

## Minutes

of the Meeting of

## The Planning and Regulatory Committee

### Wednesday, 13 December 2023

New Council Chamber - Town Hall

Meeting Commenced: 2.30 pm

Meeting Concluded: 3.41 pm

#### Councillors:

Hugh Malyan (Chairperson)

Robert Payne (Vice-Chairperson)

Christopher Blades

Peter Bryant

Stuart Davies

Clare Hunt

Stuart McQuillan

Terry Porter

Mike Solomon

Peter Crew (substitute for Peter Burden)

John Crockford-Hawley (substitute for Hannah Young)

Dan Thomas (substitute for Tom Nicholson)

Roger Whitfield (substitute for Timothy Snaden)

**Also in attendance:** Councillor Catherine Gibbons.

**Officers in attendance:** Sue Buck (Solicitor - Litigation Team Leader), Richard Kent (Head of Planning, Place Directorate), Roger Wilmot (Strategic Development Service Manager) James Wigmore (Lead Transport Planner, Place Directorate), David Ditchett (Applications and Consents Service Manager, Place Directorate), Anna Hayes (Senior Planning Officer, Place Directorate), Andrew Stevenson (Principal Planning Officer, Place Directorate), Harriet Isherwood (Committee Services Support Officer, Corporate Services).

#### **PAR 56 Public speaking at planning committees (Standing Order 17 & 17A) (Agenda Item 1)**

Three 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.

#### **PAR 57 Declaration of Disclosable Pecuniary Interest (Standing Order 37) (Agenda Item 3)**

None.

**PAR 58 Minutes 15 November 2023 (Agenda Item 4)**

**Resolved:** that the minutes be approved as correct record.

**PAR 59 Matters referred by Council, the Executive, other committees etc (if any)**

None.

**PAR 60 22/P/2920/FUL Erection of a two storey Special Education Needs and Disability school (SEND) (use class F), hard and soft landscaping, Multi Use Games Area (MUGA), on-site car parking and pick up and drop off area and creation of new vehicular and pedestrian access points on Ladymead Lane, Langford**

At the invitation of the Chairperson, Ian Maitland-Round, objector, addressed the committee speaking in opposition of the application.

At the invitation of the Chairperson, Lis Jolley, addressed the committee speaking in favour of the application.

The Director of Place Directorate's representative presented the report.

At the invitation of the Chairperson, the ward member, Councillor Patrick Keating, addressed the Committee.

Following debate, it was resolved that, subject to:

- (a) clarification of the provision of biodiversity net gain (including the use of planning obligations and/or conditions if required) and
- (b) the completion of a Habitats Regulation Assessment

the application be **APPROVED** subject to the following conditions together with any amended or additional conditions which may be required in consultation with the Chairman and Vice Chairman:

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 approved plans and documents (*to be listed on the decision notice*).

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

3. Prior to commencement of development details of hydraulic modelling of the receiving watercourse, taking into account the downstream surface water drainage network, should be submitted to and approved in writing by the local planning authority. The results of the modelling should demonstrate that the proposed drainage scheme does not increase flood risk

downstream and identify if any works are required to the receiving watercourse

Reason: To reduce the risk of flooding to the development from surface water/watercourses, and in accordance with the National Planning Policy Framework (notably paragraphs 17, 103 and sections 10 and 11), 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). The information is required before works start on site because it is necessary to understand whether the discharge rates and volumes are appropriate prior to any initial construction works which may prejudice the surface water drainage strategy

4. No development 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 the National Planning Policy Framework (notably paragraphs 17, 103 and sections 10 and 11), 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). The information is required before works start on site because it is necessary to understand how the system will be maintained during construction works and before the hand over to a management company to prevent flooding downstream of the system.

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

5. 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:

- The method and duration of any pile driving operations to include expected starting date and completion date
- 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 (08:00 – 18:00 see email Tracey Farrell 15 July) hours Mondays to Fridays, and 08:00 to 16:00 (13:00) Saturdays, nor at any times on Sundays or Bank Holidays
- The arrangements for prior notification to the occupiers of potentially affected properties
- The responsible person (e.g. site manager/office) who could be contacted in the event of complaint
- measures to control the emission of dust and dirt during construction
- Details of wheel washing facilities
- The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- A scheme for recycling/disposing of waste resulting from demolition and construction works
- 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.

6. The proposed school shall not be brought into use until all mitigation measures and details set out in the approved Travel Plan by Hexa Consulting Rev P04 shall be implemented in full and a report detailing how this has been undertaken shall be submitted to, and approved by the Local Planning Authority

Reason: To promote sustainable forms of travel and in accordance with policy DM24 of the sites and Policies Plan Part 1.

7. The proposed school shall not be brought into use until the parking spaces have been provided and be available for use in accordance with the North Somerset Parking Standards SPD. Thereafter the approved parking spaces shall be permanently retained unless otherwise agreed in writing by the Local Planning Authority.

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

8. The proposed school shall not be brought into use until the cycle parking spaces have been provided and be available for use in accordance with the North Somerset Parking Standards SPD. Thereafter the approved cycle parking spaces shall be permanently retained unless otherwise agreed in writing by the Local Planning Authority.

Reason: To promote sustainable forms of travel and in accordance with policy DM24 of the sites and Policies Plan Part 1

9. The proposed school shall not be brought into use until the provision of 12 electric vehicle charging unit and ducting for two further charging units as shown on the approved plans. The charging unit shall be OLEV compliant and a minimum of 7kw/ 32 amps power capacity.

Reason: To promote sustainable forms of travel and in accordance with policy DM24 of the sites and Policies Plan Part 1

10. The development shall be carried out in accordance with the tree and hedgerow retention and Arboricultural Impact Assessment (20th November 2023), unless otherwise agreed, in writing, by the Local Planning Authority.

Reason: To ensure that features of ecological and landscape importance are maintained and in accordance with Policy DM32 of the Sites and Policies Plan Part 1

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

Reason: To ensure the protection of trees during the development process in the interests of the character and biodiversity of the area and in accordance with policies CS4 and CS5 of the North Somerset Core Strategy and Policy DM32 of the Sites and Policies Plan Part 1.

12. Trees, hedges and plants shown in the landscaping masterplan and strategy for landscaping, that are to be retained or planted which, during the development works for a period of ten years following full implementation of the landscaping scheme, are removed without prior written consent from the Local Planning Authority or die, become seriously diseased or are damaged, shall be replaced in the first available planting season with others of such species and size as the Authority may specify in accordance with DM9 and DM10 of the Sites and Policies Plan Part 1 Publication Version 2015

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

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

Reason: To ensure that a satisfactory landscaping scheme is implemented

in accordance with policy CS9 of the North Somerset Core Strategy and policy DM9 of the North Somerset Sites and Policies Plan Part 1.

14. The development shall not take place except in strict accordance with the measures outlined in the approved Ecology Appraisal. If amendments to the methodology are required, details of the changes must be submitted in writing and agreed by the Local Planning Authority before relevant works proceed. The development shall then be implemented in accordance with the agreed changes.

Reason: To ensure compliance with policy CS4 of the North Somerset Core Strategy and policy DM8 of the North Somerset Sites and Policies Plan (Part 1).

15. No external lighting shall be installed within the site, including external lighting on the outside walls of the school building, or other lighting elsewhere in the site, until a 'lighting design strategy for biodiversity' has been submitted to and approved in writing by the Local Planning Authority. The strategy shall identify:
- (i) the type, location, and height of the proposed lighting;
  - (ii) existing lux levels affecting the site;
  - (iii) the proposed lux levels as a result of the light; and
  - (iv) lighting contour plans.

These details shall include an assessment on the retained bat habitats and commuting routes on the site. This lighting scheme shall be implemented and no changes shall be made to this without the prior written approval of the Local Planning Authority. All external lighting shall be installed and operated in accordance with the approved details.

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, 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).

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

Reason: To ensure the retained habitats and species are not adversely

impacted by the proposed works in accordance with the Wildlife and Countryside Act 1981 (as amended); Wild Mammals Protection Act (1996) and policy CS4 of the Core Strategy policy CS4 and policy DM8 of the Site and Policies Plan Part 1.

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

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

18. The proposed school shall not be brought into use until measures to generate 15% of the on-going energy requirements of the use (unless a different standard is agreed) through micro renewable or low-carbon technologies have been installed and are fully operational in accordance with the approved details that have been first submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved technologies shall be permanently retained unless otherwise first agreed in writing by the Local Planning Authority.

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

19. Notwithstanding the provisions of Town and Country Planning (Use Classes) Order 1987 (as amended) the proposed school shall only be used for the provision of education and care for children and young persons with social, emotional and mental health difficulties and for related ancillary purposes and for no other purpose including any other purpose within Use Class F.1.

Reason: The intended use of the building is as a SEN school for 65 pupils, and in the interests of residential amenity and to ensure the safe operation of the highway and to minimise disruption in accordance with Policies CS25 of the Core Strategy and DM24 of the Sites and Policies Plan Part 1.

20. The proposed school shall not be brought into use until the 2.4m high Acoustic Fence has been constructed along the southern site boundary in accordance with the Fencing General Arrangement Plans Revision P09. Thereafter the approved fencing shall be permanently retained unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the living conditions of the occupants of the dwellings and in accordance with section 11 of the National Planning Policy Framework and policy CS3 of the North Somerset Core Strategy

21. Prior to the commencement of development a noise assessment that outlines the likely impact on any noise sensitive property, and the measures necessary to ensure that the noise does not affect the local amenity of residents shall be submitted to and approved in writing by the Local Planning Authority. The assessment shall be determined by measurement or prediction in accordance with the guidance and methodology set out in BS4142: 2014 +A1(2019). Once approved the use hereby permitted shall be operated in accordance with the approved details and thereafter maintained in this approved state at all times.

Reason: In the interests of the living conditions of the occupants of the dwellings and in accordance with section 11 of the National Planning Policy Framework and policy CS3 of the North Somerset Core Strategy.

**PAR 23/P/1866/PIP Permission in Principle for the erection of 1no. self-build dwelling on land adjacent to The Grange, Smallway, Congresbury**  
**61**

At the invitation of the Chairperson, John Rooney, Agent, addressed the committee speaking in favour of the application.

The Director of Place Directorate's representative presented the report.

At the invitation of the Chairperson, the ward member, Councillor Dan Thomas, addressed the Committee.

The Committee did not consider that the single dwelling would adversely affect the open or undeveloped character of the strategic gap. It noted the extent of the gap. It gave weight to the special need for the dwelling and concluded that the proposed development in this instance would not unacceptably harm the separate identity and character of the settlements. It considered that matters of noise impact flood risk mitigation and highway safety could be addressed at the Technical Details stage.

The application was therefore **APPROVED** contrary to recommendation.

**PAR Planning Appeals 131223**  
**62**

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

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

**PAR Urgent business permitted by the Local Government Act 1972 (if any)**  
**63**

None.



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Chairperson

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