

Public Document Pack

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Date: Tuesday, 12 March 2024

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 March 2024, 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), Robert Payne (Vice-Chairperson), Christopher Blades, Peter Bryant, Peter Burden, Stuart Davies, Clare Hunt, Stuart McQuillan, Tom Nicholson, Terry Porter, Timothy Snaden, Mike Solomon and Hannah Young

Agenda

1. **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.

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 17 January 2024 (Pages 5 - 6)**

17 January 2024 to approve as a correct record (attached)

5. **Matters referred by Council, the Executive, other committees etc (if any)**
6. **23p1279ful Chicken Barn Cedar Farm Wick Road Wick St Lawrence (Pages 7 - 20)**
7. **Q3 Performance Report (Pages 21 - 28)**

Section 3 Report of the Director of Place Directorate (attached)
8. **Planning Appeals 200324 (Pages 29 - 38)**

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 Chairperson 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, 17 January 2024

New Council Chamber - Town Hall

Meeting Commenced: 14:30

Meeting Concluded: 15:30

Councillors:

Hugh Malyan (Chairperson)

Robert Payne (Vice-Chairperson)

Christopher Blades

Peter Burden

Stuart Davies

Clare Hunt

Tom Nicholson

Terry Porter

Mike Solomon

Hannah Young

Peter Crew

Roger Whitfield (substitute for Timothy Snaden)

Dan Thomas (substitute for Stuart McQuillan)

Also in attendance: Councillors Mike Bird and Andy Cole .

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

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

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

PAR Declaration of Disclosable Pecuniary Interest (Standing Order 37)

65

None.

PAR Minutes 13 December 2023

66

Resolved: that the minutes be approved as correct record.

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

67

None.

PAR **23p1707out Land Known As The Paddock, East Of Rockville, Bridge Road, Bleadon**

68

At the invitation of the Chairperson, Mike Tremlett, agent, addressed the committee speaking in favour of the application.

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

The Committee did not consider that the increased use of the existing access would cause unacceptable highway safety issues. It noted that the road speeds were low and would be lower when the traffic calming measures for the adjacent Quarry development were completed. It noted that some of the existing trees had already been removed and that further information could be secured before planning permission is granted to address reasons for refusal 2, 3 and 4.

It therefore resolved to **APPROVE** the application contrary to officer recommendation, subject to:

- a) An Arboricultural Impact Assessment to demonstrate no adverse impact to TPO trees;
- b) An updated Ecology Report (to include lighting survey) to demonstrate no adverse impact to protected species considering the removed trees; and
- c) Conditions to be agreed between Chair, Vice-Chair and Ward Members.

PAR **Planning Appeals 170124**

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

70

None.

Chairperson

SECTION 2 – ITEM 6

Application No: 23/P/1279/FUL

Proposal: Proposed demolition of existing Chicken Barn and subsequent erection of 2 no. dwellings with landscaping and hard standing alterations.

Site address: Chicken Barn, Cedar Farm, Wick Road, Wick St Lawrence.

Applicant: The Mead Group

Target date: 22.08.2023

Extended date: 09.02.2024

Case officer: Anna Hayes

Parish/Ward: Wick St Lawrence Wick St Lawrence And St Georges

Ward Councillors: Councillor Stuart Davies

REFERRED BY COUNCILLOR STUART DAVIES

Summary of recommendation

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

Background

Planning permission was previously refused and dismissed at appeal for an identical application for the demolition of the existing agricultural building and the erection of 2no. dwellings and associated carports (Planning Application no: 21/P/3522/FUL). The appeal was dismissed on flood risk grounds as the appellant had failed to demonstrate that the sequential test had been properly carried out and passed.

The Site

The application site comprises a field with an existing agricultural building adjacent to other buildings. Open countryside lies to the south and west. The application site history includes an extant permission for the conversion of the building into two dwellings under 20/P/2439/FUL.

The Application

Full planning permission is sought for the demolition of existing agricultural building and the erection of 2no. dwellings and associated carports.

New plans were received on March 4th that removed ground floor sleeping accommodation. For clarity, the new plans do not overcome the concerns in relation to flood risk (see below).

Relevant Planning History

Year: 2022
Reference: 21/P/3522/FUL
Proposal: Demolition of existing agricultural building and the erection of 2no. dwellings and associated carports
Decision: Refused – Appeal dismissed

Year: 2020
Reference: 20/P/2439/FUL
Proposal: Change of use of existing agricultural barn to 2no. residential dwellings including associated alterations
Decision: Approved with conditions

Year: 2019
Reference: 19/P/3194/CQA
Proposal: Prior approval for change of use from agricultural building and land to 2no. dwellings within use class C3, plus associated operational development comprising the replacement
Decision: Refused – not permitted development

Policy Framework

The site is affected by the following constraints:

- Outside the settlement boundary
- Landscape Character Area A1 Kingston Seymour and Puxton Moors
- Flood Zone 3a

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
CS3 Environmental impacts and flood risk management
CS4 Nature Conservation
CS5 Landscape and the historic environment
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
DM8	Nature Conservation
DM10	Landscape
DM24	Safety, traffic and provision of infrastructure etc associated with development
DM28	Parking standards
DM32	High quality design and place making
DM42	Accessible and adaptable housing and housing space standards
DM44	Replacement dwellings in the countryside
DM45	The conversion and re-use of rural buildings to residential use

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

The following policies are particularly relevant to this proposal:

SA2	Settlement boundaries and extension of residential curtilages
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Other material policy guidance

National Planning Policy Framework (NPPF) (2023)

The following sections are particularly relevant to this proposal:

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

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

- Residential Design Guide (RDG1) Section 1: Protecting living conditions of neighbours SPD (adopted January 2013)
- Residential Design Guide (RDG2) Section 2: Appearance and character of house extensions and alterations (adopted April 2014)
- North Somerset Parking Standards SPD (adopted November 2021)
- North Somerset Landscape Character Assessment SPD (adopted September 2018)
- Biodiversity SPD (adopted January 2024)
- 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: 4 letters of support have been received. The principal planning points made are that the proposal will improve the appearance of the area

Wick St Lawrence Parish Council:

“The parish council supports this planning application. The proposed development will be an improvement on the existing run down Chicken Barn.”

Environment Agency

In the absence of an acceptable flood risk assessment (FRA) the EA objects to this application and recommend that planning permission is refused.

The proposed development increases the vulnerability of the site from low to more vulnerable as defined by the Planning Practice Guidance to the NPPF. The FRA does not show that the Exception test has been passed. It has not been demonstrated that occupiers of the residential building, would be sufficiently safe from flooding for the 100-year design life.

To overcome the objection, the applicant must submit revised designs and a revised FRA which provides a minimum freeboard on finished floor levels of 300mm to the design flood level. That is, finished floor levels must be no less than 7.78mAOD.

Officer comment

New plans were received on March 4th and the EA has been consulted. Members will be updated at the Committee should the position of the EA change. However, for clarity, the EA do not comment on the sequential test element, that is for the LPA to assess (see below).

Avon Fire Rescue

The additional residential developments will require additional hydrants to be installed and appropriately-sized water mains to be provided for fire-fighting purposes. Central Government does not provide any funding to Avon Fire & Rescue Service for the capital cost of growth related infrastructure. This additional infrastructure is required as a direct result of the developments and so the costs will need to be borne by developer.

Avon Fire & Rescue Service has calculated the cost of installation and five years maintenance of a Fire Hydrant to be £1,500 + vat per hydrant.

North Somerset Internal Drainage Board

Providing the development does not affect any land within 6 m of the top of an existing watercourse, the Internal Drainage Board will not have an in principal objection to the position of the development in relation to the watercourses.

Land drainage consent would be required for any work within 9 m of top of the bank of any viewed rhyne and watercourses.

Principal Planning Issues

Issue 1: The principle of residential development in this location

Core Strategy policy CS33 restricts new residential development in the open countryside to replacement dwellings, residential subdivision, residential conversion of buildings where alternative economic use is inappropriate, or dwellings for essential rural workers. The proposed erection of two dwellings does not directly relate to any of the above exceptions outlined within Policy CS33 for new residential development in the countryside and is unacceptable development in principle.

Planning permission has previously been granted for the ‘*Change of use of existing agricultural barn to 2no. residential dwellings including associated alterations*’ (Planning application no: 20/P/2439/FUL). The planning permission expires in May 2024 and there are a number of pre-commencement conditions that need to be discharged prior to the development commencing, failing which the permission would lapse.

As noted, the application site currently has permission for the barn to be converted to two residential dwellings. That permission is a material planning consideration and forms a fallback position as it provides an alternative scheme which could be progressed if the current application is refused. The Court of Appeal in *Mansell v Tonbridge And Malling Borough Council [2017] EWCA Civ 1314 J* confirmed the legal considerations in determining the materiality of a fallback position.

Officers acknowledge that the previous permission is a fallback position. However, that permission was subject to drainage and highways pre-commencement conditions and is due to expire in May 2024. At the time of writing, the LPA has not received applications to discharge the pre-commencement conditions. In addition, it should be noted that the applicant has already previously applied to demolish the barn and erect two new dwellings in its place. That application was refused, and the subsequent appeal dismissed, but that proposal was not consistent with an intent to carry out the approved conversion and casts doubt as to whether there was a real prospect of the conversion taking place.

The Mansell case established that ‘*the basic principle is that for a prospect to be a “real prospect”, it does not have to be probable or likely: a possibility will suffice.*’ Permission exists to convert the barn to two dwellings and even with the outstanding pre-commencement conditions, there is a *possibility* that the barn could still be converted lawfully. Be that as it may, the case law is clear that it is for the decision maker to prescribe the relevant weight to the fallback position. In this particular case, the outstanding pre-commencement conditions together with the fact that this is the second application to seek permission to demolish the barn and erect two dwellings in its place indicates that the applicant seemingly has little intention to convert the barn to dwellings. As such, it is officer opinion that while the previous permission is a valid fallback position, the weight to be afforded to it should be limited.

Policy DM44 of the Sites and Policies Plan Part 1 concerning replacement dwellings in the countryside permits development on a ‘one for one’ basis, provided that the following criteria are met:

- The dwelling it replaces has an existing lawful permanent residential use
- The dwelling has not been abandoned
- The dwelling has not been granted planning permission for the conversion from a non-residential building

- The replacement dwelling is within the same curtilage and not out of scale or character with the surrounding area and its design and siting will not harm the character of the area, the living conditions of its own or adjoining occupiers and
- The replacement dwelling is no more than a 50% increase in the size of the dwelling it replaces providing that the dwelling itself is not a replacement dwelling.

The justification body of Policy DM44 states that *“the replacement of a former rural building that has previously been converted to residential use from a non-residential use e.g. barn conversions will not be permitted as the purpose of permitting the original conversion will have been based on the aim of reusing an existing building which was assessed as being of permanent and substantial construction and capable of conversion without major or complete reconstruction.”*

The existing rural building is characteristic of the rural agricultural landscape. Whilst the application site has permission for the conversion of the existing building into two dwellings (reference 20/P/2439/FUL), the existing buildings have not been converted to residential use, thus the residential use has not been established. Policy DM44 clearly does not permit rebuilding a rural building which was a non-residential use. Therefore, the proposal is contrary to policy DM44 of the Sites and Policies Plan (Part 1).

At present the Council cannot demonstrate a four year housing land supply as required by the National Planning Policy Framework (NPPF), with the most recently tested supply position standing at 3.5 years. This means that for applications involving the provision of housing, the policies which are most important for determining the application are deemed to be out of date and the application should be considered favourably unless the proposal conflicts with specified NPPF policies or the adverse impacts would significantly and demonstrably outweigh the benefits (NPPF paragraph 11). This matter is considered in in the ‘Planning Balance and Conclusion’ section of this report.

Issue 2: Flood Risk

The proposal is in flood zone 3a, and residential dwellings are classified as a *‘more vulnerable’* development use. The principal way to manage flood risk is to avoid locating development within areas at risk of flooding. To encourage developers to avoid flood risk areas, Government policy set out in the National Planning Policy Framework (NPPF) and related guidance, requires that a Sequential Test and Exception Test are passed before planning permission is granted for new dwellings in flood zone 3a.

The NPPF makes clear that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.

To achieve this, a sequential test must be applied. The aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding.

If it is not possible for development to be located in areas with a lower risk of flooding (taking into account wider sustainable development objectives), the exception test is applied.

To pass the exception test it should be demonstrated that:

a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and

b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

Both elements of the exception test should be satisfied for development to be allocated or permitted.

The applicant has submitted a sequential test that has rejected all other sites within North Somerset. Officers consider the applicants have not provided sufficient reasons to discount all of the sites. For example, some sites are rejected by the applicant because *'the site is identified as having capacity for a significantly larger number of units than proposed'* or *'the type of development approved is not of the same character and scale of the proposals'*. These are not sound reasons to discount the sites. A reasonably available alternative site is one whose location lies within the district of North Somerset, can accommodate residential development, and would be available for development at the point in time envisaged for the proposal.

The PPG also says that such lower-risk sites do not need to be owned by the applicant to be considered reasonably available. Reasonably available sites can include ones that have been identified by the planning authority in site allocations or land availability assessments. There are no exclusions in the PPG relating to sites with planning permission or that publicly owned land must be formally declared to be surplus. The applicant has discounted a number of the sites as *'there is no evidence that the site is or would be 'available' for sale'*, however this is not a requirement of national policy.

Therefore, it is considered that the applicant has not demonstrated that there are no sequentially preferable, and reasonably available sites in flood risk terms, and has not carried out a sufficient comparison of the proposed site with other available sites to find out which has the lowest flood risk in accordance with the guidance. Therefore, the proposal does not demonstrate that the site passes the sequential test as required by the National Planning Policy Framework.

As the sequential test is not passed, the exceptions test is not required to be applied. Nevertheless, for the avoidance of doubt and given that an exceptions test has been submitted with this application, the question of whether there are (i) wider sustainability benefits to the community which outweigh the flood risk and (ii) whether the development will be safe for its lifetime without increasing flood risk elsewhere have been considered.

The site is located within Flood Zone 3a, which means the development would be located in an area with a high probability of flooding. The FRA submitted with the application has not demonstrated that the site will be safe for its lifetime. The Environment Agency has objected to the proposal as the FRA fails to take the impacts of climate change into account and consider how people will be kept safe from the identified flood hazards.

The proposed development is defined by Table 2 of the Planning Practice Guidance (PPG) as 'more vulnerable' and lies within Flood Zone 3, defined by Table 1 of the PPG as having a 'High Probability' of flooding.

Therefore, this 'more vulnerable' proposal would be at severe risk during the design flood event. It has not been shown that the development would be safe for its lifetime. Further plans have been submitted by the applicant to seek to address this and the committee will be updated.

In terms of the wider sustainability benefits for the community, the applicant is proposing to improve existing flood risk of the site and the greater Wick St Lawrence area by carrying out works to a number of rhynes and culverts within the vicinity. However, this land is outside of the application site and Land Drainage Consent would be required from the North Somerset Internal Drainage Board. This is a legal requirement and is separate to this planning application. As the proposed works to the rhynes do not have consent, there is no guarantee this would be acceptable and therefore cannot be considered a benefit to community.

The proposal would see a net increase of 2no. dwellings on the site. This proposed intensification of the site use by increasing the number of residential units would result in an increase in the number of households to be affected by any future flooding.

It is therefore considered that the exceptions test has not demonstrated that there would be any sustainability benefit to the wider community that would outweigh the flood risk and has not demonstrated that the proposal would be safe for its lifetime, as such the exceptions test is not passed, even if had been engaged. In this respect, it should also be noted that the planning permission to convert the existing building made use of an existing resource (ie the building). By re-using that existing resource, the conversion was an arguably more sustainable approach than its demolition and replacement by new buildings.

It is important to note that the previous permission to convert the building to two dwellings was not subject to the Sequential or Exceptions Tests. This is set out in Planning Practice Guidance (Paragraph: 014 Reference ID: 7-014-20220825) which states 'changes of use are not normally subject to the Sequential or Exception tests'. However, as the current scheme relates to the erection of two new dwellings, the Sequential and Exception tests are applied in full.

The Local Planning Authority is not, therefore, satisfied that there are no alternative sites in the area that are reasonably available for development and have a lower probability of flooding, or that the proposal would provide wider sustainability benefits to the community that outweigh the flood risk, or that the flood risks resulting from the development can be safely managed. Even if the sequential test had been passed, this application as submitted, also fails to include a satisfactory Flood Risk Assessment that demonstrates that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing the flood risk elsewhere and, where possible, reducing the flood risk overall. This is contrary to policy CS3 of the North Somerset Core Strategy, policy DM1 of the North Somerset Sites and Policies Plan (Part 1) and paragraphs 165 - 173 of the National Planning Policy Framework (and the associated Planning Practice Guidance).

In circumstances where a proposed development site is in an area at risk of flooding and where harm (in this case a risk of the development being flooded is likely over the lifetime of the development), the application of NPPF policies provide a clear reason for refusing the development proposed. This means that the 'tilted balance' set out in paragraph 11 of the NPPF is dis-engaged (see below).

Issue 3: Character and appearance

The proposed dwellings have been designed to harmonise with the existing buildings within the vicinity whilst remaining sympathetic to the rural landscape. The proposal would therefore not unacceptably harm the character of its surroundings. Indeed, the appearance of the two dwellings could be considered to be an improvement in design terms over the approved conversion. In this respect, the proposal complies with policy CS12 of the Core Strategy, policies DM32 and DM44 of the Sites and Policies Plan (Part 1).

Issue 4: Impact on neighbours

The proposed development complies with the relevant tests contained within the Residential Design Guide (Section 1: Protecting living conditions of neighbours) and would not result in a significant adverse impact upon the living conditions of neighbouring residents. In this respect, the proposal complies with policies DM32 and DM38 of the Sites and Policies Plan (Part 1).

Issue 5: Parking and highway safety

On-site parking provision is adequate and complies with the standards set out in the North Somerset Parking Standards SPD. The proposal is therefore in accordance policies DM24, DM28 and DM32 of the Sites and Policies Plan (Part 1).

Issue 6: Protected species (bats)

The submitted Bat Roost Assessment considered the existing building had negligible potential to support roosting bats. The proposal is therefore unlikely to affect features used by bats, however as a precaution, if the LPA were to approve the application, an advice note would be recommended warning the applicant of the requirements should bats be encountered during the development works. In this respect, regard has been paid to the requirements of the Conservation of Habitats and Species Regulations 2017 and the Natural Environment and Rural Communities Act 2006, and to policy CS4 of the North Somerset Core Strategy, policy DM8 of the Sites and Policies Plan (Part 1) and the council's Biodiversity and Trees SPD.

Issue 7: Setting of Listed Building

The proposal does not affect the setting of any listed buildings.

Issue 8: 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 proposed development will not have a material detrimental impact upon biodiversity.

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.

Local Financial Considerations

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

Equalities assessment

The Equalities Act 2010 sets out the Public Sector Equalities Duty ("PSED"). Case law has established that this duty is engaged when planning applications are determined and consequently this duty has been applied in the determination of this application. Due regard has been paid to the need to eliminate discrimination and promote equality with regard to those with protected characteristics.

Planning Balance and Conclusion

At present the Council cannot demonstrate a sufficient supply of deliverable housing sites as required by the National Planning Policy Framework (NPPF), with the most recently tested supply position standing at 3.5 years.

This means that for applications involving the provision of housing, the policies which are most important for determining the application are deemed to be out of date (NPPF paragraph 11, footnote 8).

In accordance with paragraph 11 of the NPPF this means that unless:

i: the application of policies in the NPPF that protect areas or assets of particular importance (as listed in NPPF footnote 7) provide a clear reason for refusing the application; or

- ii. the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits

the application should be considered favourably. This is often referred to as the “tilted balance”.

Footnote 7 of the NPPF however clarifies that national policy relating to areas at risk of flooding or coastal change is one of the policies in the NPPF that are of particular importance and would provide a clear reason for refusing the development proposed. As the proposal would be located within Flood Zone 3a, and a conflict with national policy relating to flood risk is identified above, the tilted balance is not engaged and the proposal falls to be considered in accordance with national and local policies.

The benefits that might flow from the proposed development have been assessed and weighed against the harm that would arise from the development. Dealing with the benefits first, there would be economic investment into the local area through job creation during construction of the proposed dwellings. However, this is considered to only be a short-term and limited benefit to the economy given the minor scale of development and the fact that the approved conversion would also stimulate some construction work and therefore attracts very limited weight. The increase in population would add to the use of local facilities and services. However, given the minor scale of development and the fact that permission for the conversion of the existing building would create the same benefit this attracts very limited weight. The design and layout of the new dwellings is an improvement over the previously permitted conversion scheme. This attracts modest weight. The weight afforded to the contribution of the proposal to the housing land supply and housing mix is limited. Finally, the weight afforded to the fallback position is limited.

In terms of harms. Substantial weight is given to the conflict with policy CS3 and national policy relating to flood risk. Managing flood risk is a very significant national and local issue and should be given overriding weight. Significant weight is also afforded to the conflict with the strategic housing policies in the Local Plan.

Overall, the proposal would conflict with the development plan when taken as a whole and would also conflict with national planning policy on minimising flood risk to new development. Other material considerations including the fallback position, do not outweigh the harm caused. As such, the application is recommended for refusal.

RECOMMENDATION: REFUSE for the following reasons:

1. The proposed development of two new dwellings on a site outside a settlement boundary is contrary to policies that control residential development in the countryside, that are contained in the adopted development plan, which direct development away from unsustainable locations and as such the proposal is contrary to policies CS14 and CS33 of the North Somerset Core Strategy and policy SA2 of the Sites and Policies Plan (Part 2).
2. The proposed development does not constitute the replacement of an existing dwelling by reason that the existing building is an agricultural barn. Policy DM44,

which permits replacement dwellings, specifically excludes the replacement of a dwelling that has been granted permission for the conversion from a non-residential building. The proposal is contrary to the principles of policy DM44 of the North Somerset Sites and Policies Plan - Part 1.

3. The application site is in an area at risk from flooding and the application does not demonstrate that the proposal passes the Sequential and Exception Tests set out in policy CS3 of the North Somerset Core Strategy and section 14 of the National Planning Policy Framework. The Local Planning Authority is not, therefore, satisfied that there are no alternative sites in the area that are reasonably available for development and have a lower probability of flooding, or that the proposal would provide wider sustainability benefits to the community that outweigh the flood risk, or that the flood risks resulting from the development can be safely managed. This application as submitted, also fails to include a satisfactory Flood Risk Assessment that demonstrates that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing the flood risk elsewhere and, where possible, reducing the flood risk overall. The proposed development is, therefore, considered to be at an unacceptable and avoidable risk of flooding and may increase flood risk elsewhere, contrary to policy CS3 of the North Somerset Core Strategy, policy DM1 of the North Somerset Sites and Policies Plan (Part 1) and paragraphs 165 - 175 of the National Planning Policy Framework (and the associated Planning Practice Guidance).

PLANNING AND REGULATORY COMMITTEE

UPDATE SHEET

20 March 2024

Section 2

Item 6 – 23/P/1279/FUL– Chicken Barn, Cedar Farm, Wick Road, Wick St Lawrence, North Somerset

Amended plans

Amended plans were submitted on 4th March. These show that the ground level under the dwellings would be raised by approximately 2.5m to attempt to address comments from the Environment Agency. This will result in the ridge height of the dwellings measuring approximately 8.6m from existing ground levels.

Additional information

Officer comments:

The application fails the Sequential Test. The revised plans were submitted to address the Exceptions Test in the event that the Sequential Test was passed. The applicant has not submitted any details to demonstrate that the revised proposal will not increase flood risk to the neighbouring properties who are at a much lower level.

Additional Third Party comments

The Environment Agency and neighbouring residents have been notified of the amended plans. The deadline for comments to be submitted is the 27th March.

To date no additional letters of objection/support have been received.

Officer comments:

The officer recommendation is amended (see below) to allow for the expiry of the deadline for further comments and the consideration of any new issues not previously submitted.

Consultee comments on amended plans

Environment Agency – The Planning Officer met with the Environment Agency on 18th March. It is understood that the EA will be maintaining its objection. The formal written response is expected before the committee and the meeting will be updated.

North Somerset Levels Internal Drainage Board - The board has no objection to the drainage strategy proposed and the works to the rhyme. A Land Drainage Consent application will be required for any work to or within 9 meters of a watercourse, in which further details of the work will be reviewed and riparian land ownership verified.

PLANNING AND REGULATORY COMMITTEE

UPDATE SHEET

20 March 2024

The IDB understands there are also some flood mitigation measures outside of the application site boundary. It is happy to review these measures through Land Drainage Consent prior to work commencing where further details can be discussed.

AMENDMENT TO RECOMMENDATION:

As the period for comment on the amended plans has not yet expired, the recommendation is amended as follows:

Subject to expiry of the period for further comment and the consideration of any new issues not previously raised, the application be **REFUSED** for the following reasons:

(reasons as set out in the published report)

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North Somerset Council

Item 7

REPORT TO THE PLANNING AND REGULATORY COMMITTEE

DATE OF MEETING: 20 MARCH 2024

**SUBJECT OF REPORT: 3RD 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 2024-28 sets out the Council's vision for North Somerset. The Council's vision is to secure "an open, fair, green North Somerset". The 4 central ambitions are that:

- 1 our children and young people are cared for, safe, supported, and are given equality of opportunity to thrive;
- 2 our communities are caring, healthy and safe, where people help each other to live well;
- 3 our towns and villages are thriving and sustainable places to live, work and visit, and
- 4 our council delivers consistently good services and value for money to support our community

These ambitions set the framework for the council's corporate commitments which in turn 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;

SECTION 3

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.

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 (Q3)

The performance for the third 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	Q3 22/23	Q2 23/24	Q3 23/24	Year to date 23/24	Target 23/24
% Of all applications determined < 8 Weeks or agreed time limit	92.1%	88.5%	88.1%	88.88%	>80%
% Of major applications determined in <13 Weeks or agreed time limit	88.90%	71.4%	83.3%	81.48%	>70%
% Of minor applications determined in <8 Weeks or agreed time limit	94.9%	83.7%	75.5%	80.20%	>75%
% Of other applications determined in <8 Weeks or agreed time limit	95.0%	91.8%	95.1%	93.51%	>86%
% Of all appeals that were allowed against a planning refusal	0%	0.00%	26.67%	20.00%	<30%

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% Of enforcement notices upheld on appeal	0%	0%	0%	0%	>90%
% of applications that are delegated to officers	98.79%	95.88%	95.64	95.77%	>90%
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. This also allows applicants to ask for more time to resolve issues with their applications to enable them to be approved rather than being refused simply to meet a fixed target date.

It should be noted that capacity constraints in other service areas (e.g. transport, 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. The Planning Guarantee allows an applicant to claim a refund of their planning application fee if the application has not been decided within 16 weeks or 26 weeks for a major development unless a longer period has been agreed in writing.

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	Year to date 23/24
Appeals received	7	14	9	30
Appeals decided	2	8	10	20
Appeals dismissed	2	8	6	16
% of appeals dismissed from appeals decided (target >70% dismissed)	0%	0%	0%	0%
% of appeals allowed in cases where Committee refused permission contrary to officer recommendation to approve	0%	0%	0%	0%

SECTION 3

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	Q3 Total	Year to date 23/24
Public Inquiries*	2	3	1	9	3	0	0
Hearings	2	2	2	2	0	0	1
Written Representations	49	55	36	30	28	9	29
Totals	53	60	39	50	31	9	30

* Whilst public inquiries may 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 but to date no more have been formally lodged in this financial year.

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

SECTION 3

21/P/3076/OUT	Land South of Warren Lane, Long Ashton,	Dismissed	29 August 2023
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* partial award of costs to the Council

** High Court challenge also dismissed in January 2024.

Training for Councillors on the planning process took place in June following the May local elections. A further session on decision making by councillors was held with a barrister in November with a briefing on the new NPPF and related planning reforms in January.

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	Q3 totals	Year to date 23/24	Total 22/23	Total 21/22	Total 20/21	Total 19/20
*PCN's and 330 Notices	4	14	19	15	19	43
**BCN's	0	1	4	0	0	0
Enforcement Notices	4	10	11	14	14	16
Stop Notices	0	1	0	0	0	0
Temporary Stop Notices	0	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

SECTION 3

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

Table 7

Performance Target	Q3 22/23	Q2 23/24	Q3 23/24	Year 23/24 to date
No. of applications received	359	367	355	1099
No. of planning and enforcement appeals received	5	15	11	33
Reported alleged breaches of planning control (Enforcement)	120	139	99	373

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 the service, 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 with assessing the consultation responses on the Regulation 19 draft plan following the consultation on the plan over December/January. Counsel's advice and consultancy support has been procured for specialist areas.

As set out above, 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 incurred barrister's fees due to the in-house resources not being available.

Staffing

A new Principal Planner joined the team in January to fill one of the vacant posts. Due to the volume of major and complex applications submitted (or due to be submitted) the service continues to employ a further three temporary planners funded through planning performance agreements.

The Applications and Consents Service Manager vacancy was filled at the end of November following the retirement of the previous postholder in August. A Senior

SECTION 3

Planning Officer also left that team at the end of November with a replacement officer joining in December.

In the Planning Policy team, a part time planning officer post will become vacant in March following the retirement of the postholder. The post is in the process of being advertised.

The Head of Planning is also retiring at the end of March. Interim arrangements are being put in place pending a recruitment process.

Resourcing has undoubtedly been an industry wide problem across the local government planning sector and is recognised by Government in recent reforms with an increase in planning application fees to help LPAs increase capacity from December. The Council has also been successful in bidding for temporary funding from Government to assist with existing planning applications. This is being used to supplement the team with additional temporary resource. Funding has also been secured via a S106 agreement for an additional enforcement officer to assist with the monitoring of parking around Bristol Airport.

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. A review of pre-application processes has been carried out and an action plan completed. An audit of the service has also recently been completed with various recommended actions to assist consultation, pre-application, ICT and other processes.

In April 2023 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 progressing 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.

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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 – 20 MARCH 2024
REPORT OF THE DIRECTOR OF PLACE**

A - PLANNING APPEAL DECISIONS

1. Planning Application Number 22/P/1694/CQA

Site: Back Barn and Front Barn, Village Farm, 126 Main Road, Cleeve

Description: Prior Approval to convert the Back Barn into 5no residential dwellings and the Front Barn into 5no garages, one for each dwelling with garden spaces between dwellings and garages 'with operational development to replace the current roof sheets, repair the existing cladding and install new windows and doors'. Spaces left in both barns for bat roosts.

Recommendation: Prior approval - refuse (not PD)

Appeal Dismissed 12 Jan 2024

Type of appeal: Written Representation

Officer: Louise Grover

Appellant: Mr R Sibley

The main issues that were identified by the Planning Inspector were 1) whether the proposal would be permitted development under Schedule 2, Part 3, Class Q of the GPDO, with particular regard to the scale and form of development; and if so, 2) whether the proposal would be permitted development under Schedule 2, Part 3, Class Q of the GPDO, with particular regard to the building operations reasonably necessary to convert the building to residential use; and if so, 3) whether prior approval would be required in accordance with the conditions set out in Paragraph Q.2 (1) of the GPDO; and if so, 4) the impact of the development upon the North Somerset and Mendip Bats Special Area of Conservation.

2. Planning Application Number 22/P/2943/FUH

Site: 8 Woodhill Road, Portishead

Description: Proposed erection of a first floor rear extension (east elevation), front canopy porch, 2 No. Front dormers (west elevation) and 1 No. Large rear dormer. Subsequent loft conversion and internal structural alterations.

Recommendation: Refused

Appeal Dismissed 29 Jan 2024

Type of appeal: Fast Track Appeal

Officer: Courteney Cox

Appellant: Mr G Jefferies

**PLANNING AND REGULATORY COMMITTEE – 20 MARCH 2024
REPORT OF THE DIRECTOR OF PLACE**

The main issue that was identified by the Planning Inspector was the effect of the proposed development on the living conditions of the occupiers of 10 Woodhill Road, with particular regard to daylight and outlook.

3. Planning Application Number 23/P/0350/FUH

Site: 1 Woolmers , Wrington Hill, Wrington

Description: Proposed erection of a two storey detached garage/storage outbuilding with office and facilities above.

Recommendation: Refused

Appeal Dismissed 2 Feb 2024

Type of appeal: Fast Track Appeal

Officer: Courteney Cox

Appellant: Jack & Hayley Hughes

Page 30 The main issues that were identified by the Planning Inspector were 1) whether the proposal would be inappropriate development in the Green Belt having regard to the Framework, and any relevant development plan policy; 2) the effect of the proposal on the openness of the Green Belt; and 3) whether any harm by reason of inappropriateness and any other harm would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.

4. Planning Application Number 22/P/2952/FUL

Site: Land at 2 The Crescent, Backwell

Description: Proposed erection of 1 No. New dwelling.

Recommendation: Refused

Appeal Dismissed 2 Feb 2024

Type of appeal: Written Representation

Officer: Anna Hayes

Appellant: Vanessa Bellingham

The main issues that were identified by the Planning Inspector were 1) the character and appearance of the area; and 2) highway safety.

**PLANNING AND REGULATORY COMMITTEE – 20 MARCH 2024
REPORT OF THE DIRECTOR OF PLACE**

5. Planning Application Number 22/P/2063/FUL

Site: 32 - 34 Birnbeck Road, Weston-super-Mare

Description: Proposed replacement of all existing windows with uPVC marine grey colour windows.

Recommendation: Refused

Appeal Dismissed 7 Feb 2024

Type of appeal: Written Representation

Officer: Anna Hayes

Appellant: Mr Ahmeti

The main issue that was identified by the Planning Inspector was the effect of the proposal on the character and appearance of the host building and the Great Weston Conservation Area.

6. Planning Application Number 23/P/1102/FUL

Site: Land to the rear of 37 Alma Street, Weston-super-Mare

Description: Proposed erection of a 1-bed dwelling, with landscaping and other associated infrastructure.

Recommendation: Refused

Appeal Dismissed 7 Feb 2024

Type of appeal: Written Representation

Officer: Anna Hayes

Appellant: Mr Blake

The main issue that was identified by the Planning Inspector was whether the proposed development would provide acceptable living conditions for its future occupiers, with regard to light, outlook, privacy and access, and the effect of the proposal on the living conditions of the occupiers of 37 Alma Street, with regard to privacy.

7. Enforcement Notice Number 20/00150/UAW

Site: Linden Grove, Howgrove Hill, The Batch, Butcombe

Description: Without planning permission, the erection of a single storey rear extension

Recommendation: Enforcement Notice

**PLANNING AND REGULATORY COMMITTEE – 20 MARCH 2024
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Appeal Allowed and the enforcement notice quashed 13 Feb 2024

Type of appeal: Written Representation

Officer: Julie Walbridge

Appellant: Mr J Marszal and Mrs B Marszal And Mr B McLaughlin

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

8. Planning Application Number 22/P/2253/FUL

Site: Linden Grove , The Batch, Butcombe

Description: Application to remove condition 3 attached to planning permission 00/P/1885/F (restoration of existing house together with new extension to form 4 bedroom dwelling) to return permitted development rights to the property to allow extension and alteration to the dwelling under The General Permitted Development Order

Recommendation: Refused

Appeal allowed with conditions 13 Feb 2024

Type of appeal: Written Representation

Officer: Jason Mak

Appellant: Mr & Mrs J Marszal

The main issue that was identified by the Planning Inspector was the effect that removing the condition would have on the character and appearance of the property and the surrounding area, and on the openness of the Green Belt.

9. Planning Application Number 22/P/2860/FUL

Site: Greenacres , Kenn Road, Clevedon

Description: Proposed erection of 1 No. Self contained dwelling.

Recommendation: Refused

Appeal Dismissed 15 Feb 2024

Type of appeal: Written Representation

Officer: Anna Hayes

Appellant: Mr Terry Mydlowski

**PLANNING AND REGULATORY COMMITTEE – 20 MARCH 2024
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The main issues that were identified by the Planning Inspector were 1) whether the proposal is in an appropriate location with regards to access to facilities and services; 2) whether the proposal is in a suitable location having regard to flood risk; 3) the effect of the proposal on highway safety; 4) the effect of the proposal on the character and appearance of the area, including trees and hedgerow; and 5) whether the proposed development would have a likely significant effect, alone or in combination with other plans and projects, on the North Somerset and Mendip Horseshoe Bats Special Area of Conservation.

Councils' application for costs allowed.

10. Planning Application Number 23/P/0786/FUH

Site: 6 Drakes Way, Portishead

Description: Proposed replacement of the existing rear balcony with new raised balcony.

Recommendation: Refused

Appeal allowed with conditions 5 Mar 2024

Type of appeal: Fast Track Appeal

Officer: Courteney Cox

Appellant: Audrey Smart

The main issue that was identified by the Planning Inspector is the effect of the proposed development upon the living conditions of occupiers of 25, 27 and 29 Raleigh Rise, with particular regard to privacy.

11. Planning Application Number 23/P/1533/FUH

Site: 52 Ridgeway, Nailsea

Description: Proposed erection of a first floor side extension including front dormer over existing garage, single storey rear extension and installation of 4 no. rooflights. alteration and replacement of existing rear ground floor window and door, replacement of existing garage door with new and installation of 2no. windows to the West elevation.

Recommendation: Refused

Appeal Dismissed 5 Mar 2024

Type of appeal: Fast Track Appeal

Officer: Courteney Cox

Appellant: Mr Stefan Dewar

**PLANNING AND REGULATORY COMMITTEE – 20 MARCH 2024
REPORT OF THE DIRECTOR OF PLACE**

The main issue that was identified by the Planning Inspector is the effect of the proposed development on the living conditions of occupiers of 54 Ridgeway (No.54) with particular regard to outlook, sunlight and daylight.

B – PLANNING APPEALS RECEIVED SINCE LAST COMMITTEE

1. Planning Application Number 23/P/1422/FUL

Site: Café Mer, 22 West Street, Weston-super-Mare

Description: Proposed change of use from a cafe (Class E) with ancillary residential accommodation at first and second floors, to a large house in multiple occupation (HMO) for up to 7no. people (sui generis).

Date of Appeal: 4 Jan 2024

Type of appeal: Written Representation

Case Officer: Anna Hayes

Appellant: Ivyrose Property Ltd

2. Planning Application Number 23/P/0786/FUH

Site: 6 Drakes Way, Portishead

Description: Proposed replacement of the existing rear balcony with new raised balcony.

Date of Appeal: 10 Jan 2024

Type of appeal: Fast Track Appeal

Case Officer: Courteney Cox

Appellant: Audrey Smart

3. Planning Application Number 23/P/0996/FUL

Site: 62 Beach Road, Weston-super-Mare

Description: Proposed partial demolition of existing rear outbuilding and creation of 2no. new dwellings/holiday lets. Retrospective application for the relocation of front gate pier and the widening of existing entrance to a width of 4.25m

Date of Appeal: 16 Jan 2024

Type of appeal: Written Representation

**PLANNING AND REGULATORY COMMITTEE – 20 MARCH 2024
REPORT OF THE DIRECTOR OF PLACE**

Case Officer: Anna Hayes
Appellant: Mr M Aziz

4. Planning Application Number 23/P/1533/FUH

Site: 52 Ridgeway, Nailsea

Description: Proposed erection of a first floor side extension including front dormer over existing garage, single storey rear extension and installation of 4 no. rooflights. alteration and replacement of existing rear ground floor window and door, replacement of existing garage door with new and installation of 2no. windows to the West elevation.

Date of Appeal: 23 Jan 2024

Type of appeal: Fast Track Appeal

Case Officer: Courteney Cox

Appellant: Mr Stefan Dewar

5. Planning Application Number 23/P/0295/LDE

Site: Perries, Hillend, Locking

Description: Certificate of lawfulness for a park home (static caravan) as an existing building used as a dwellinghouse (C3 use class) and associated operational development to include moving of the land to affix the park home (static caravan) to the ground.

Date of Appeal: 30 Jan 2024

Type of appeal: Written Representation

Case Officer: Julie Walbridge

Appellant: Mr Martin Locke

6. Planning Application Number 23/P/0945/CM2A

Site: Unit A - 2nd Floor, Estune Business Park, Wild Country Lane, Long Ashton

Description: Prior approval for change of Use of second floor offices (Use Class E) to 6no. residential flats (Use Class C3)

Date of Appeal: 2 Feb 2024

Type of appeal: Written Representation

Case Officer: Neil Underhay

Appellant: Flower & Hayes Developments Ltd

**PLANNING AND REGULATORY COMMITTEE – 20 MARCH 2024
REPORT OF THE DIRECTOR OF PLACE**

7. Planning Application Number 23/P/1099/FUL

Site: 13 Ashford Road, Redhill

Description: Demolition of existing laundry/ ancillary use building and the erection of a single storey replacement laundry room extension to existing holiday accommodation. Relocation of boundary fence and change of use of land to sui generis to provide larger residential garden for existing residential caravan

Date of Appeal: 8 Feb 2024

Type of appeal: Written Representation

Case Officer: Anna Hayes

Appellant: Mr Daniel Downton

8. Planning Application Number 23/P/1386/PIP

Site: Land To The South Of Pippins, Hill Lane, Tickenham

Description: Permission in principle for the erection of 3no. dwellings

Date of Appeal: 8 Feb 2024

Type of appeal: Written Representation

Case Officer: Anna Hayes

Appellant: OMS Land And Property Ltd

9. Planning Application Number 23/P/0445/FUL

Site: Land Between 16-18, Winchcombe Close, Nailsea

Description: Proposed erection of 2 no. four bedroom dwellings. proposed creation of highway access to proposed off-street parking.

Date of Appeal: 13 Feb 2024

Type of appeal: Written Representation

Case Officer: Courtney Cox

Appellant: Mr Furiad Ullah

**PLANNING AND REGULATORY COMMITTEE – 20 MARCH 2024
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10. Planning Application Number 23/P/0162/FUL

Site: Mendip Spring Golf Course, Honeyhall Lane, Congresbury

Description: Proposed erection of a rural workers dwelling.

Date of Appeal: 20 Feb 2024

Type of appeal: Written Representation

Case Officer: Neil Underhay

Appellant: Mikulla Leisure Ltd

11. Planning Application Number 22/P/2562/FUL

Site: Bristol Hotel, Chapel Hill, Clevedon

Description: Proposed erection of 3no. residential terraced dwellings on land to the rear of the existing public house, including the provision of parking, hard and soft landscaping and reconfiguration of the public house car park and garden.

Date of Appeal: 26 Feb 2024

Type of appeal: Written Representation

Case Officer: Anna Hayes

Appellant: Punch Partnerships (PML) Limited

12. Planning Application Number 23/P/0615/FUL

Site: Highfield House, Wraxall Hill, Wraxall

Description: Erection of a new dwelling on the site of a proposed agricultural building B (approved under application 20/P/2785/AGA) and the erection of a new agricultural building on the site of the existing agricultural building A (which has approval for conversion to residential use under application 21/P/1197/CQA)

Date of Appeal: 5 Mar 2024

Type of appeal: Written Representation

Case Officer: Neil Underhay

Appellant: Mr and Mrs Parsons

**PLANNING AND REGULATORY COMMITTEE – 20 MARCH 2024
REPORT OF THE DIRECTOR OF PLACE**

C- INQUIRIES/HEARINGS DATES AND VENUES

None

Summary Performance April 23 – March 24

Appeals received 43
Appeals decided 32
Appeals dismissed 25
Percentage dismissed of appeals decided 78.1%

Appeals Allowed April 23 – March 24

Delegated Decision 7
Committee Decision 0

Costs awarded against the Council

Delegated Decision: 0
Committee decision: 0
Total: 0

Costs awarded to the Council

Delegated Decision: 4