

Public Document Pack

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Date: Tuesday, 12 September 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, 20 September 2023, 2.30 pm
– New Council Chamber - Town Hall**

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

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

The agenda is set out overleaf.

Yours faithfully

Assistant Director Legal & Governance and Monitoring Officer

Councillors (13):

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, Hannah Young

Agenda

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

Please note, 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.

2. Apologies for absence and notification of substitutes

3. 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.

4. Minutes 16 August 2023 (Pages 5 - 8)

16 August 2023 to approve as a correct record (attached)

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

None.

6. Planning Application No. 22/P/2761/FUH - Proposed erection of a single storey side extension to the west side of the main dwelling, following demolition of existing stable blocks. (Pages 9 - 18)

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

7. Planning Appeals 200923 (Pages 19 - 24)

Section 3 report of the Director of Place Directorate

8. Q1 Performance Report (Pages 25 - 32)

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

9. 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 Chairperson. 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 Chairperson 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, 16 August 2023

Castlewood, Clevedon BS21 6FW

Meeting Commenced: 2.30 pm

Meeting Concluded: 3.40 pm

Councillors:

Hugh Malyan (Chairperson)

Robert Payne (Vice-Chairperson)

Chris Blades

Peter Burden

Peter Crew (substitute for Peter Bryant)

Clare Hunt

Stuart McQuillan

Terry Porter

Mike Solomon

Hannah Young

Apologies: Councillors Peter Bryant, Tom Nicholson, Tim Snaden

Absent: Councillor Stuart Davies

Also in attendance: Councillors Jenna Ho Marris, Roger Whitfield

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

PAR Chairperson's Welcome

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The Chairperson welcomed everyone to this face-to-face meeting of the Planning & Regulatory Committee in Castlewood, Clevedon.

He explained the 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 Chairperson then introduced those officers present at the meeting.

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

It was noted there were no speakers under Standing Order 17 (public participation on non-planning matters).

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

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

None

PAR 21 Minutes 19 July 2023 (Agenda item 4)

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

PAR 22 Planning Application No 23/P/0194/LDP - Proposed lawful development certificate for use as allotments with ancillary parking and the laying of matting (shown on the specification submitted with the application) for access and parking. Land Off Abbots Leigh Road Abbots Leigh BS8 3QB. (Agenda item 6)

At the invitation of the Chairperson, Rory Stracey, addressed the committee, on behalf of local residents, speaking against the application.

At the invitation of the Chairperson, Christian Samuel, Applicant, addressed the committee speaking in favour of the application.

The Head of Planning (representing the Director of Place) presented the report. He also drew members' attention to the update sheet which had been published the previous day. He referred to the fact that since the update sheet had been circulated a further legal opinion had been received from King's Counsel on behalf of the applicant which concluded that the officers report was based on lawful judgments.

At the invitation of the Chairperson, the ward member, Councillor Jenna Ho Marris, addressed the Committee.

Following debate, it was:

Resolved: that the application be **REFUSED** contrary to the officers' recommendation for the following reason:

Due to its degree of permanency and the change it causes to the nature of the ground and extending over an extensive area the car parking surface constitutes an "other operation" for which planning permission is required.

PAR 23 Planning Appeals 160823 (Agenda item 7)

The Head of Planning reported on appeal decisions and appeals that had been lodged since the date of the last meeting.

Resolved: that the report be noted.

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

None

PAR 25 Other matters

The Chairperson explained to the Committee that it was Michele Chesterman's last day with North Somerset and her last committee meeting. He thanked Michele for all her help and support in the short time he had known her. He wished her well in her new role on behalf of the committee who then gave Michele a round of applause.

Chairperson

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SECTION 2 – ITEM 7

Application No: 22/P/2761/FUH

Proposal: Proposed erection of a single storey side extension to the west side of the main dwelling, following demolition of existing stable blocks.

Site address: Jubbs Court Farm, Failand Lane, North Somerset, BS8 3SS

Applicant: Mr Colin Davidson

Target date: 12.01.2023

Extended date: 21.07.2023

Case officer: Kyle Williams

Parish/Ward: Wraxall and Failand Parish Council
Long Ashton Ward

Ward Councillors: Councillors Stuart McQuillan and Ashley Cartman

REFERRED BY COUNCILLOR CARTMAN

Summary of recommendation

It is recommended that the application be **REFUSED**. The full recommendation is set out at the end of this report.

The Site

The application site is located within the hamlet of Lower Failand. The surrounding context consists of agricultural fields with some residential properties along Sandy Lane and Failand Lane. The property consists of a barn conversion, the barn historically formed part of the wider Farm. The farmhouse is now in separate ownership and is known as Jubbs Court. There is a large linear stable block to the west of the property which was built to replace the barn lost to the conversion to residential. To the south west of the property is a small stable block, formally known as the tack room. To the north of the property is a large equestrian menage which was originally built for commercial purposes. The property is accessed via Failand Lane, which is lined with tree coverage either side of the road. The property and its outbuildings are on a lower gradient than the upper part of Failand Lane.

The Application

Full permission is sought for:

- the demolition of the existing stable blocks (linear stable block and small stables 'tack room') and
- the erection of a single storey side extension to the west side of the main dwelling

Relevant Planning History

Year: 2008
Reference: 08/P/0910/F
Proposal: Erection of a first-floor extension, with replacement roof and dormer windows and erection of a porch
Decision: Approved

Year: 2002
Reference: 02/P/0010/F
Proposal: Conversion and extension of existing stable building to include car port and hay store. Conversion of existing tack room and stable to form ancillary accommodation for dependant relative.
Decision: Approved

Year: 1994
Reference: 94/0342
Proposal: Garage and stable block
Decision: Approved

Year: 1989
Reference: 1731/88
Proposal: Conversion of former stables to dwelling and erection of new garage and stables
Decision: Approved

Year: 1987
Reference: 1858/87A
Proposal: Use of loose boxes to accommodate a maximum of eight horses or ponies on full livery.
Decision: Approved

Year: 1987
Reference: 1858/87B
Proposal: Use of equine facilities for schooling of horses for commercial purposes.
Decision: Approved

Jubbs Court was once a rural working farm; records show a farmhouse was present on OS mapping dating from the 1840s. The farm has since evolved with numerous outbuildings, such as the converted barn, small stables 'tack room', stores, and other structures.

An extension to the farmhouse was approved in 1981 under application reference 1015/81.

In 1987, an application (reference 1858/87B) was approved to create equine facilities for the schooling of horses for commercial purposes to the north of Jubbs Court farmhouse.

Also, in 1987 an application (reference 1858/87A) was approved to construct loose boxes to accommodate a maximum of eight horses or ponies on full livery. Unfortunately, no drawings exist to confirm its location however it is believed to be in the present position of the existing linear stable block. On this basis it is not considered that the linear stable block formed part of the original buildings on site pre-1985.

Subsequently in 1988 an application (reference 1731/88) was made to convert the former barn into a residential dwelling. The barn conversion was approved in 1989 along with the erection of a new garage and stable block. The proposed garages and stables would be built on the land for the loose boxes approved under 1858/87A. The conversion of the stables resulted in the farmhouse and its associated outbuildings falling under separate ownership.

An application (reference 94/0342) was approved in 1994 for the erection of a garage and stable.

In 2002, an application to convert and extend the linear stable block to include a car port and hay store were approved. These works were partially implemented with the construction of the hay store and garage at the far end of the linear stable block. Another element of the proposal was to convert the tack room (small stable block) to form ancillary accommodation.

In 2008, application reference 08/P/0910/F for a 1st floor extension & erection of a porch was approved. This added 59sqm to the gross floor space an increase of 20% compared to the original building.

Policy Framework

The site is affected by the following constraints:

- Within the Bristol & Bath Green Belt
- Outside Settlement Boundary
- North Somerset and Mendip Bats Special Area of Conservation – Bat Zone C
- Lesser Horseshoe Bats Density Band B
- Lower Failand Monument Area – Lower Failand
- Trees
- Landscape Character Area (F1 Abbots Leigh Sandstone Uplands)

The Development Plan

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

The following policies are particularly relevant to this proposal:

CS1	Addressing climate change and carbon reduction
CS2	Delivering sustainable design and construction
CS3	Environmental impacts and flood risk management
CS5	Landscape and the historic environment
CS6	North Somerset's Green Belt

CS11	Parking
CS12	Achieving high quality design and place making
CS33	Smaller settlements and countryside

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

The following policies are particularly relevant to this proposal:

DM1	Flooding and drainage
DM2	Renewable and low carbon energy
DM8	Nature Conservation
DM9	Trees
DM10	Landscape
DM12	Development within the Green Belt
DM24	Safety, traffic and provision of infrastructure etc associated with development
DM28	Parking standards
DM32	High quality design and place making
DM38	Extensions to dwellings
DM45	The conversion and re-use of rural buildings to residential use

Other material policy guidance

National Planning Policy Framework (NPPF) (2021)

The following sections are particularly relevant to this proposal:

- 2 Achieving Sustainable Development
- 8 Promoting healthy and safe communities
- 12 Achieving well designed places
- 13 Protecting Green Belt Land
- 15 Conserving and enhancing the natural environment

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

- Residential Design Guide (RDG1) Section 1: Protecting living conditions of neighbours SPD (adopted January 2013)
- Residential Design Guide (RDG2) Section 2: Appearance and character of house extensions and alterations (adopted April 2014)
- North Somerset Parking Standards SPD (adopted November 2021)
- North Somerset Landscape Character Assessment SPD (adopted September 2018)
- Biodiversity and Trees SPD (adopted December 2005)
- 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: No comments received.

Wraxall and Failand Parish Council: Supports the application as it would turn derelict buildings into good use and enhance the existing property.

Other Comments Received:

Natural England

Comments awaited

Officer comment

Due to an administrative error Natural England was not initially consulted. In light of this, Natural England were consulted on the 25th August. An update will be provided to the committee.

Principal Planning Issues

The principal planning issue in this case is whether the proposal would be classed as inappropriate development within the Green Belt.

Issue 1: Whether the proposal would constitute inappropriate development in the Green Belt.

Paragraph 147 of the National Planning Policy Framework (NPPF) states that *“Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances”*. Paragraph 149 of the NPPF gives exceptions where development is not classed as inappropriate within the Green Belt. Paragraph 149 (c) states that extensions or alterations of a building are not considered inappropriate development providing it does not result in a disproportionate addition over and above the size of the original building.

Policy DM12 of the Sites and Policies Plan (Part 1) relates to development within the Green Belt. DM12 reiterates that inappropriate development is, by definition, harmful to the Green Belt and will not be approved except in very special circumstances. It goes on to set out how the assessment of extensions will be assessed. The policy states an *“extension or alteration of a building will not be regarded as inappropriate provided that it is within the existing curtilage, and it does not result in disproportionate additions over and above the size of the original building. For North Somerset ‘original’ relates to the building as existing on 26 July 1985 or for buildings constructed after this date as so built. The determining factors in assessing whether the extension is disproportionate will be the size of the proposed extension in relation to the size of the original building. An extension will not normally be regarded as disproportionate provided it does not exceed 50% of the gross floor area of the original building.”*

In this case, the proposed extension, following the demolition of the existing outbuildings would create a property that is 112% larger than the original converted building. The applicant’s calculation that the original dwelling had a gross floor area of 293.5sqm (as converted under the 1988 permission) is agreed. The 2008 first floor extension and porch (approved under reference 08/P/0910/F) added a further 59sqm resulting in a 20% gross floor increase when compared with the original converted building. The currently proposed

further extension at 270sqm, would therefore represent a gross floor area of 622.5sqm, 112% larger than the original building.

Whilst every application should be considered on its individual merits, policy DM12 has been supported by the Planning Inspectorate on appeal. For example, at Sunnyside, Naish Lane, Barrow Gurney, Bristol, BS48 3ST (reference 22/P/0093/FUH) a proposed single storey extension to a dwelling in the Green Belt entailed a 59% increase compared to the original dwelling and was seen to undermine local and national policy relating to development in the Green Belt. The Inspector stated in paragraph 5 of the decision that *“... the original addition exceeded the level specified in Policy DM12. Subsequent incremental additions to properties in the Green Belt would undermine the aims and objectives of local and national policy which seeks to ensure that permitted additions are not disproportionate to the original dwelling.”*

Another recent appeal (dated 18 August 2023) for a proposed two storey extension in the Green Belt at Rendy Mead, Chew Road, Winford, (reference 22/P/2394/FUH) was dismissed. Even though the extension did not exceed the 50% limit specified in DM12, the Inspector nevertheless concluded that *“... there would be a considerable increase in the massing of the first floor element of the house, when viewed from the front and from both sides, particularly the eastern side. The extensive front gable and extension of the ridge projecting forward would amount to a substantial increase in the form, bulk and overall scale and size of the original building, and its original asymmetrical pitched roof form would be completely altered.”*

The applicant's submission on the current application for Jubbs Court Farm states it is a material consideration that the extension would replace the existing linear stable block, which has an extant planning permission (reference 02/P/0010/F) for partial conversion to a car port and hay store and creation of ancillary accommodation. The applicant further states that the permission was part-implemented by the creation of the garage and hay store at the far end of the existing linear stable block. As a result of this the remainder of the permitted works could be carried out.

The existing residential floor space, ancillary usage of the linear stable block, small stable block (tack room) and extant permission amounts to a total gross floor space of 571.5sqm. Considering the floor space of the existing buildings, the additional floorspace would entail infilling the space of about 51sqm between the outbuildings. It is stated that due to the lack of visibility of the site and the creation of a more tightly contained building, there will be a limited impact on the openness of the Green Belt. The case is made by the applicant that whilst the extension would be materially larger than the original converted building, thus rendering the proposal inappropriate development in the Green Belt, the actual impact on openness given the infilling of a gap between the outbuildings is limited. The applicant submits that the extant consent for residential use of the linear stable block/small stable block granted in 2002 and the limited impact of the proposal on the openness of the Green Belt, amount to very special circumstances to justify an approval.

Paragraph 148 of the NPPF states *“When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.”*

For the reasons given above, the proposal amounts to a disproportionate addition to the dwelling and therefore constitutes inappropriate development which, as stated in the NPPF para 147 is harmful by definition. This harm is not outweighed by other considerations in this case. It would be of greater scale, height, and massing than the 2002 extension.

It is not considered that the removal of the existing low-rise outbuildings, limited visibility and extant permission amount to very special circumstances. The principle of connecting the buildings could be acceptable, however the present scale spatially of the proposed extension is excessive and disproportionate to the original converted property.

Policy DM12) states that *“In determining planning applications consideration will be given to the impact on the openness of the Green Belt for both extensions and replacement buildings and regard will be taken of the design (including bulk, height and floorspace), siting and overall scale of the development on the site.”*

It is agreed with the applicant that the extension would represent a 112% gross floor area increase when compared to the gross floor area of the original converted property. The proposed extension following the removal of the existing outbuildings would be significantly larger in bulk, height and floorspace compared to the existing low scale buildings. The proposal’s ridge height would also be of greater height than the existing linear stable block.

Policy DM12 goes on further to state, *“The location, visual character of the site and surroundings and the effect of the proposal on the open and rural character of the area in general, prominence, visual and physical impact (including the impact of lighting) and plot size will all need to be assessed”*. (underlining added)

Further to this, policy DM45 gives guidance on additions to dwellings created from the conversion of rural buildings. It states that *“any subsequential extensions should not be disproportionate to the original building and should respect the scale and character of the building and its setting”*. The intention is that the barn conversion retains the character and historical use as a once rural working farm. In this case, the scale of the extension would be of a more residential appearance rather than that of a former barn with associated outbuildings. When considering the original site, the extensions and outbuildings constructed since the barn’s conversion represent a significant encroachment into the Green Belt. The proposed infill element of the extension would create a uniformed massing, removing the rural character depicted by the existing outbuildings which appear to be of different height and massing.

Impact on openness

A key consideration for development in the Green Belt set out in the NPPF and policy DM12 is the effect on openness, which entails keeping land permanently open from development. National Planning Policy Guidance (NPPG) states that openness is capable of having both spatial and visual aspects.

Openness was considered by an inspector in a recently dismissed appeal at Glen Farm, Sandy Lane, Lower Failand, BS8 3SE (reference 21/P/1931/FUL). In this appeal the Inspector concluded that *“‘Open’ can mean the absence of development in spatial terms, and it follows that openness can be harmed even when development is not readily visible*

from the public realm.” It is clear therefore that the Inspector assessed that openness can be harmed even when the site is not readily visible from the public realm.

In this case whilst extensive landscaping has resulted in the property being largely screened, Jubbs Court Farm can still be seen when viewed from the entrance to the neighbouring property known as Jubbs Court. Whilst the property is densely covered by trees along Failand Lane, these trees could be removed at a future date, thus making the proposed extension more prominent. It should also be noted that the arboricultural report submitted with this application has stated a group of Ash and Sycamore trees are suffering from Ash die back. Should the trees be removed, it would take considerable time for the replacements to provide adequate screening to soften the built form.

The extension would add further built form due to the bulk, height and scale of the extension as it would be materially larger when compared to the existing buildings and extant permission approved in 2002. It is acknowledged there is an existing structure on the neighbouring property that would partially screen the infill element of the extension. When viewing the property from the public highway towards the driveway of the neighbouring property at Failand Lane, the infill extension as part of the south elevation would be visible and would fill a gap in the landscape where there is currently no built form. The height of the proposed roof would add further bulk and mass to the overall property. This would affect the spatial openness of the Green Belt by introducing new built form and massing into the landscape.

To conclude, the proposal would represent a disproportionate addition to the original converted dwelling and constitutes inappropriate development in the Green Belt which is harmful by definition. It would adversely affect the openness of the Green Belt and is not in accordance with policies DM12 and DM45 of the Sites and Policies Plan (Part 1) and section 13 of the NPPF.

Natural Environment and Rural Communities (NERC) Act 2006

The site lies within Bat Zone C of the North Somerset and Mendip Bats Special Area of Conservation (SAC). The proposal also falls within Lesser Horseshoe Bats Density Band B. The impact the development may have during its construction and lifetime has been assessed through a detailed bat survey, this has demonstrated that adverse effects on bats will be avoided and mitigated.

The results of a protected species survey have been submitted with the application. This has concluded that a low impact bat mitigation license would be required as a night roost will be destroyed. The proposed mitigation would entail careful demolition under the supervision of a registered consultant. Replacement suitable roosts will be created in the roof void of the extension (two bat adapted tiles on the new southern pitched roof). The proposal would also entail an enhancement as at least one additional new bat box to that lost will be installed, the new bat box would create a roost to compensate that lost following the demolition.

The proposal would require the council to produce a Habitat Regulation Assessment (HRA) as a low impact license will be required. Given the proposal is considered to be inappropriate development within the Green Belt, a HRA has not yet been conducted

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

The proposed development does not fall within Schedule 1 or 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. A formal EIA screening opinion is not, therefore, required.

The Crime and Disorder Act 1998

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

Other matters

Trees of amenity value are located on site. Low quality young Ash trees and Cypress trees would be removed to accommodate the proposal. However, the trees that form part of that group are not considered to be of such importance that its loss would unacceptably harm the character or biodiversity value of the area. Adequate information has been submitted to demonstrate that retained trees would not be harmed by the development. If the application were to be approved, a condition would have been recommended to ensure that the trees are safeguarded during the development works. In this respect, the proposal complies with policy DM9 of the Sites and Policies Plan (Part 1) and to the council's Biodiversity and Trees SPD.

Conclusion

The proposed extension constitutes a disproportionate addition to a previously converted barn and is inappropriate development within the Green Belt which is harmful by definition. The considerations brought forward as very special circumstances do not outweigh or justify the harm to the Green Belt. The proposal therefore contravenes CS6 of the core strategy, policies DM12 and DM45 of the Sites and Policies Plan (Part 1) and section 13 of the NPPF.

RECOMMENDATION: REFUSE for the following reasons:

1. The proposed extension represents a disproportionate addition over and above the size of the original building. The proposal would, therefore, constitute inappropriate development within the Green Belt that would harm its openness and would conflict with the purposes of including land within it. There are no very special circumstances that outweigh the harm caused and the proposal is therefore contrary to policy CS6 of the North Somerset Core Strategy, policies DM12 and DM45 of the North Somerset Sites and Policies Plan (Part 1) and section 13 of the National Planning Policy Framework.

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**PLANNING AND REGULATORY COMMITTEE – 20 SEPTEMBER 2023
REPORT OF THE DIRECTOR OF PLACE**

A - PLANNING APPEAL DECISIONS

1. Planning Application Number 23/P/0082/FUH

Site: 29 Uphill Road North, Weston-super-Mare

Description: Retrospective application for the erection of a 2m wooden fence to replace a dead hedge.

Recommendation: Refused

Appeal Dismissed 9 Aug 2023

Type of appeal: Fast Track Appeal

Officer: Molly Willmot

Appellant: Mrs Rachel Wiltshire

The main issue that was identified by the Planning Inspector was the effect on the character and appearance of the site and area, including the Great Weston Conservation Area.

2. Planning Application Number 22/P/2394/FUH

Site: Rendy Mead , Chew Road, Winford

Description: Proposed erection of a partial two storey and partial one storey front extension (north elevation) with integrated dormer.

Internal alterations and installation of a skylight.

Recommendation: Refused

Appeal Dismissed 18 Aug 2023

Type of appeal: Fast Track Appeal

Officer: Courteney Cox

Appellant: Kelly Bewley

The main issues that were identified by the Planning Inspector were 1) whether the proposed development would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the 'Framework') and relevant development plan policies; 2) the effect of the proposal on the openness of the Green Belt; and 3) if the development would be inappropriate, whether the harm to the Green Belt by way of inappropriateness and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.

**PLANNING AND REGULATORY COMMITTEE – 20 SEPTEMBER 2023
REPORT OF THE DIRECTOR OF PLACE**

3. 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.

Recommendation: Refused

Appeal Dismissed 29 Aug 2023

Type of appeal: Public Inquiry

Officer: Roger Willmot

Appellant: Long Ashton Land Company

The main issues that were identified by the Planning Inspector were 1) whether the proposed development would cause less than substantial harm to the significance of the Gatcombe Roman Site Scheduled Monument (the SM) and, if so, whether that harm would be outweighed by any public benefits; and 2) whether the proposals would result in inappropriate development in the Bristol & Bath Green Belt and, if so, whether any benefits arising from it would amount to the very special circumstances (VSCs) necessary to outweigh such harm and any other harm.

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4. Planning Application Number 23/P/0449/FUH

Site: 72 Walton Road, Clevedon

Description: Retrospective application for the erection of a 2m wooden fence and gate on the eastern boundary of the property.

Recommendation: Refused

Appeal Dismissed 6 Sep 2023

Type of appeal: Fast Track Appeal

Officer: Molly Willmot

Appellant: Miss Jennie Hammond

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

**PLANNING AND REGULATORY COMMITTEE – 20 SEPTEMBER 2023
REPORT OF THE DIRECTOR OF PLACE**

B – PLANNING APPEALS RECEIVED SINCE LAST COMMITTEE

1. Planning Application Number 22/P/0961/FUL

Site: 18 Cross Lanes, Pill

Description: Erection of a two storey dwelling on land to the rear of 18 Cross lanes Road, Pill. Accessed from Ruddleigh Road.

Date of Appeal: 15 Aug 2023

Type of appeal: Written Representation

Case Officer: Charles Cooksley

Appellant: Oaktree Holdings

2. Planning Application Number 22/P/1324/FUL

Site: The Lodge, Hospital Road, Barrow Gurney

Description: Demolition of existing building and erection of 3 no. residential dwellings with associated works

Date of Appeal: 15 Aug 2023

Type of appeal: Written Representation

Case Officer: Ellena Fletcher

Appellant: Mr Nick Bracey

3. Planning Application Number 22/P/2885/FUL

Site: Land to the west of 10 Dial Lane, Felton, Winford

Description: Change of use of land from agriculture to a use for the siting of 2no. mobile pod units to provide overnight tourist accommodation with associated soft/hard landscaping works.

Date of Appeal: 15 Aug 2023

Type of appeal: Written Representation

Case Officer: Angela Norris

Appellant: Mrs Sarah Wilkinson

**PLANNING AND REGULATORY COMMITTEE – 20 SEPTEMBER 2023
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4. Planning Application Number 23/P/0275/CM2A

Site: 111 Upper Bristol Road, Weston-super-Mare

Description: Prior approval to change the use of the current ground floor office, workshop and small toilet (Use Class E) back to original purpose of sitting room and dining room for the main dwelling (Use Class C3). No additional dwelling created, conversion will result in the existing 2 bedroom maisonette returning to a 3 bedroom terraced house

Date of Appeal: 18 Aug 2023

Type of appeal: Written Representation

Case Officer: Anna Hayes

Appellant: Mr P Fineran

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5. Planning Application Number 23/P/0733/FUH

Site: The Homestead, Says Lane, Langford

Description: Retrospective application for the removal of existing boundary wall/fence and erection of a replacement timber clad wall.

Date of Appeal: 29 Aug 2023

Type of appeal: Fast Track Appeal

Case Officer: Julie Walbridge

Appellant: C Russell

C- INQUIRIES/HEARINGS DATES AND VENUES

None

Summary Performance April 23 – March 24

Costs awarded against the Council

**PLANNING AND REGULATORY COMMITTEE – 20 SEPTEMBER 2023
REPORT OF THE DIRECTOR OF PLACE**

Appeals received 21
Appeals decided 10
Appeals dismissed 10
Percentage dismissed of appeals decided 100%

Delegated Decision: 0
Committee decision: 0
Total: 0

Appeals Allowed April 23 – March 24
Delegated Decision 0
Committee Decision 0

Costs awarded to the Council
Delegated Decision: 1

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North Somerset Council

Item 8

REPORT TO THE PLANNING AND REGULATORY COMMITTEE

DATE OF MEETING:

SUBJECT OF REPORT: 1ST QUARTER PLANNING PERFORMANCE 2023/24

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 is being refreshed but currently 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 first quarter of 2023/24 is set out in table 2 below. Performance for the comparable quarter of the previous financial year (2022/23) is shown in column two for comparison. Additional indicators focussing on the key enablers are also included.

Table 2

Performance Indicator	Q1 22/23	Q4 22/23	Q1 23/24	Year to date 23/24	Target 23/24
% Of all applications determined < 8 Weeks or agreed time limit	84.54%	92.1%	90%	90%	>80%
% Of major applications determined in <13 Weeks or agreed time limit	100%	71.4%	85.71%	85.71%	>70%
% Of minor applications determined in <8 Weeks or agreed time limit	78.57%	89.8%	82.22%	82.22%	>75%
% Of other applications determined in <8 Weeks or agreed time limit	86.96%	94.5%	93.52%	93.52%	>86%
% Of all appeals that were allowed against a planning refusal	35.00%	27.27%	0.00%	0.00%	<30%
% Of enforcement notices upheld on appeal	0%	0%	0%	0%	>90%
% of applications that are delegated to officers	100%	95.72%	96.56%	96.56%	>90%

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Registration of Major applications within 10 working days of receipt	100%	100%	100%	100%	>90%
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Due to resource pressures, performance has been managed partly by agreeing extensions of determination times with applicants. For the year ending March 2023 52% applications had agreed extensions of time against a national average of 43% and south west average of 45%. 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 23/24
Appeals received	7				7
Appeals decided	2				2
Appeals dismissed	2				2
% of appeals dismissed from appeals decided (target >70% dismissed)	0%				0%
% of appeals allowed in cases where Committee refused permission contrary to officer recommendation to approve	0%				0%

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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	Total 22/23	Q1 Total	Year end 23/24
Public Inquiries*	2	3	1	9	3	0	0
Hearings	2	2	2	2	0	0	0
Written Representations	49	55	36	30	28	7	0
Totals	53	60	39	50	31	7	7

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

As previously reported, public inquiries are resource intensive and put significant pressure on staff and financial resources which impacts on other work areas. Two public inquiries took place for sites adjacent to Weston-super-Mare and to Long Ashton in May/June 2023 and a significant amount of work to prepare for them was carried out in Q1.

The decisions on the sites determined by public inquiry since April 2022 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
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	Dismissed	20 June 2023

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21/P/3076/OUT	Land South of Warren Lane, Long Ashton,	Dismissed	29 August 2023
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Training for Councillors on the planning process took place on 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	Q1 totals	Year to date 23/24	Total 22/23	Total 21/22	Total 20/21	Total 19/20
*PCN's and 330 Notices	3	3	19	15	19	43
**BCN's	1	1	4	0	0	0
Enforcement Notices	2	2	11	14	14	16
Stop Notices	1	1	0	0	0	0
Temporary Stop Notices	1	1	0	0	0	0
Injunctions	0	0	0	0	0	0
***Section 215 Notices	0	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.

Resource Management

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

Table 7

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Performance Target	Q1 22/23	Q4 22/23	Q1 23/24	Year 23/24 to date
No. of applications received	369	368	384	384
No. of planning and enforcement appeals received	13	5	7	7
Reported alleged breaches of planning control (Enforcement)	123	120	135	135

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 2023/24 is £128,415 and a further £35,850 for Building Control and Land Charges.

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. The income target for 2023/24 is £1.59m. Fee income for the year is on target although this is highly dependent on the number of planning applications received in the rest 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 Regulation 19 draft plan following the consultation on the draft Preferred Options (Consultation Draft) last year. Counsel's advice and consultancy support has been procured for specialist areas.

Public inquiries incur significant additional expenditure on legal fees and in some cases, consultant witnesses have been used to assist where necessary. The inquiries referred to above also incur barrister's fees 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 also remains vacant. Two agency planners have been appointed to provide cover. A third Principal Planner in the same team started maternity leave in November. A further part time Senior Planning Officer went on maternity leave from April and temporary cover started from 5th June.

The Applications and Consents Service Manager retired at the beginning of August. A replacement has been appointed but will not join the team until the end of

SECTION 3

November. In the meantime, the team management roles are being split between other managers.

In the Planning Policy team, a part time Principal Planning Officer post is currently vacant following the retirement of the postholder in February. 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 being filled from 5th September.

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 proposed Regulations have been laid before Parliament prior to coming into effect. The consultation also proposed an increase in the number and type of performance measures for Local Planning Authorities. It will be important to consider how any additional income can be used to improve the opportunities for resourcing the service and achieve any new performance indicators.

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.

In April the Council was successful in bidding for funding from the Department for Levelling Up Homes and Communities (DLUHC) Digital Planning Software Improvement Fund. This funding enables the council to join the DLUHC digital planning project to adopt and co-design digital planning application and assessment services with other pioneering LPAs. A project team has been set up and is currently developing an initiative to enable self-service for the planning application validation process.

4. CONSULTATION

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

5. FINANCIAL IMPLICATIONS

As set out in the report.

6. EQUALITY IMPLICATIONS

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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