

# Public Document Pack

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**Date:** Tuesday, 7 May 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, 15 May 2024, 2.30 pm  
– New Council Chamber**

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

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

The agenda is set out overleaf.

Yours faithfully

Assistant Director Legal & Governance and Monitoring Officer

Members of the Planning and Regulatory Committee

Councillors:

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 20 March 2024 (Pages 5 - 8)**

20 March 2024 to approve as a correct record (attached).

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

**6. Planning Application No: 23p1279ful Chicken Barn, Cedar Farm, Wick Road, Wick St Lawrence (Pages 9 - 22)**

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

**7. Planning Application No: 24p0206fuh 22 Edward Road South, Clevedon (Pages 23 - 30)**

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

**8. Planning Appeals 15052024 (Pages 31 - 36)**

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 Chairperson to rule that it be considered as urgent. Otherwise the matter cannot be considered urgent within the statutory provisions.

**Exempt Items**

Should the Planning and Regulatory Committee wish to consider a matter as an Exempt Item, the following resolution should be passed -

"(1) That the press, public, and officers not required by the Members, the Chief Executive or the Director, to remain during the exempt session, be excluded from the meeting during consideration of the following item of business on the ground that its consideration will involve the disclosure of exempt information as defined in Section 100I of the Local Government Act 1972."

Also, if appropriate, the following resolution should be passed –

"(2) That members of the Council who are not members of the Planning and Regulatory Committee be invited to remain."

**Mobile phones and other mobile devices**

All persons attending the meeting are requested to ensure that these devices are switched to silent mode. The chairman may approve an exception to this request in special circumstances.

## **Filming and recording of meetings**

The proceedings of this meeting may be recorded for broadcasting purposes.

Anyone wishing to film part or all of the proceedings may do so unless the press and public are excluded for that part of the meeting or there is good reason not to do so, as directed by the Chairman. Any filming must be done as unobtrusively as possible from a single fixed position without the use of any additional lighting, focusing only on those actively participating in the meeting and having regard to the wishes of any members of the public present who may not wish to be filmed. As a matter of courtesy, anyone wishing to film proceedings is asked to advise the Chairman or the Assistant Director Legal & Governance and Monitoring Officer's representative before the start of the meeting so that all those present may be made aware that it is happening.

Members of the public may also use Facebook and Twitter or other forms of social media to report on proceedings at this meeting.

## **Emergency Evacuation Procedure**

### **On hearing the alarm – (a continuous two tone siren)**

Leave the room by the nearest exit door. Ensure that windows are closed.

Last person out to close the door.

**Do not** stop to collect personal belongings.

**Do not** use the lifts.

**Follow** the green and white exit signs and make your way to the assembly point.

**Do not** re-enter the building until authorised to do so by the Fire Authority.

**Go to Assembly Point C – Outside the offices formerly occupied by Stephen & Co**

## Minutes

of the Meeting of

## The Planning and Regulatory Committee

Wednesday, 20 March 2024

New Council Chamber - Town Hall

Meeting Commenced: 2.35 pm

Meeting Concluded: 3.30 pm

### Councillors:

Hugh Malyan (Chairperson)

Robert Payne (Vice-Chairperson)

Christopher Blades

Peter Bryant

Peter Burden

Stuart Davies

Clare Hunt

Stuart McQuillan

Tom Nicholson

Mike Solomon

Hannah Young

Roger Whitfield (Substitute for Timothy Snaden).

**Apologies:** Councillor Timothy Snaden.

**Absent:** Councillor Terry Porter.

**Also in attendance:** Councillor Ashely Cartman.

**Officers in attendance:** Nicholas Brain (Assistant Director Legal & Governance and Monitoring Officer), Richard Kent (Head of Planning, Place Directorate) and Roger Willmot (Service Manager Strategic Development, Place Directorate), David Ditchett (Applications and Consent Service Manager, Place Directorate), Ellena Fletcher (Principal Planning Policy Officer, Place Directorate), Marcus Hewlett, (Planning Policy Team Lead, Place Directorate), Anna Hayes (Principal Planning Officer, Place Directorate), Jessika Robinson (Committee Services Senior Officer, Democratic Services).

### PAR Public speaking at planning committees (Standing Order 17 & 17A) 71

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 72 Declaration of Disclosable Pecuniary Interest (Standing Order 37)**

None.

**PAR 73 Minutes 17 January 2024**

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

**PAR 74 Matters referred by Council, the Executive, other committees etc (if any)**

None.

**PAR 75 23p1279ful Chicken Barn Cedar Farm Wick Road Wick St Lawrence**

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

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

The committee noted the receipt of the further comments from the Environment Agency and the Agency's continued objection to the proposals. Given the late receipt of the further comments the committee considered it reasonable to give the applicant the opportunity to seek to resolve the Agency's objection.

It therefore resolved to **DEFER** the application to enable the applicant to address the objection raised by the Environment Agency and further consultation as appropriate.

**PAR 76 Q3 Performance Report**

The Director of Place's representative presented the report.

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

**PAR 77 Planning Appeals 200324**

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

None.

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Chairperson

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## 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:** 17.05.2024

**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**

This application was previously before Members of the Planning and Regulatory Committee on 20 March 2024.

The Environment Agency (EA) comment dated 18 March 2024 set out that the design flood level for this site is 7.48m AOD (Above the Ordnance Datum). However, the proposed floor level of 6.80m AOD was 0.68m below the acceptable level. Thus, the EA objected to the scheme before Members at the 20 March 2024 Committee.

Following discussion during the 20 March meeting, Members deferred the application to enable the applicant to address the objection raised by the Environment Agency, and to conduct further consultation as appropriate.

New plans and an Addendum to the Flood Risk Assessment were subsequently submitted by the applicant. These were considered by the EA, who submitted a further comment dated 18 April 2024. The submitted plans and Addendum show that the latest floor level would be 7.1m AOD. This is still 0.38m below the acceptable level. Therefore, the EA maintain their objection.

At the meeting on 20 March 2024, officers explained that while the previous permission (20/P/2439/FUL) is a material fallback position, two pre-commencement conditions were outstanding. This reduced the weight that could be given to the fallback scheme as the previous permission would lapse in May 2024 (condition 1 of 20/P/2439/FUL requires the permission to be begun before the expiry of three years from the date of the permission dated 19 May 2021). In light of the outstanding conditions, officers considered it was unlikely that the previous permission could be lawfully implemented.

The outstanding conditions are condition 10 (Drainage Details) and 11 (Construction Method Statement). As set out in the planning history below, condition 11 is now discharged and the LPA has received an application to discharge condition 10. Officers are working on the application, and Members will be updated of its status either on the Update Sheet or verbally at Committee.

### **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**

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

### **Relevant Planning History**

**Year:** 2024  
**Reference:** 24/P/0592/AOC  
**Proposal:** Discharge of condition number 11 (Construction Method Statement) on application 20/P/2439/FUL  
**Decision:** Approved

**Year:** 2024  
**Reference:** 24/P/0544/AOC  
**Proposal:** Discharge of condition number 10 (Drainage Details) on application 20/P/2439/FUL  
**Decision:** Application in Progress

**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

## 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:**

#### 11 July 2023

The Environment Agency objects to this application as it is not supported by an acceptable Flood Risk Assessment (FRA) which adequately considers the flood risks at the site. We are therefore unable to determine if the development is in accordance with the National Planning Policy Framework (NPPF).

#### 16 October 2023

After reviewing the FRA the Environment Agency wishes to maintain our objection to this application and recommend that planning permission is refused.

The submitted FRA does not comply with the requirements for site-specific FRAs, as set out in paragraphs 20 to 21 of the Flood Risk and Coastal Change planning practice guidance and its site-specific FRA checklist.

02 January 2024

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

31 January 2024

We object as the development must be supported by site specific Flood Risk Assessment (FRA) which meets the requirements of the National Planning Policy Framework (NPPF, 2023), the proposed amendments for finished floor levels do not satisfy this.

18 March 2024

As this development poses an unacceptable risk from flooding, we maintain our objection to this application and recommend that planning permission is refused.

18 April 2024

Having reviewed the submitted Addendum to Flood Risk Assessment (FRA) by SLR Consulting Limited (dated 02/04/2024, SLR Project No 416.065120.00001) we maintain our objection and recommend that planning permission is refused.

**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 principle 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 is one pre-commencement condition that needs 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 a drainage pre-commencement condition and is due to expire in mid-May 2024. Condition 10 (Drainage Details) is outstanding however, the LPA has received an application to discharge the condition. As such, limited time is left to discharge the drainage condition. Moreover, if the condition is discharged before the permission expires, it is for the applicant to evidence that the permission was implemented before the application expires.

In addition, it should be noted that the applicant has previously applied to demolish the barn and erect two new dwellings in its place. That application was refused, and the subsequent appeal dismissed. 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 condition, 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 limited time left to discharge the outstanding pre-commencement condition and to implement the permission if the condition is discharged, limits the weight that can be given to the fallback position. Moreover, this is the second application to seek permission to demolish the barn and erect two dwellings in its place. This indicates that the applicant seemingly has little intention to convert the barn to dwellings, but to rely on the permission as a fallback position instead. Taking these points together, it is officer opinion that while the previous permission is a valid fallback position, the weight to be afforded to it should be moderate (the weight was found to be limited for the March 20<sup>th</sup> Committee but has gained weight in light of condition 11 now being discharged and the LPA assessing the application for the final pre-commencement condition).

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 is 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 as the floor levels are below acceptable levels. Indeed, the Environment Agency has consistently objected to the



proposal as the FRA/scheme 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.

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 (i.e. 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**

Officers have concerns that the increase in land levels and the design of the dwellings (ground floor being 1.2m above ground level), would result in some harm to the area. However, the proposed dwellings have been designed to harmonise with the existing buildings within the vicinity whilst remaining sympathetic to the rural landscape. Even with the raised land levels and revised design, this is not considered to unacceptably harm the character of its surroundings. Indeed, the appearance of the two dwellings could be considered 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 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](http://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 moderate.

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 minimizing 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).

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## SECTION 2 – ITEM 7

**Application No:** 24/P/0206/FUH

**Proposal:** Proposed erection of a rear extension and creation of a first floor to match proposed footprint. Creation of a new rear terrace with external stairs and fenestration alterations to the North-West and South-West elevations including the installation, replacement and removal of windows and doors.

**Site address:** 22 Edward Road South, Clevedon, BS21 7HZ

**Applicant:** Mr N Lownds

**Target date:** 27.03.2024

**Extended date:** N/A

**Case officer:** Adedayo Adegbaju

**Parish/Ward:** Clevedon/Clevedon Walton

**Ward Councillors:** Councillor Michael Pryke

### **REFERRED BY COUNCILLOR MICHAEL PRYKE**

#### **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 on Edward Road South, within the residential area of Clevedon. The site contains a single storey dwelling and an ancillary garage. It borders a Public Right of Way to the north-east and is among a row of 1 storey and 1.5 storey dwelling houses.

#### **The Application**

Full permission is sought for:

- erection of a rear extension (3.5m deep)
- creation of a first floor to match proposed footprint.
- creation of a new rear terrace
- fenestration alterations

#### **Relevant Planning History**

The property is a bungalow built in the 1960's. There is no recent/relevant planning history for the site.

## **Policy Framework**

The site is affected by the following constraints:

- Within the settlement boundary for Clevedon
- Within Bat Zone C

## **The Development Plan**

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

The following policies are particularly relevant to this proposal:

- CS11      Parking  
CS12      Achieving high quality design and place-making

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

The following policies are particularly relevant to this proposal:

- DM6      Archaeology  
DM25     Public rights of way, pedestrian and cycle access  
DM28     Parking standards  
DM32     High quality design and place-making  
DM38     Extensions to dwellings

### 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

## **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
- 4      Decision-making
- 5      Achieving well designed and beautiful places

### 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)
- 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:** Three letters of objection have been received. The principal planning points made are as follows:

- Loss of privacy

**Clevedon Town Council:** "Supports the application".

## **Principal Planning Issues**

The principal planning issues in this case are (1) the principle of the development, (2) character and appearance, (3) living conditions of neighbours, (4) parking and highway safety, (5) archaeology and (6) protected species.

### **Issue 1: The principle of development**

Policy DM38 of the Sites and Policies Plan (Part 1) permits house extensions provided that they respect the massing, scale, proportions, materials and overall design and character of the existing property, do not harm the street scene or local area, would not prejudice the living conditions of occupiers of adjoining properties, retain adequate private amenity space and take account of the council's parking standards. These issues are considered in more detail below.

### **Issue 2: Character and appearance**

Policy CS12 of the Core Strategy and policy DM32 of the North Somerset Sites and Policies Plan (Part 1) require a high standard of design in all new developments, as does section 12 of the National Planning Policy Framework. These policies require that development is sensitively designed to respect the character of the site and its surroundings, taking the opportunity to enhance an area where relevant. In particular, these policies require consideration to be given to such matters as form, scale, height, massing, detailing, colour and materials of a development and whether these characteristics respect those of the existing building and the surrounding area. Policy DM38 permits extensions to dwellings provided that, amongst other things, they respect the massing, scale, proportions, materials and overall design and character of the existing property and do not harm the street scene or local area.

The existing dwelling is a modest bungalow with steeply pitched roof, with the gable facing the road. It is finished in cream render and buff facing bricks with white window frames and the roof is covered in profiled double Roman tiles. The proposal is to erect a rear extension and add a first floor over the entire dwelling, with a shallow pitched split-level/asymmetrical roof. It is also proposed to add a rear terrace and replace the windows. The proposed materials are black cladding, grey render, grey upvc windows and flat plain tiles. To achieve the first-floor accommodation, the eaves level of the dwelling will

be raised by 2.6metres. The roof will change from a steeply pitched apex to a shallow-pitched split-level design.

The dwelling is located on the south side of Edward Road South. Although there is a mix of house designs here, the majority of dwellings on this side of the street are single storey, some with front dormers, with relatively steep roof pitches and low eaves height. Whilst it is recognised that two storey dwellings exist on the opposite side of the road, it is considered that the extended dwelling will appear out of character with this part of the street. The form, shape, massing and overall design of the extended dwelling does not respect those of the existing building, as required by the above policies, and will appear out of keeping with dwellings on this side of the road, notably due to the height of the eaves, the shallowness of the roof pitch, and the split level/asymmetrical design. The height of the eaves and roof style will have a jarring effect when read alongside the neighbouring dwellings. With regards to roof design, the Residential Design Guide (Section 2 – Appearance and character of house extensions and alterations) states that ‘the roof is a key feature that helps define the shape and massing of a building. Any proposed extension should have a roof that reflects the style of the existing building.’ The proposed roof is not a reflection of the existing building style and is out of keeping with the more traditional roof shapes in the street.

Materials in the area are generally profiled brown tiles, white or cream render, buff facing brick and white window frames and therefore the black cladding, grey render, grey windows and plain roof tiles will not harmonise with the area and will only accentuate the inappropriate design of the development.

Given the above, it is considered that the proposal will be out of keeping with the characteristics of the existing building, neighbouring buildings and will be visually intrusive in the street scene. In this respect the proposal is contrary to policy CS12 of the Core Strategy, Policies DM32 and DM38 of the North Somerset Sites and Policies Plan (Part 1) and to the Residential Design Guide SPD (Section 2 – Appearance and character of house extensions and alterations).

### **Issue 3: Living conditions of neighbours**

Policy DM38 permits extensions to dwellings provided that, amongst other things, they would not prejudice the living conditions of neighbours.

An objection has been received on the grounds that the proposal includes a first-floor bedroom window on the northern elevation of the extended dwelling that will look directly into windows of the adjoining property at number 24a, notably a kitchen/diner (which is classed as a habitable room). As there is only a distance of approximately 10 metres between these windows, this will cause an unacceptable loss of privacy. The neighbour opposite has also objected on grounds of loss of privacy, however, that dwelling is approximately 29 metres away, so well in excess of the 21-metre test set out in the Residential Design Guide (Section 1). The windows concerned are also on the front of the house, where public views are obtained (the 21-metre test relates primarily to rear/private views). The proposal includes a rear raised terrace which has potential to cause overlooking. However, the submitted plans show 1.8m privacy screens either side of the terrace, which will address this concern and could be conditioned.

The proposal will result in a two-storey wall facing windows in the neighbouring property to the north and therefore it is necessary to consider whether the proposal results in an unacceptable overbearing impact or loss of light. The Residential Design Guide - Section 1 (Protecting living conditions of neighbours) states that where a development would result in a two-storey side wall of a building being too close to a main elevation of a dwelling with windows, it will normally cause a significant loss of light or overbearing impact for the occupants of that dwelling. Therefore, a distance of at least 12 metres should be maintained. The proposed two storey elevation would be situated approximately 10 metres from the windows in the neighbouring dwelling. However, this is a side elevation and not a 'main' elevation and the primary habitable room window serving a kitchen/diner is a secondary window where alternative means of light and outlook are obtained. On balance, therefore, it is not considered that the proposal will result in a significant adverse impact in terms of loss of light or overbearing impact.

Based on these considerations, it is concluded that the proposal would cause harm to the living conditions of adjoining neighbours to the north due to loss of privacy, contrary to policy DM38 of the North Somerset Sites and Policies Plan (Part 1) and the Residential Design Guide SPD - Section 1 (Protecting living conditions of neighbours).

#### **Issue 4: Parking and highway safety**

The proposal will increase the number of bed spaces, giving rise to greater demand for parking, but it is considered that on-site parking provision would be adequate, in compliance with the standards set out in the North Somerset Parking Standards SPD. In this respect, the proposal is in accordance policies DM24, DM28 and DM38 of the Sites and Policies Plan (Part 1).

#### **Issue 5: Archaeology**

There are several known archaeological resources in the vicinity of the site and the council's archaeologist has requested that a condition is attached to any approval to secure a programme of archaeological monitoring and recording during groundworks, in line with Policy DM6 of the North Somerset Sites and Policies Plan (Part 1) and paragraph 211 of the NPPF.

#### **Issue 6: Protected species**

Although the site falls within a bat zone, this is a residential area with street lighting and the dwelling itself is well maintained with no obvious entry points for bats. On balance, it is considered unlikely that the proposal will affect bats, however as a precaution, an advice note could be added to any approval 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 SPD.

#### **Setting of Listed Building**

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

### **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](http://www.n-somerset.gov.uk/cil).

The Council is not permitted to enter into S106 agreements requiring infrastructure that is to be funded through the CIL. A formal list (known as the "Regulation 123 List") has been published on the above webpage setting out which infrastructure will be funded through the CIL, and which will remain the subject of S106 planning obligations.

### **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.

### **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.

### **Conclusion**

Due to the design, height and shape of the resulting building and the materials proposed, the addition of a first floor to this dwelling will be out of keeping with the existing dwelling and visually intrusive in the street scene. The proposal also includes a first-floor bedroom window within 10 metres of the neighbour's side elevation which includes windows. This will result in unacceptable overlooking. The proposal is therefore contrary to policy CS12 of the North Somerset Core Strategy, policies DM32 and DM38 of the North Somerset Sites and Policies Plan (Part 1) and the North Somerset Residential Design Guide SPD (Sections 1 and 2).

Parking provision is adequate and other matters such as archaeology and legal duties regarding protected species could be controlled by conditions and advice notes. In these respects, the proposal would be in accordance with policies CS4, CS5 and CS11 of the

North Somerset Core Strategy and policies DM6, DM8 and DM28 of the North Somerset Sites and Policies Plan (Part 1)

**RECOMMENDATION: REFUSE** for the following reasons:

1. The proposed development, by reason of its design, height, form, scale, massing and materials will be out of keeping with the existing property and neighbouring properties and will result in a visually intrusive feature in the street scene. The proposal is therefore contrary to policy CS12 of the North Somerset Core Strategy, policies DM32 and DM38 of the North Somerset Sites and Policies Plan (Part 1) and the North Somerset Residential Design Guide SPD (Section 2: Appearance and Character of house extensions and alterations).
2. The proposed development, by virtue of its proximity to the site's boundary and the position of the proposed first floor bedroom window in relation to windows in the adjoining dwelling at 24a Edward Road South would have an adverse impact upon the living conditions of neighbouring residents by reason of loss of privacy. The proposal is therefore contrary to policy DM38 of the North Somerset Sites and Policies Plan (Part 1) and the North Somerset Residential Design Guide SPD (Section 1: Protecting living conditions of neighbours).

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**PLANNING AND REGULATORY COMMITTEE – 15 MAY 2024  
REPORT OF THE DIRECTOR OF PLACE**

**A - PLANNING APPEAL DECISIONS**

1. 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

Recommendation: Refuse

**Appeal Dismissed 12 Mar 2024**

Type of appeal: Written Representation

Officer: Ellena Fletcher

Appellant: Mr Nick Bracey

The main issues that were identified by the Planning Inspector were 1) whether the development is inappropriate development within the Green Belt; 2) the effect of the development on the openness of the Green Belt; 3) whether the proposal is in an appropriate location for housing; 4) the effect of the proposal on biodiversity with particular regards to bats; 5) the effect of the proposal on trees; and 6) if the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

2. Planning Application Number 21/P/3155/OUT

**Site: The Woodspring, 238 High Street, Worle, Weston-super-Mare**

Description: Outline application for the demolition of public house and erection of 10no. dwellings with new access off Station Road, parking and landscaping. Access, layout and scale for approval with appearance and landscaping reserved for subsequent approval.

Recommendation: Refuse

**Appeal Dismissed 15 Mar 2024**

Type of appeal: Written Representation

Officer: Emma Hawthorne

Appellant: Litfield Land Ltd

The main issue that was identified by the Planning Inspector was whether the benefit from providing 10 new homes would outweigh the loss of the heritage asset.

**PLANNING AND REGULATORY COMMITTEE – 15 MAY 2024**  
**REPORT OF THE DIRECTOR OF PLACE**

3. Planning Application Number 23/P/0029/FUH

**Site: Oakleaze , Highridge Road, Dundry**

Description: Proposed demolition of existing rear conservatory and front porch. Proposed erection of a single storey rear extension and a two-and-a-half storey front extension. Raising of the roof height at the South-East elevation and alterations to create 2 No. Gables, with subsequent loft conversion and structural alterations.

Recommendation: Non Determination Appeal

**Appeal Dismissed 20 Mar 2024**

Type of appeal: Written Representation

Officer: Courteney Cox

Appellant: Mr James Palmer

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

4. Planning Application Number 23/P/1682/H2PA

**Site: 38 Wrington Road, Congresbury**

Description: Application to determine if prior approval is required for a proposal to construct a first floor extension (additional storey) to existing dwellinghouse, to a maximum height of 7 metres

Recommendation: Prior approval - required and refused

**Appeal Allowed 12 Apr 2024**

Type of appeal: Fast Track Appeal

Officer: Anna Hayes

Appellant: Mr Will Harraway

The main issue that was identified by the Planning Inspector was whether prior approval should be granted for the proposal having regard to the external appearance of the dwellinghouse.



**PLANNING AND REGULATORY COMMITTEE – 15 MAY 2024  
REPORT OF THE DIRECTOR OF PLACE**

5. 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.

Recommendation: Approve

Appeal against condition 6

**Appeal allowed with conditions 15 Apr 2024**

Type of appeal: Written Representation

Officer: Anna Hayes

Appellant: Mr Daniel Downton

The main issue that was identified by the Planning Inspector was whether condition 6 satisfies the tests for planning conditions, having particular regard to the openness of the Green Belt and the character of the area.

6. 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.

Recommendation: Refuse

**Appeal Dismissed 18 Apr 2024**

Type of appeal: Written Representation

Officer: Courteney Cox

Appellant: Mr Furiad Ullah

The main issues that were identified by the Planning Inspector were 1) the effect of the proposal on the character and appearance of the area; and 2) the effect of the proposal on the provision of recreational open space in the area.

**PLANNING AND REGULATORY COMMITTEE – 15 MAY 2024  
REPORT OF THE DIRECTOR OF PLACE**

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

1. Planning Application Number 23/P/2474/PIP

**Site: Land west of Bramley Rise, Tickenham**

Description: Permission in Principle for the residential development of up to 4no. dwellings (minimum of 2no. and maximum of 4no.)

Date of Appeal: 25 Mar 2024

Type of appeal: Written Representation

Case Officer: Angela Norris

Appellant: Woodstock Homes (Construction) Ltd

2. Planning Application Number 23/P/1924/PIP

**Site: Land east of Wood Lane, Wood Lane, Clapton-in-Gordano**

Description: Permission in Principle for the erection of up to 5no. dwellings

Date of Appeal: 2 Apr 2024

Type of appeal: Written Representation

Case Officer: Angela Norris

Appellant: Mr David Withers

3. Planning Application Number 23/P/1140/FUL

**Site: Rear of 41 Oxford Street, Weston-super-Mare**

Description: Proposed change of use of existing meeting hall to create 1 no. three-bedroom dwelling including exterior alterations and demolition, new windows and doors, solar panels and sun tunnel.

Date of Appeal: 9 Apr 2024

Type of appeal: Written Representation

Case Officer: Anna Hayes

Appellant: Midas G + E Properties Ltd

**PLANNING AND REGULATORY COMMITTEE – 15 MAY 2024  
REPORT OF THE DIRECTOR OF PLACE**

4. Planning Application Number 23/P/1983/FUL

**Site: Sloughpitt Farm, Sandford Road, Winscombe**

Description: Proposed conversion of 1no. existing dwelling into 2no. semi-detached cottages. Conversion of existing outbuilding and garage into 2no. bungalows. Works to include; demolition of existing link-extension and store at the East edge of the existing dwelling.

Date of Appeal: 19 Apr 2024

Type of appeal: Written Representation

Case Officer: Anna Hayes

Appellant: Mrs A Suik

5. Planning Application Number 23/P/2772/FUL

**Site: Sloughpitt Farm, Sandford Road, Winscombe**

Description: Proposed conversion of 1no. dwelling into 2no. Semi-detached cottages. Works to include; Demolition of existing rear and side extensions, raising of ridge height of proposed new cottage to match existing building and fenestration alterations at all alterations including the removal, replacement and installation of windows/doors.

Date of Appeal: 19 Apr 2024

Type of appeal: Written Representation

Case Officer: Anna Hayes

Appellant: Mrs A Suik

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

None

**PLANNING AND REGULATORY COMMITTEE – 15 MAY 2024  
REPORT OF THE DIRECTOR OF PLACE**

**Summary Performance April 23 – March 24**

Appeals received 45  
Appeals decided 35  
Appeals dismissed 28  
Percentage dismissed of appeals decided 80.0%

**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

Page 36

**Summary Performance April 24 – March 25**

Appeals received 3  
Appeals decided 3  
Appeals dismissed 1  
Percentage dismissed of appeals decided 33.3%

**Appeals Allowed April 24 – March 25**

Delegated Decision 2  
Committee Decision 0

**Costs awarded against the Council**

Delegated Decision: 0  
Committee decision: 0  
Total: 0

**Costs awarded to the Council**

Delegated Decision: 0