropriate boundary treatments, and the use of reduced fenestration (where not detrimental to residential amenity) on upper floors. Any dwelling proposed with an associated private rear garden immediately abutting the eastern ecology corridor must be enclosed by a close boarded fence or other solid enclosure to a minimum height of 1.8m.

Reason: In the interest of maintaining a dark corridor to support foraging horseshoe bats in accordance with policy CS4 of the Core Strategy and the North Somerset and Mendip Bats SAC SPD.”

15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order 2015 (or any order revoking and re-enacting that order with or without modification), in relation to any dwelling (excluding gardens) proposed within 5m of the eastern ecology corridor or southern ecology corridor (the extent of which is shown on the approved Parameters Plan ref. PP-01 Rev D), no development relating to Class A and Class B of Part 1 of Schedule 2 shall be undertaken without the prior written approval of the local planning authority.

Reason: In the interest of maintaining a dark corridor to support foraging horseshoe bats in accordance with policy CS4 of the Core Strategy and the North Somerset and Mendip Bats SAC SPD.

CEMP

16. Prior to commencement of development a Construction Environmental Management Plan (CEMP) shall be submitted to, and approved in writing by the Local Planning Authority. This plan shall include avoidance, mitigation and compensation measures as detailed within Section 5 of the EclA and shadow HRA (Tyler Grange, 2022) and pollution prevention measures in line with PPG6. Thereafter the development must be carried out in accordance with the approved details.

Reason: To comply with the Wildlife and Countryside Act 1981 (as amended), The Conservation of Habitats and Species Regulations 2019 (as amended) and the Environment Act 2021; Policy C4 of the Core Strategy and Policy DM8 of the Sites and Policies Plan (Part 1).

LEMP

17. Prior to commencement of development, a Landscape and Ecological Management Plan (LEMP) must be submitted to, and approved in writing by the Local Planning Authority. The plan should include all details relating to avoidance, mitigation, compensation and biodiversity net gain measures as detailed within Section 5 of the EclA and Biodiversity Net Gain Report (Tyler Grange, 2022). Thereafter the development must be carried out in accordance with the approved details.

Reason: To comply with the Wildlife and Countryside Act 1981 (as amended), The Conservation of Habitats and Species Regulations 2019 (as amended) and the Environment Act 2021; Policy C4 of the North Somerset Core Strategy and Policy DM8 of the North Somerset Sites and Policies Plan (Part 1).

Habitats management plan

18. 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. Thereafter the development must be carried out in accordance with the approved details.

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.

Highways

19. No dwelling hereby approved shall be occupied until the new site access to A368 Bath 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.

20. No dwelling hereby approved shall be occupied until a site plan and implementation timetable showing a pedestrian and cycle route through up to the site boundary with the adjacent Newland Homes Mendip Gate site to Bristol Road via a segregated connection has been submitted to, and approved in writing by the Local Planning Authority. Thereafter the development must be carried out in accordance with the approved details.

Reason: in the interests of highway safety and to encourage active travel connections in accordance with policy DM24 of the Sites and Policies Plan Part 1.

21. No dwelling shall be occupied until the roads, footpaths and turning spaces shown on the approved plans, have been constructed in such a manner that each dwelling, is served by a properly consolidated and surfaced footpath and carriageway between the dwelling and the existing highway.

Reason: To ensure adequate access available for each occupier and in accordance with policy CS10 of the North Somerset Core Strategy and policy DM24 of the North Somerset Development Management Policies Sites and Policies Plan Part 1.

22. Prior to the occupation of each dwelling, the relevant number of vehicle and cycle 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.

23. 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.

Drainage

24. No above ground work 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. Before these details are submitted, an assessment shall be carried out of the potential for disposing of surface water by means of 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:

- i. 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; and
- ii. include a timetable for its implementation.

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

25. 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 Core Strategy policy and policy DM1 of the Sites and Policies Plan Part 1.

26. Prior to commencement of development details of the discharge location shall be submitted to, and approved in writing, by the Local Planning Authority. The details shall include the location, invert levels, flow rates and plan for implementation including third party landowner approvals.

Reason: To ensure that the necessary off-site drainage works are secured and that the site has a working drainage system, 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).

Contaminated land

27. An investigation and risk assessment application must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the

findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwater and surface waters, ecological systems, and archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s). This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason: In order to ensure that land is suitable for the intended uses and in accordance with section 11 of the National Planning Policy Framework and policy CS3 of the Core Strategy.

28. In the event that the investigation and risk assessment identifies any contamination on site, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason: In order to ensure that land is suitable for the intended uses and in accordance with section 11 of the National Planning Policy Framework and policy CS3 of the Core Strategy.

29. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification Dc5007 report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the Local Planning Authority.

Reason: In order to ensure that land is suitable for the intended uses and in accordance with section 11 of the National Planning Policy Framework and policy CS3 of the Core Strategy.

30. Contamination not previously identified but subsequently found to be present at the site shall be reported to the Local Planning Authority as soon as is practicable. If deemed necessary development shall cease on site until a remediation method statement, detailing how the unexpected contamination is to be dealt with, has been submitted to and approved in writing to the Local Planning Authority (including any requirements that it may specify). The development shall then be undertaken in accordance with the approved details.

Reason: In order to ensure that land is suitable for the intended uses and in accordance with section 11 of the National Planning Policy Framework and policy CS3 of the Core Strategy.

Sustainability

31. 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 Core Strategy and policy DM2 of the Site and policies Plan Part 1.

Housing Standards and Accessible Homes

32. All dwellings shall comply with the DCLG 'Technical housing standards 2015 (as amended) - nationally described space standards', unless shown not to be practicable and viable.

Reason: This is the appropriate space development standard for new and market housing, and it is required under policy DM42 of the North Somerset Sites and Policies Plan Part 1.

33. A minimum of 17% of the dwellings hereby approved shall comply with the requirements of The Building Regulations 2010 Volume 1 M4(2) Category Two: Accessible and adaptable dwellings.

Reason: To ensure that sufficient accessible housing is provided in accordance with Policy DM42 of the North Somerset Sites and Policies Plan Part 1 Development Management Policies, and the North Somerset Accessible Housing Needs Supplementary Planning Document April 2018.

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North Somerset Council

Item 7

REPORT TO THE PLANNING AND REGULATORY COMMITTEE

DATE OF MEETING: 14 JUNE 2023

**SUBJECT OF REPORT: 4TH 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 (Q4)

The performance for the final quarter of 2022/23 is set out in table 2 below. Performance for the comparable quarter of the previous financial year (2021/22) is shown in column two for comparison. Additional indicators focussing on the key enablers are also included.

Table 2

| Performance Indicator | Q4 21/22 | Q3 22/23 | Q4 22/23 | Year end 22/23 | Target 22/23 |
|--|---------------------|---------------------|---------------------|-------------------------------|-------------------------|
| % Of all applications determined < 8 Weeks or agreed time limit | 85.6% | 92.1% | 92.1% | 90.13% | >80% |
| % Of major applications determined in <13 Weeks or agreed time limit | 60% | 88.90% | 71.4% | 81.82% | >70% |
| % Of minor applications determined in <8 Weeks or agreed time limit | 82.7% | 94.9% | 89.8% | 85.54% | >75% |
| % Of other applications determined in <8 Weeks or agreed time limit | 87.2% | 95.0% | 94.5% | 92.33% | >86% |
| % Of all appeals that were allowed against a planning refusal | 23.08% | 0% | 27.27% | 23.40% | <30% |
| % Of enforcement notices upheld on appeal | 0% | 0% | 0% | 0% | >90% |
| % of applications that are delegated to officers | 99.49% | 98.79% | 95.72% | 98.38% | >90% |

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| | | | | | |
|--|------|------|------|------|------|
| Registration of Major applications within 10 working days of receipt | 100% | 100% | 100% | 100% | >90% |
|--|------|------|------|------|------|

Due to resource pressures, performance has been managed partly by agreeing extensions of determination times with applicants. For the year ending December 2022 49% applications had agreed extensions of time against a national average of 42% and south west average of 46%. Over the same period, the Council approved 91% of all planning applications (national average 87%; SW average 90%) with 96% of the decisions made under delegated powers (national average 96%: SW average 97%).

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 end 22/23 |
|--|------|------|------|------|----------------|
| Appeals received | 11 | 11 | 5 | 4 | 27 |
| Appeals decided | 20 | 7 | 9 | 11 | 36 |
| Appeals dismissed | 13 | 6 | 9 | 8 | 28 |
| % of appeals dismissed from appeals decided (target >70% dismissed) | 65% | 86% | 100% | 73% | 77% |
| % of appeals allowed in cases where Committee refused permission contrary to officer recommendation to approve | 100% | 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 | Q4 Total | Year end 22/23 |
|--|-------------|--------------|-------------|-------------|----------|----------------|
| Public Inquiries | 2 | 3 | 1 | 9 | 2 | 3 |
| Hearings* | 2 | 2 | 2 | 2 | 0 | 0 |
| Written Representations | 49 | 55 | 36 | 30 | 2 | 28 |
| Totals | 53 | 60 | 39 | 50 | 4 | 31 |

* Whilst a hearing has 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 6th 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 a significant amount of work to prepare for them was carried out in Q4.

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 | Dismissed | 6 March 2023 |
| 20/P/1579/OUT | Land at Lynchmead Farm, WsM | Decision awaited | |

An officer briefing was held for P&R Committee members on 15 June 2022 with the barrister representing the Council at the housing appeals to feedback on these appeals and explain the implications for future decision making. Training for Councillors on the planning process is scheduled for 2nd and 6th June following the May local elections

Enforcement Performance

The council's Local Enforcement Plan was updated and agreed by the Committee at its December 2022 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 | Q4 totals | Total 22/23 | Total 21/22 | Total 20/21 | Total 19/20 |
|------------------------|-----------|-------------|-------------|-------------|-------------|
| *PCN's and 330 Notices | 4 | 19 | 15 | 19 | 43 |
| **BCN's | 2 | 4 | 0 | 0 | 0 |
| Enforcement Notices | 4 | 11 | 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 | Q4 21/22 | Q3 22/23 | Q4 22/23 | Year 22/23 to date |
|---|----------|----------|----------|--------------------|
| No. of applications received | 408 | 359 | 368 | 1498 |
| No. of planning and enforcement appeals received | 21 | 5 | 5 | 35 |
| Reported alleged breaches of planning control (Enforcement) | 127 | 120 | 120 | 479 |

Budget savings are expected through vacancy management in accordance with the Council's financial management strategy. The vacancy management savings target for the planning services for 2022/23 was £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 achieved 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. No suitable applicants came forward and the post remains vacant. A second Principal Planning officer post became vacant due to the promotion of the previous postholder and despite being advertised remains vacant. An agency planner is being appointed to

SECTION 3

provide cover. A third Principal Planner in the same team started maternity leave in November and a temporary Agency contractor has been recruited to provide cover. A further part time Senior Planning Officer went on maternity leave from April and temporary cover has been secured from 5th June.

In the Planning Policy team, a part time Principal Planning Officer retired in February. The post remains vacant. Following a review of CIL/S106 process and capacity, an additional part time CIL administrative role has been created (funded from CIL receipts) to assist with the management of the process and provide additional support to the existing Development Contributions Officer. The post is currently being readvertised following an unsuccessful first round of recruitment.

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. A consultation on national fee level increases has been carried out by the Department for Levelling Up, Housing and Communities (DLUHC) and the outcome is awaited. The consultation also proposed an increase in the number and type of performance measures for Local Planning Authorities. It will be important for us to consider how any additional income can be used to improve the opportunities for resourcing the service and achieve any new performance indicators.

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 DLUHC 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

SECTION 3

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.

BACKGROUND PAPERS

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

PLANNING AND REGULATORY COMMITTEE – 14 JUNE 2023
REPORT OF THE DIRECTOR OF PLACE

A - PLANNING APPEAL DECISIONS

1. Enforcement Notice Number 19/00095/UAW

Site: The Field, Summer Lane, Banwell

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

Recommendation: Enforcement Notice

Appeal Dismissed and the enforcement notice upheld with corrections and a variation, 2 Mar 2023

Type of appeal: Hearing

Officer: Chris Joannou

Appellant: Mrs Kathleen Kiely

The main issues that were identified by the Planning Inspector were breaches of planning control.

2. Planning Application Number 19/P/0314/FUL

Site: Land off Summer Lane , Banwell

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.

Recommendation: Refused

Appeal allowed 2 Mar 2023

Type of appeal: Hearing

Officer: Simon Exley

Appellant: Ms Kathleen Kiely

The main issues that were identified by the Planning Inspector were 1) whether the stationing of caravans for residential use is appropriate in this location; 2) the effect of the development on the character and appearance of the area; and 3) whether the site provides adequate living conditions for the occupiers, specifically in relation to the noise environment. 4) The human rights of the appellant and family.

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3. Enforcement Notice Number 20/00186/COU

Site: Land off Summer Lane, Banwell

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

Recommendation: Enforcement Notice

Appeal Dismissed and the enforcement notice is upheld with corrections and a variation, 2 Mar 2023

Type of appeal: Hearing

Officer: Chris Joannou

Appellant: Ms Kathleen Kiely

The main issues that were identified by the Planning Inspector were 1) whether the stationing of caravans for residential use is appropriate in this location; 2) the effect of the development on the character and appearance of the area; and 3) whether the site provides adequate living conditions for the occupiers, specifically in relation to the noise environment.

Appellants application for costs refused.

4. Planning Application Number 20/P/1438/FUL

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

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

Recommendation: Refused

Appeal Dismissed 6 Mar 2023

Type of appeal: Public Inquiry

Officer: Neil Underhay

Appellant: J B Pearce Limited

The main issues that were identified by the Planning Inspector were 1) whether the proposed use would accord with the Council's policy for the location of new development and its effect on sustainable modes of travel; 2) its effect on the living conditions of nearby residents,

**PLANNING AND REGULATORY COMMITTEE – 14 JUNE 2023
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having particular regard to noise; and 3) its effect on biodiversity, including in respect to the North Somerset and Mendip Bats Special Area of Conservation and Bats, Otters and Water Voles as protected species.

Costs decisions still awaited.

5. Planning Application Number 22/P/2937/FUH

Site: 48 Greenhill Road, Sandford

Description: Proposed erection of a replacement garage.

Recommendation: Refused

Appeal Dismissed 24 May 2023

Type of appeal: Fast Track Appeal

Officer: Courteney Cox

Appellant: Mr Peretz

The main issue that was identified by the Planning Inspector was the effect of the proposal on the character and appearance of the area.

B – PLANNING APPEALS RECEIVED SINCE LAST COMMITTEE

1. Planning Application Number 21/P/3076/OUT

Site: Land to the south of Warren Lane, North of Weston Road, Long Ashton

Description: Application for outline planning permission for the erection of up to 35no dwellings, allotments and associated access, parking, drainage infrastructure and landscaping, with new access off Weston Road for approval and appearance, layout, scale and landscaping reserved for subsequent approval.

Date of Appeal: 3 Mar 2023

Type of appeal: Public Inquiry – Inquiry was held 31 May to 9 June 2023

Case Officer: Roger Willmot

Appellant: Long Ashton Land Company

**PLANNING AND REGULATORY COMMITTEE – 14 JUNE 2023
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2. Planning Application Number 22/P/2937/FUH

Site: 48 Greenhill Road, Sandford

Description: Proposed erection of a replacement garage.

Date of Appeal: 30 Mar 2023 - This appeal has now been decided, 24 May 2023, see above

Type of appeal: Fast Track Appeal

Case Officer: Courteney Cox

Appellant: Mr Peretz

3. Planning Application Number 22/P/2711/CQA

Site: Barn And Land At, Elwell Lane, Winford

Description: Prior approval for the change of use of an agricultural building and land forming the curtilage of the building to 2no. dwellinghouses (Use class C3) and associated building operations consisting of the infilling of opening with metal sheeting/concrete blocks and the insertion of new windows and doors

Date of Appeal: 30 Mar 2023

Type of appeal: Written Representation

Case Officer: Anna Hayes

Appellant: Mr Cornelius Pearce

4. Planning Application Number 21/P/3483/FUL

Site: 2 Westbury Crescent, Weston-Super-Mare

Description: Retrospective application for change of use of land attached to 2 Westbury Crescent to residential garden.

Date of Appeal: 5 Apr 2023

Type of appeal: Written Representation

Case Officer: Julie Walbridge

Appellant: Tony Hobden

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5. Planning Application Number 22/P/2420/FUH

Site: 2 Elgar Close, Clevedon

Description: Proposed demolition of existing attached side garage. Proposed erection of a 2 storey side extension and installation of a new side gate.

Date of Appeal: 19 Apr 2023

Type of appeal: Fast Track Appeal

Case Officer: Jason Mak

Appellant: Mr Matthew Hector

6. Planning Application Number 22/P/2437/ADV

Site: 2A and 2B Bridge Road, Weston-super-Mare

Description: Conversion of poster advertisement to illuminated display D-poster

Date of Appeal: 25 Apr 2023

Type of appeal: Fast Track Appeal

Case Officer: Anna Hayes

Appellant: Wildstone Estates

7. Planning Application Number 22/P/2072/FUL

Site: Rear of 4 Beaconsfield Road, Weston-super-Mare

Description: Proposed extension and conversion of existing garage to the rear of the property to create a 1no. single storey 2-bed dwellinghouse with associated parking.

Date of Appeal: 25 Apr 2023

Type of appeal: Written Representation

Case Officer: Anna Hayes

Appellant: Mr Stuart Williams

**PLANNING AND REGULATORY COMMITTEE – 14 JUNE 2023
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8. Planning Application Number 22/P/1652/FUL

Site: 28 - 30 High Street, Portishead

Description: Proposed erection of 2no. semi-detached dwellings, following demolition of existing outbuilding to the rear of 28-30 High Street.

Date of Appeal: 4 May 2023

Type of appeal: Written Representation

Case Officer: Anna Hayes

Appellant: Mr Nick Stone

C- INQUIRIES/HEARINGS DATES AND VENUES

None

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Summary Performance April 22 – March 23

Appeals received 36

Appeals decided 54

Appeals dismissed 43

Percentage dismissed of appeals decided 79.6%

Appeals Allowed April 22 – March 23

Delegated Decision 9

Committee Decision 1

Costs awarded against the Council

Delegated Decision: 0

Committee decision: 0

Total: 0

Costs awarded to the Council

Delegated Decision: 0

**PLANNING AND REGULATORY COMMITTEE – 14 JUNE 2023
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**Summary Performance April 23 – March 24
Council**

Appeals received 5
Appeals decided 1
Appeals dismissed 1
Percentage dismissed of appeals decided 100%

Appeals Allowed April 23 – March 24

Delegated Decision 0
Committee Decision 0

Costs awarded against the

Delegated Decision: 0
Committee decision: 0
Total: 0

Costs awarded to the Council

Delegated Decision: 0

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