

Public Document Pack

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Date: Tuesday, 9 March 2021

****Virtual Meeting**

Dear Sir or Madam

Planning and Regulatory Committee – Wednesday, 17 March 2021, 2.30 pm – Virtual Meeting via Microsoft Teams

A meeting of the Planning and Regulatory Committee will take place as indicated above. Councillors will be sent a Teams Meeting invitation to place the meeting in their Calendar and can then access the meeting from the link in that calendar item.

Please Note that any member of the press and public may listen in to proceedings at this 'virtual' meeting via the weblink below –

<https://youtu.be/UCMkiqCPfg4>

The agenda is set out overleaf.

Yours faithfully

Assistant Director Governance and Monitoring Officer

Please note: Following guidance from the national Planning Advisory Services on how to run planning committees during the current pandemic, senior councillors from all parties, in consultation with the Chief Executive, have agreed to temporarily reduce the membership of the Planning and Regulatory Committee to 13 for virtual meetings.

Political balance applies and the 13 members nominated by political group leaders are as follows:

Councillors (13):

Andy Cole (Chairman), John Ley-Morgan (Vice Chairman), Steve Bridger, Peter Bryant, Caroline Cherry, Peter Crew, John Crockford-Hawley, Catherine Gibbons, Ann Harley, Stuart McQuillan, Robert Payne, Mike Solomon, Richard Westwood

For clarity, full committee membership comprises 27 councillors and is set out below:

Andy Cole (Chairman), John Ley-Morgan (Vice-Chairman), Mike Bell, Mike Bird, Steve Bridger, Peter Bryant, Gill Bute, Ashley Cartman, Caroline Cherry, Peter Crew, John Crockford-Hawley, Ciaran Cronnelly, Catherine Gibbons, Ann Harley, Sandra Hearne, David Hitchins, Steve Hogg, Ruth Jacobs, Patrick Keating, Stuart McQuillan, Robert Payne, Bridget Petty, Terry Porter, David Shopland, Timothy Snaden, Mike Solomon and Richard Westwood.

Agenda

1. Public speaking at planning committees (Standing Order 17 & 17A, as amended by SO 5A) (Pages 5 - 10)

To receive written submissions from any person who wishes to address the Committee. The Chairman will select the order of the matters to be received.

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.

If there is more than one person submitting a statement objecting to an application, the Chairman will invite those persons to agree on a combined statement. In default of agreement the Chairman may select one statement to be read out.

Requests and full statements must be submitted in writing to the Assistant Director 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.

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 Chairman 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 February 2021 (Pages 11 - 18)

17 February 2021, to approve as a correct record (attached)

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

6. Planning Application No. 20/P/2327/FUL: Change of use of land and extension of existing steel-framed barn for personal hobby use for storage of heritage buses. Slimeridge Farm, Links Road Uphill Weston-super-Mare BS23 4XY (Pages 19 - 28)

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

7. Planning Application No. 20/P/2447/FUL: Demolition of existing bungalow and erection of 2no detached dwellings with ancillary works at 234 Down Road, Portishead, BS20 8HU (Pages 29 - 38)

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

8. Delegation Arrangements Update (Pages 39 - 52)

Section 4 report of the Director of Place Directorate (attached)

9. Planning Appeals 17.03.2021 (Pages 53 - 62)

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

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

For a matter to be considered as an urgent item, the following question must be addressed: "What harm to the public interest would flow from leaving it until the next meeting?" If harm can be demonstrated, then it is open to the Chairman to rule that it be considered as urgent. Otherwise the matter cannot be considered urgent within the statutory provisions.

Exempt Items

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

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

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

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

Mobile phones and other mobile devices

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

Filming and recording of meetings

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

Anyone wishing to film part or all of the proceedings may do so unless the press and public are excluded for that part of the meeting or there is good reason not to do so, as directed by the Chairman.

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

Planning & Regulatory Committee 17 March 2021

Requests to address the Committee received in accordance with the Standing Orders

Public Participation under Standing Order No. 17 (up to a maximum of five minutes per speaker - this section should not exceed thirty minutes):

Name	Subject

Public Speaking on applications for planning permission under Standing Order 17A (up to a maximum of three minutes per speaker - this section should not exceed thirty minutes):

Agenda Item No.	Application	Statement (s)
06	Planning Application No. 20/P/2327/FUL: Change of use of land and extension of existing steel-framed barn for personal hobby use for storage of heritage buses. Slimeridge Farm, Links Road Uphill Weston-super-Mare BS23 4XY	<p>Against the proposal: Uphill Village Society (statement to be read by Michele Chesterman)</p> <p>For the proposal: Jonathan Jones- Pratt, applicant (statement to be read by Hazel Brinton)</p>
07	Planning Application No. 20/P/2447/FUL: Demolition of existing bungalow and erection of 2no detached dwellings with ancillary works at 234 Down Road, Portishead, BS20 8HU	<p>Against the proposal: Tina Mason (statement to be read by Michele Chesterman)</p> <p>For the proposal: Davies Architectural Services, agent on behalf of the applicant (statement to be read by Hazel Brinton)</p>

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Agenda Item 1

Statement in objection from Leigh Morris on behalf of Uphill Village Society

Re Planning Application No. 20/P/2327/FUL

Dear Committee

In the light of information received from the applicant yesterday, 15 March we would like to withdraw our letter of 28th October 2020 and replace it with the following.

1 If the applicant has been able to satisfy the authority that the vehicles being garaged at Slimeridge Farm are a private collection and do not form part of or are used by Crosville Vintage Ltd this would alleviate our original concern as to a conflict with the supporting statement lodged with the application.

2 We are concerned that if the vehicles in question do form part of Crosville Vintage Ltd in addition to being a private hobby collection this could see an increase in movement to and from the farm as the website for Crosville Vintage Ltd does not suggest that it only operates during a limited part of the year or impose any limitation on the number of events that buses can be hired for.

3 The supporting statement's case for approval states that the proposal contributes positively to, inter-alia local tourism and rural enterprise. This might suggest that the change of use is for business/tourism purposes and not simply to house a hobby.

4 We would ask that the committee consider the visual impact of the proposed development.

**Written Statement by the applicant Mr Jonathan Jones-Pratt, Slimeridge Farm, Links Rd, Uphill
in support of the following application**

Application ref 20/P/2327/FUL - Change of use of land and extension of existing steel-framed barn
for personal hobby use for storage of heritage buses

I have been collecting, vintage buses and steam engines since I was 16 yrs old. This is my passion and whilst some people may think I am rather strange with my extensive collection there are many who have seen or been able to tour with us absolutely love and value the vintage collection.

At the moment these busses are spread across 5 different thoroughly unsuitable locations as far away as Coventry. This application for an extension to the existing barn would allow the most valuable buses of the vintage fleet to be maintained and stored in a controlled environment in one place here in North Somerset.

We already have a change of use permission to store some of the vintage fleet in this existing barn which along with this proposed extension is difficult to see from the village or the highway.

The planning officer accepts and concludes that the development will have insignificant impact on the countryside, insignificant impact on residences along links road and insignificant impact on the listed building and scheduled monument.

The report argues that the flood risk sequential test has not been passed. This assessment is incomplete.

Government guidance on sequential tests allows for extensions to existing buildings to pass the sequential test given the physical constraint that they are attached to existing building and are extensions of existing uses. This is made clear in our statement. The planning officer makes no reference to this element. The proposed extension is located outside the flood defence bund and will not increase flood risk to anyone other than myself –we have detailed the mitigation to limit that risk.

The officers report dismisses or is silent on the stated benefits of this application which have not been properly weighed. The stated reasons for refusal are far outweighed by the benefits:

- The heritage bus collection is a tourism asset that forms part of the Weston Super mare offer, as acknowledged by Weston town council.
- The restoration and maintenance of this private collection costs many thousands per month. All spent locally and equating to employing 8 full time specialists and engineers.
- This project helps to fund and provide the necessary training for important engineering skills. The suppliers we are employing several apprentices as part of their teams. We are in discussion with Weston College to provide variety of vehicle types to maximise the learning opportunities but this needs the collection in one location.
- The majority of neighbours and locals in our community love to see the buses when they are on parade, there is recognition of the importance of preserving and show casing our engineering legacy.

I ask you to consider both the submissions missed in the officer report and to weigh these benefits when making your assessment.

JJP 15th March 2021

I live at 236 Down Road and I **OBJECT** to the application.

1. Outlook and Character

The area of Down Road to which this application relates is almost exclusively of bungalows and chalet style houses, with the exception of 232/232A - substantial townhouses. The recommendation to accept is seemingly based on the proposed development being in keeping with the 232 development, which has had a significant adverse impact on the character of the street due to the substantial size of these houses on the half size plots.

The bulk, scale, mass and the proximity of the two proposed units to each other would result in overdevelopment, appearing incongruous and out of place, even taking into account the existing dwellings at 232.

If 232 is used as a precedent, other developers will build enormous houses on small plots ruining the character of the area, increase housing density, causing congestion and reducing light. Of the 28 objections to this application (per the recommendation document), the vast majority reference the adverse impact 232 has had on the road.

2. Overwhelming size

The bulk and scale of the proposals means they are overbearing and create a harmful sense of enclosure to 236. The proposed property will impact use of our ground floor deck and first floor balcony, creating a sense of enclosure.

The recommendation proposes the development be approved on the basis that it complies with the RDG1 test in terms of depth, width and height. The balcony shown in diagrams 1 and 2, **omitted from the developer's plans**, is set further back into the dormer **and may not meet the 45 degree rule**. The balcony is clearly visible in the plans for 236 on the council website.

The dwellings would be some ~2m in height higher than 236. The roof at 236 Down Road starts at the top of the ground floor and is pitched away from 234.

3. Driveway

Highways have stipulated an 8 degree angle on the driveway. The drop from the pavement to the property level is approximately 1.8m. It has not been demonstrated how turning/parking on a two level driveway could be achieved.

I respectfully request that the planning committee agrees with the stated position of Portishead Town Council, the local people and in line with your Local Plan and refuses this application. Thank you for your time.

Statement in support 20P2447FUL 234 Down Road, Portishead – agent for applicant

The proposals at 234 Down Road provide two new dwellings on an existing site within the settlement boundary, which is strongly supported by planning policy at local and national levels, as well as across the political spectrum. The principle of developing a brownfield site for intensified residential use is reinforced by the Core Strategy, with Central Government refocusing on the importance of increasing densities in urban areas, as they are sustainable locations for housing.

Placing development here is a key benefit of the scheme as it provides residents in a location where they are able to walk, cycle or use public transport to access everyday facilities. Providing housing within the settlement boundary takes pressure off the need to develop greenfield sites, as well as boosting housing supply, which is particularly needed in North Somerset at the current time.

We acknowledge local concerns raised which were related to the street scene, parking, overlooking and overbearing. However, during the application we have addressed these issues by making amendments to the proposals.

This has included reducing the scale of the dwellings so that they match the building line of the neighbouring properties; removing the cycle/bin store from the front; lowering the ridge height; replacing the original balconies with Juliet balconies; removing the raised decking to the rear; and amending the site access and parking.

Whilst the proposals are very similar to the neighbouring site which was granted permission by members in 2018, we believe that they represent an improvement over what was permitted at number 232, as the proposed design bridges the gap between the more historic properties found in Down Road and the newly implemented scheme on the adjacent land.

Since the adjacent application was granted permission, there have been no significant changes in planning policy that would warrant a different conclusion being reached. It would therefore be unreasonable to dismiss this application on the grounds of design, layout or character.

Officers have also considered the potential impact from overbearing on the adjacent properties, including number 236 Down Road. Whilst concerns have been raised about loss of light into their kitchen, it has been concluded that the scheme is compliant with the Residential Design Guide, because it does not affect the primary source of light into this habitable room.

We have worked positively with officers and have addressed public comments as far as possible, which has resulted in a scheme which responds to the local context more appropriately. We therefore respectfully request that members approve the proposals in line with your officer's recommendation.



Draft Minutes

of the Virtual Meeting of the

Planning and Regulatory Committee

Wednesday, 17th February 2021

held via Microsoft Teams.

Meeting Commenced: 14:30 Meeting Concluded: 16:56

Councillors:

P Andy Cole (Chairman)

P John Ley-Morgan (Vice Chairman)

P Mike Bird (replacement Catherine Gibbons)

P Steve Bridger

P Peter Bryant

P Caroline Cherry

P Peter Crew

P Ann Harley

P Sandra Hearne (replacement Mike Solomon)

P Patrick Keating (replacement John Crockford-Hawley)

P Stuart McQuillan

P Robert Payne

P Richard Westwood

Wider P&R Members

A Mike Bell

A Gill Bute

A Ashley Cartman

A John Crockford-Hawley

A Ciarán Cronnelly

A Catherine Gibbons

A David Hitchins

A Steve Hogg

A Ruth Jacobs

A Bridget Petty

A Terry Porter

A David Shopland

A Tim Snaden

A Mike Solomon

Other Members in attendance:

P James Tonkin

P: Present

A: Apologies for absence submitted

Officers in attendance: Hazel Brinton (Corporate Services), Sue Buck (Corporate Services), Sally Evans (Place Directorate), Roz Hime (Corporate Services), Richard Kent (Place Directorate), Mike Riggall (Corporate Services), Lucy Shomali (Place Directorate), Jessica Smith (Place Directorate), James Wigmore (Place Directorate), Roger Wilmot (Place Directorate)

PAR Chairman's welcome

87 The Chairman welcomed everyone to the tenth virtual meeting of the Planning & Regulatory Committee.

He explained the procedures to be followed at the meeting and confirmed that decisions taken at this meeting would have the same standing as those taken at a regular meeting of the Planning & Regulatory Committee in the Town Hall.

The Chairman reminded everyone that the meeting was being livestreamed on the internet and that a recorded version would be available to view within 48 hours on the North Somerset Council website.

For the benefit of those in attendance and members of the public watching the meeting online a representative of the Assistant Director Governance carried out a roll call of members in attendance and read out the names of the officers present at the meeting.

PAR Public speaking at planning committees (Standing Order 17 & 17A, as
88 amended by SO 5A) Planning Application No 20/P/2000/R3 (Agenda Item 1)

At the request of the Chairman, a representative of the Assistant Director Governance read out a written submission from Steve Lyon speaking against the proposal. Full details had been published in advance of the meeting.

PAR Public speaking at planning committees (Standing Order 17 & 17A, as
89 amended by SO 5A) Planning Application No 20/P/2000/R3 (Agenda Item 1)

At the request of the Chairman, a representative of the Assistant Director Governance read out a written submission from Jenny Ford on behalf of the applicant North Somerset Council speaking in support of the proposal. Full details had been published in advance of the meeting.

PAR Public speaking at planning committees (Standing Order 17 & 17A, as
90 amended by SO 5A) Planning Application No 20/P/2020/FUL (Agenda Item 1)

At the request of the Chairman, a representative of the Assistant Director Governance read out a written submission from Lucy Back, agent on behalf of the applicant speaking in support of the proposal. Full details had been published in advance of the meeting.

PAR 91 Declaration of disclosable pecuniary interest (Standing Order 37) (Agenda Item 3)

None

PAR 92 Minutes 20 January 2021 (Agenda Item 4)

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

PAR 93 Planning Application No. 20/P/2000/R3 Erection of 52 no. dwellings and one substation building, with the provision of car parking, landscaping and other associated works Land south of The Uplands, Nailsea

The Director of the Place Directorate's representative drew members' attention to the update sheet which included further information on the tracking details for vehicles including access for fire appliances and noted an additional six letters of objection and a further letter since publication of the update sheet. The highways-related matters brought up in the letters had been addressed in the update sheet and further information on the use of conditions including the provision of a S106 agreement were brought to members' attention.

Resolved: Subject to:

(a) the completion of the Habitat Regulations Appropriate Assessment submission and

(b) receipt and consideration of suitably revised plans and details demonstrating:

- (i) acceptable visibility splays at the site access and no's 14 a and b The Uplands (if required);
- (ii) details of HRA compliant dark corridors and buffers (or suitably worded planning condition); and
- (iii) details of the location of the proposed play area (or suitably worded planning condition/S106 requirement)

that the application be **APPROVED** (subject to the following conditions and any other additional or amended conditions as may be required, together with a negatively worded condition which would prevent development from commencing until a third-party developer or joint venture entity or partner has entered into a S106 agreement with the Council. The S106 agreement is to secure the planning obligations as set out in the Heads of Terms described in the officer's report (with any amendments required) and in consultation with the Chairman and Vice Chairman and local member:

1. The development hereby permitted shall be begun before the expiry of three years from the date of this permission.

2. The development hereby permitted shall be carried out in accordance with the approved plans and documents to be listed on the decision notice

3. No dwelling shall be occupied until details of an electric car charging point serving that dwelling have been submitted to and approved in writing by the Local Planning Authority and implemented in full.

4. No dwelling shall be occupied until details of the design and construction of the foot/cycle path link to be located between plots 10 and 11 and which shall link to the existing bridlepath at the southern boundary, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved details.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order, with or without modification), no extensions resulting in an increase to the height of the dwellings hereby permitted shall be carried out without the permission, in writing, of the Local Planning Authority.

6. All means of enclosure shall be in strict accordance with the approved details and, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order, with or without modification), no additional gates, fences, walls or other means of enclosure shall be erected or constructed forward of any wall of any dwelling which fronts onto a highway without the prior written permission of the Local Planning Authority.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order, with or without modification), no garages shall be erected without the permission, in writing, of the Local Planning Authority and the approval by them of the design, siting and external appearance of such garage and of the means of access thereto.

8. No dwellings shall be occupied until details of the design and location of fire hydrants to be added to the site have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented prior to the occupation of the final dwelling on site.

9. No dwelling shall be occupied until the access, parking spaces and turning spaces shown on the approved plans have been constructed in such a manner that each dwelling unit is served by a properly consolidated and surfaced footpath and vehicle access between the dwelling and the existing highway, in accordance with the approved plans.

10. No dwelling shall be occupied until secure parking facilities for bicycles have been provided for it in accordance with plans and specifications to be first submitted to and approved in writing by the Local Planning Authority. The approved facilities shall thereafter be permanently retained and kept available for the parking of bicycles at all times.

11. No building construction work above ground level shall be commenced until full details of the proposed treatment for all retaining structures including materials, design, and land levels and a phasing scheme for implementation have been submitted to and approved in writing by the Local

Planning Authority. The development shall be carried out in complete accordance with the approved details and phasing scheme.

12. The finished floor, ground and ridge height levels shall not exceed those shown on the approved plans.

13. Notwithstanding the approved plans development shall be commenced above ground level until sample panels of the materials to be used in the construction of the external surfaces of the buildings to which they relate have been constructed on site and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority. These details may be submitted for the whole, or part of a phase.

14. Provisions for the storage of refuse shall be constructed and made available for use in accordance with details to be submitted and approved by the Local Planning Authority prior to the occupation of each dwelling that they serve and thereafter shall be made permanently available for use for the storage of refuse only.

15. No dwelling shall be occupied until the designs of access control measures required to be constructed at the foot/cyclepath accesses to the site, have been submitted to and approved in writing by the Local Planning Authority and fully implemented in accordance with the approved details

16. No development shall commence until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall include details of: -

- a) the number and frequency of construction vehicle movements;
- b) construction operation hours;
- c) construction vehicle routes to and from the site with distance details;
- d) construction delivery hours;
- e) vehicle parking for contractors;
- f) specific measures to be adopted to minimise and mitigate construction impacts on the environment (including effects of noise, dust, vibration, waste disposal, piling, ground works and rock removal, and infrastructure improvements if appropriate);
- g) a detailed site traffic management plan to control traffic movements within the site during the construction phases;
- h) a detailed working method statement to avoid/minimise impacts on protected and notable species and important habitats; and
- i) a plan showing measures for habitat protection and retention.

The approved Plan shall be implemented and adhered to at all times, unless any amendments are first agreed in writing with the Local Planning Authority.

17. No dwellings shall be occupied until the detailed design and surfacing of all footpaths within the site have been submitted to and approved in writing by the Local Planning Authority and have been adopted as public rights of way by the Authority if required.

PAR 94 Planning Application No. 20/P/2020/FUL Change of use of former masonic lodge (use Class F.2(b)) to Office, research and development use (use Class E(g)(i) and (ii)) Rickford Chapel (former Masonic Lodge), The Batch, Burrington, BS40 7AH (Agenda Item 7)

Councillor Peter Bryant declared a non-pecuniary interest before Agenda Item 7 was discussed and took no further part in the meeting.

Resolved: that the application be **APPROVED** subject to the following conditions: -

1. The development hereby permitted shall be begun before the expiry of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the approved plans and documents to be listed on the decision notice.
3. The use hereby permitted shall not commence until secure parking facilities for bicycles have been provided on site in accordance with the approved plans and specifications. The approved facilities shall thereafter be permanently retained and kept available for the parking of bicycles at all times.
4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any Orders revoking and re-enacting those Orders, with or without modification), the premises shall only be used as an Office and Research and Development use falling within Class E(g)(i) and (ii) and for no other purpose.
5. The use hereby permitted shall not take place outside the hours of 08:00 hours to 20:00 hours Mondays to Fridays and 09:00 hours to 16:00 hours on Saturdays and at no time on Sundays or Bank or Public Holidays, unless otherwise agreed in writing with the Local Planning Authority.

PAR 95 Q3 Performance Report (Agenda Item 8)

The representative of the Director of Place noted that the planning department's resources were stretched due to Covid19 restrictions and the nature, level and complexity of the current workload. He informed members that the report from the recent peer review should be available shortly.

Members noted their concern in respect of the number of members remaining in the meeting at the end taking decisions on complex matters affecting local communities.

Resolved: that the report be noted.

PAR Planning Appeals 17.02.21 (Agenda Item 9)

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Councillor Robert Payne declared a non-pecuniary interest in one of the appeal items before Agenda Item 9 was discussed.

The Director of Place Directorate's representative reported on appeal decisions and appeals that had been lodged since the date of the last meeting including a batch of enforcement cases that had been issued simultaneously by the Planning Inspectorate.

He noted that the statements of case in relation to the appeal by Bristol Airport Ltd against the refusal of planning application by the Council were to be submitted imminently and updated members on the appeal process.

Resolved: that the report be noted.

Chairman

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SECTION 2 – ITEM 6

Application No: 20/P/2327/FUL

Proposal: Change of use of land and extension of existing steel-framed barn for personal hobby use for storage of heritage buses

Site address: Slimeridge Farm, Links Road, Uphill, Weston-super-Mare, BS23 4XY

Applicant: Mr Jon Jones-Pratt

Target date: 23.11.2020

Extended date: 19.03.2021

Case officer: Jessica Smith

Parish/Ward: Weston-super-Mare/Weston-super-Mare Uphill

Ward Councillors: Councillors Peter Bryant and John Ley-Morgan

REFERRED BY COUNCILLOR LEY-MORGAN

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 outside the settlement boundary for Weston-super-Mare and is within the countryside. The site falls within the wider Slimeridge Farm site which is made up of a mixture of uses including residential, agricultural and a personal storage facility.

The site is located approximately 100m south west of Links Road where there is a slight slope in the topography from the north east to the south west and as such the building is at a lower level than other buildings within Slimeridge Farm. The site boundary consists of a 2m high timber fence to the north west, south west and south east.

The existing building was erected as an agricultural barn but was granted retrospective planning permission (20/P/0835/FUL) for the change of use for the storage of heritage buses and steam engines last year. The building is 25 metres long, 6.1 metres wide and 5.8 metres high and is clad in green profile sheeting.

There is an additional existing storage barn measuring approximately 21.5m in length and 17.2m in width, located approximately 39m to the north east of the application barn, however there appears to be no relevant planning history for this barn.

The Application

Full permission is sought for:

- the change of use of agricultural land to personal hobby storage use for the storage of heritage buses.
- the erection of a single storey front extension measuring 5.8m in height to the roof apex, 12.9m in length and 6.1m in width.
- the erection of a single storey rear extension measuring 5.8m in height to the roof apex, 24.7m in length and 12.20m in width.
- The extensions will be clad in metal sheeting coloured green to match the existing building.
- The 2 proposed extensions to the existing steel-framed storage barn will equate to an increased floor area of 120%.

Relevant Planning History

Year: 2020

Reference: 20/P/0835/FUL

Proposal: Retrospective change of use of an existing steel-framed barn for storage of heritage buses and steam engines

Decision: Approved with conditions removing permitted development right for extensions to be carried out to the barn; restricting the use of the barn to the storage of heritage buses and steam vehicles kept for purposes of display and exhibition and not for hire or other transportation services; limiting the number of movements of the heritage buses annually and restricting hours of operation in order to ensure the living conditions of neighbouring occupiers would not be adversely impacted and highway safety maintained.

Year: 2020

Reference: 20/P/0138/LDE

Proposal: Lawful development certificate for an existing agricultural barn and access at Slimeridge Farm

Decision: Granted

Year: 2019

Reference: 19/P/2431/FUL

Proposal: Extension of existing steel-framed barn for personal hobby use for storage of 26no. heritage buses

Decision: Withdrawn

Policy Framework

The site is affected by the following constraints:

- Outside a settlement boundary
- Within a wildlife site -Weston Golf Course and fields below Uphill
- Flood zone 3a
- Potential Setting of a listed building

The Development Plan

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

The following policies are particularly relevant to this proposal:

- CS3 Environmental impacts and flood risk management
- CS4 Nature Conservation
- CS5 Landscape and the historic environment
- CS10 Transport and movement
- CS11 Parking
- CS12 Achieving high quality design and place making
- CS20 Supporting a successful economy
- CS22 Tourism Strategy
- 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
- DM4 Listed Buildings
- 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
- DM55 Extensions, ancillary buildings or the intensification of use for existing businesses located in the countryside
- DM56 Conversion and re-use of rural buildings for employment development
- DM57 Conversion and re-use and new build for visitor accommodation in the countryside

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) (February 2019)

The following sections are particularly relevant to this proposal:

- 2 Achieving Sustainable Development
- 4 Decision-taking
- 6 Building a strong, competitive economy
- 9 Promoting sustainable transport
- 11 Making effective use of land
- 12 Achieving well designed places
- 14 Meeting the challenge of climate change, flooding and coastal change

- 15 Conserving and enhancing the natural environment
- 16 Conserving and enhancing the historic environment

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

- North Somerset Landscape Character Assessment SPD (adopted September 2018)
- Biodiversity and Trees SPD (adopted December 2005)

Consultations

Copies of representations received can be viewed on the council's website. This report contains summaries only.

Third Parties: 5 letters of objection have been received. The principal planning points made are as follows:

- Detrimental to villagers, environment, local ecology and nature reserve
- Existing vehicles cause highway issues and an increase in traffic
- Inadequate access and parking provisions causing obstructions for emergency vehicles. Inadequate room to manoeuvre vehicles
- Fumes from buses running for long periods of time (up to 4 hours) causes air pollution and noise.
- Over development of a residential property, out of keeping with the character of the area and not suitable in this location
- Increased danger of flooding
- Slimebridge Farm is increasingly becoming a commercial property in a residential area

Weston Town Council: "made comments in support of this application"

Environment Agency: No comments received

Historic England: No comments received.

Other Comments Received:

Uphill Village Society:

It's assumed the buses are stored as part of Crosville Vintage Ltd operating at Slimeridge Farm offering vintage bus and steam hire which is a business activity. Concern about the visual impact on the views from the Uphill conservation area and Grade 1 listed Old Church of St Nicholas and Grade 2 listed windmill, as well as the Scheduled Monument of Bell barrow 650m south west of Slimeridge Farm, may be harmed in terms of setting.

Principal Planning Issues

The principal planning issues in this case are (1) principle of the development in this location, (2) flood risk, (3) character and appearance, (4) impacts on neighbours, (5) parking and highway safety, (6) setting of listed buildings and heritage assets and (7) protected species.

Issue 1: The principle of the development in this location

The application site is located outside of any established settlement boundary and is within the countryside.

It is proposed to erect a single storey front and large single storey rear extension to the existing steel-frame storage barn which was granted retrospective planning approval use for the storage of heritage buses and steam engines under planning permission 20/P/0835/FUL. The proposed extensions would see the footprint of the existing storage barn increase by 120% and as such the proposed development also includes the change of use of the agricultural land on which the proposed extensions would be sited on.

The proposed development is to accommodate the storage use of approximately 5 additional vintage buses as part of a hobby. There are currently 12 vintage buses already stored on the site. The previously withdrawn application 19/P/2431/FUL sought extensions to the existing barn to accommodate 26 buses. While the applicant has confirmed the proposed extension to the barn would be to accommodate approximately 5 additional buses providing more space for maintenance within the building, it has been confirmed that any additional buses in the current or future collection that exceeds 17 in total would have to be stored elsewhere.

The applicant's supporting statement and further information suggests that the proposal would be of economic benefit to the countryside both through requiring skilled engineers to maintain the buses and creating a tourism benefit through the hiring of the buses for various events with the possibility of hosting fetes and events in the future. As such it is argued the proposal should be encouraged as set out within the National Planning Policy Framework (NPPF), Policy CS22 of the Core Strategy and Policies DM55 and DM56 through achieving economic development and boosting tourism within the countryside.

However, this benefit to the local economy and tourism is considered to be limited and indirect with no official business plan to host events at the application site. Moreover, the restrictive conditions attached to the approval of the retrospective planning application clearly demonstrate that planning application 20/P/0835/FUL was only acceptable as this was a conversion of an existing building.

Given that the proposal is for a personal/hobby use it is considered that is not directly related to tourism or economic development within the countryside per se and as such it is not an activity that would be considered sustainable and allowed under Policy CS33. There is no other relevant policy within the North Somerset Council Local Plan to support this type of development but paragraph 11 of the NPPF gives further advice about the presumption in favour of sustainable development.

In this particular case NPPF paragraph 11(d)(i) advises that the presumption in favour of sustainable development does not apply where other policies in the NPPF that protect areas of particular importance provides a clear reason for refusing the development proposed. Land designated as being at risk of flooding is identified in the NPPF as one such protected area. Therefore, as is set out in detail below, this proposal fails to meet the requirements of an acceptable sequential test and therefore provides a clear reason for refusing the development.

Notwithstanding the above, a balancing exercise has been undertaken to assess the benefits of the principle of the proposal against the harm it might cause if allowed. Whilst the proposal would provide more storage space for 5 additional vintage buses with a possibility of hosting events at the site in the future, the proposed extension to the existing building would be for personal hobby use. Whilst the buses may indirectly benefit tourism, this would be very limited and would have no direct economic benefit.

In contrast, the extension is considered to be a disproportionately large addition to a building originally built for agricultural purposes but no longer used for that purpose. Policy CS33 seeks to strictly control new development in order to protect the character of the countryside and prevent unsustainable development. The site is in the countryside and not in a sustainable location. There is an additional existing and possibly unauthorised barn located approximately 39m to the north east of the application barn which has been confirmed to be used as personal leisure storage including tools and equipment for the gardens and estate. While the information provided suggests this is needed for personal storage and cannot accommodate additional buses, it is considered that there is already a substantial amount of personal storage provided within Slimeridge Farm that could accommodate the 5 additional buses without requiring a large extension. In addition, while the proposal is only for the storage of 5 additional buses resulting in a total of 17 buses stored at the application site, it has been confirmed that other buses in the current and future collection would be stored elsewhere. Therefore it is apparent that other storage is available for the excess buses and a large extension is not necessarily required to the existing barn.

It is considered that overall the harm caused by the development clearly and demonstrably outweigh the limited and indirect benefits of the proposal.

Issue 2: Flood risk

The application site is located within Flood Zone 3A. The principal way to manage flood risk is to avoid locating development within areas at risk of flooding. To encourage development to avoid flood risk areas, Government policy set out in the NPPF and related guidance, requires that a Sequential Test is passed for minor development exceeding 250m² in flood zone 3A. As the application site is located outside any established settlement boundary, Policy CS3 of the Core Strategy states that the area of search for alternative sites should be North Somerset unless it can be demonstrated with evidence that there is a specific need within a specific area.

The requirements of the Sequential Test, which are supported by Policy CS3 of the Core Strategy, clearly set out that the Test should consider all reasonably available sites in areas at a lower risk of flooding, such as sites in, or with planning permission for, other uses. Such a search should include various available sites where a clear justification as to why the site is not suitable is submitted to support the assessment. However, such a search for alternative available sites has not been submitted in this case.

The submitted FRA and Sequential Test is lacking in evidence as it does not adequately justify why the whole district was not used as the area of search. Moreover, the search for alternative sites that has been undertaken is further deficient as it has only considered allocated employment sites. No map or list of the available employment sites has been submitted. Furthermore, no details of existing vacant commercial properties have been considered.

It is the applicant's responsibility to assemble the relevant evidence in order to allow the LPA to consider whether the Sequential Test is satisfied. This evidence needs to be submitted with the planning application and demonstrate that there are no reasonably available alternative sites within an area of lower flood risk which can accommodate the proposal. In this respect, no alternative sites in the district that are reasonably available for development and have a lower probability of flooding have been assessed as part of the submitted sequential test and as such, the sequential test is therefore not passed.

The development is therefore considered to be at an avoidable and unacceptable risk of flooding and the proposal conflicts with policy CS3 of the North Somerset Core Strategy, policy DM1 of the North Somerset Sites and Policies Plan (part 1 – Development Management Policies), and section 14 of the National Planning Policy Framework.

Issue 3: Character and appearance

Concern has been raised over the proposal adversely impacting the open countryside. Whilst, the application site is at a lower land level to that of Links Road and is therefore not prominent when viewed from Links Road, the extension is of a scale that would make it unacceptable in principle in a countryside location unless related to an agricultural, employment or other appropriate use. There are however existing 2m high timber fence boundaries to the north west, south west and south east, which coupled with the site levels, do mean the proposal is unlikely to be visible from wider views and would not cause unacceptable harm to the character of the area.

It is therefore considered that on this basis the proposal would not unacceptably harm the characteristics of the existing site or the visual character of its surroundings given that there are no external alterations proposed to the existing building and site. In this respect, the proposal complies with policies CS12 and CS33 of the Core Strategy, policy DM32 of the Sites and Policies Plan (Part 1).

Issue 4: Impacts of neighbours

The application site is located approximately 100m south west of Links Road and any other neighbouring residents. While concern has been raised over a noise nuisance and increase in pollution from the running of the buses for an extended period of time, it is considered that the storage of the buses would be a substantial distance away (over 100m) from the nearest neighbour and is therefore unlikely to have an unacceptable noise nuisance to nearby residents.

It is therefore considered that while the proposal would result in additional buses being stored and moved to and from the application site, this would not result in an unacceptable increase in air pollution over that of the general use of Links Road.

Given this assessment, the proposed development would not result in a significant adverse impact upon the living conditions of neighbouring residents. In this respect, the proposal complies with policy DM32 of the Sites and Policies Plan (Part 1).

Issue 5: Parking and highway safety

Neighbouring residents have raised concern over the access to the application site making manoeuvring of large buses dangerous in Links Road and the surrounding road network.

While the proposal seeks storage for an additional 5 buses there are no alterations proposed to the access. The alterations to the access required under planning permission 20/P/0835/FUL are considered to be sufficient to accommodate the increase in buses and as such is considered acceptable.

Concern has been raised over the buses causing an obstruction to emergency vehicles which might need to use the road. However the proposal is for increased storage space to park the vehicles off the road and as such there would be no long-term obstruction from buses being parked in the road.

It is therefore considered that the existing access is adequate and on-site parking provision complies with the standards set out in the North Somerset Parking Standards SPD. The proposal is therefore in accordance with policies DM24, DM28 and DM37 of the Sites and Policies Plan (Part 1).

Issue 6: Setting of Listed Building and heritage assets

There are no designated nor non-designated heritage assets within the application boundary, and no heritage assets will be directly impacted upon by the proposals. Whilst concern has been raised that there may be views from Uphill Conservation Area, the Grade I listed Old Church of St Nicholas and Grade II listed windmill, as well as the Scheduled Monument of Bell barrow 650m south west of Uphill Farm, these views would be limited given that the site is screened by existing landscape features. The impact from the proposal on the limited views of the application site from the surrounding heritage assets has been assessed within the submitted Heritage Impact Assessment and are considered to retain the heritage value of the surrounding assets and would not cause an unacceptable harm.

The proposal is therefore in accordance with policy CS5 of the North Somerset Core Strategy, policy DM4 of the Sites and Policies Plan (Part 1), section 16 of the NPPF and section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

Issue 7: Protected species

While concern has been raised over the proposal resulting in a harmful impact on the local ecology and being detrimental to the nearby nature reserve, the proposed development will be contained within the existing curtilage of the wider Slimeridge Farm which is enclosed by 2m high timber fencing boundaries to the north west, south west and south east of the application site, thereby restricting any impact on the wider wildlife site. Moreover, the existing site consists of a modern barn located on a hard standing with a concrete access and some manicured grassland surrounding the application site which is not considered to be suitable to provide a habitat for protected species. While there may be some use of the site for foraging, this is likely to be on the edges of the site and conditions limiting external lighting and ecological enhancements could sufficiently mitigate any potential harm to the wider wildlife site.

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.

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.

Natural Environment and Rural Communities (NERC) Act 2006

The proposed development will not have a material detrimental impact upon bio-diversity.

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.

Conclusion

The proposed development is located in an unsustainable location within the open countryside where policy CS33 requires that new development is strictly controlled. Whilst it would see a 120% increase in the floor space of the building it would not be unduly visible when viewed from surrounding land.

The site is located within flood zone 3A which is identified in the NPPF as a protected area. The details submitted within the sequential test do not fully assess other available sites on the open market and instead focus on employment land only which is not relevant to the proposal under this application as the proposed use of the extended building is for personal / hobby use any not employment use. In this respect, the submitted sequential test is considered to be insufficient where the proposed development is therefore considered to be at an avoidable and unacceptable risk of flooding and the proposal conflicts with policy CS3 of the North Somerset Core Strategy, policy DM1 of the North Somerset Sites and Policies Plan (part 1 – Development Management Policies), and section 14 of the National Planning Policy Framework.

RECOMMENDATION: REFUSE for the following reason:

1. The application site is in an unsustainable location within an area at risk from flooding and the application does not satisfactorily demonstrate that the proposal passes the Sequential Test referred to in policy CS3 of the North Somerset Core Strategy. The Local Planning Authority is not, therefore, satisfied that there are no alternative sites including the nearby large barn in the area that are reasonably available for development and have a lower probability of flooding. In the absence of a satisfactory Sequential Test and evidence of alternative suitable sites, the proposed development is, therefore, considered to be in an unsustainable location and at an unacceptable and avoidable risk of flooding, contrary to policies CS3 and CS33 of the North Somerset Core Strategy, policy DM1 of the North Somerset Sites and Policies Plan (Part 1) and section 14 of the National Planning Policy Framework (and the associated Planning Practice Guidance).

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SECTION 2 – ITEM 7

Application No: 20/P/2447/FUL

Proposal: Demolition of existing bungalow and erection of 2no detached dwellings with ancillary works

Site address: 234 Down Road Portishead Bristol BS20 8HU

Applicant: Margaret Rose Prince

Target date: 14.12.2020

Extended date: 24.03.2021

Case officer: Ellena Fletcher

Parish/Ward: Portishead/Portishead West

Ward Councillors: Councillor John Cato and Councillor Nicola Holland

REFERRED BY COUNCILLOR HOLLAND

Summary of recommendation

It is recommended that the application be **APPROVED** subject to conditions. The full recommendation is set out at the end of this report.

The Site

The application site is located within the residential area of Portishead at Down Road. The site contains an existing single storey bungalow. The land falls from Down Road to the north. Adjoining sites at the north, east and western boundaries are residential properties.

The Application

- the erection of 2no. 4 bedroom dwellings
- The existing site is 820 sq. m and seeks two dwellings with the dimensions 6.8m (w) x 12.6m (d) x 6.7m (h) (from ground floor of front elevation).
- 3 off street car parking space would be provided for each house.

Relevant Planning History

Year: 1988

Reference: 3046/87

Proposal: Erection of porch and construction of rear extension to provide increased living accommodation.

Decision: Approve

Year: 1953

Reference: 20402

Proposal: Erection of bungalow and garage and provision of vehicular access thereto.

Decision: Approve

Policy Framework

The site is affected by the following constraints:

- Within the Portishead Settlement Boundary
- NS and Mendip Bats SAC Horseshoe Bat Zone C
- Landscape Character Area *Portishead*

The Development Plan

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

The following policies are particularly relevant to this proposal:

CS2 Delivering sustainable design and construction
CS10 Transport and movement
CS11 Parking
CS12 Achieving high quality design and place making
CS13 Scale of new housing
CS14 Distribution of new housing
CS31 Clevedon, Nailsea and Portishead

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

The following policies are particularly relevant to this proposal:

DM24 Safety, traffic and provision of infrastructure etc associated with development
DM28 Parking standards
DM32 High quality design and place making
DM34 Housing type and mix
DM36 Residential densities
DM37 Residential development in existing residential areas

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) (February 2019)

The following sections are particularly relevant to this proposal:

1 Introduction

- 2 Achieving Sustainable Development
- 3 Plan-making
- 4 Decision-taking
- 5 Delivering a sufficient supply of homes
- 11 Making effective use of land
- 12 Achieving well designed 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 2013)
- North Somerset Landscape Character Assessment SPD (adopted September 2018)
- Biodiversity and Trees SPD (adopted December 2005)

Consultations

Copies of representations received can be viewed on the council's website. This report contains summaries only.

Third Parties: 28 letters of objection have been received. The principal planning points made are as follows:

- Plot too small for two dwellings and the size and scale is out of character with the area. Harms the openness of the street scene
- Increase in traffic volumes with inadequate parking and access
- Overlooking and loss of privacy to private rear gardens with overlooking from decking and Juliet balconies
- Overbearing impact on sitting out areas and rear gardens of neighbouring dwellings with loss of sunlight to adjoining dwellings

1 letter of support has been received. The principal planning points made are as follows:

- Proposal would provide an additional dwelling without harming the countryside

Portishead Town Council: *'Objection – the properties will be overbearing; it is overdevelopment of the site and there are highway safety concerns coming from a steep drive on to a busy point of Down Road.'*

Principal Planning Issues

The principal planning issues in this case are (1) principle of development, (2) character and appearance, (3) living conditions of neighbour, (4) parking and highway safety, (5) protected species, (6) setting of listed building, (7) planning balance and (8) other matters.

Issue 1: The principle of residential development in this location

The site falls within the settlement boundary for Portishead where residential development is acceptable in principle in accordance with policy CS31 of the Core Strategy and policy SA2 of the Sites and Policies Plan Part 2 (Site Allocations Plan). Policy CS31 permits residential development in principle, provided it reflects the character of the local environment and does not cause any adverse impacts. Policy DM37 of the Sites and Policies Plan Part 1 (Development Management Policies) provides other criteria, such as design requirements, the need to protect the living conditions of neighbours, and the need to provide adequate amenity space. These issues are considered in more detail below.

A similar scheme achieved planning permission on the neighbouring site at no.232 under 18/P/3072/FUL. The application sought the demolition of a bungalow and the erection of two 4-bedroom dwellings of a similar layout, scale and design in this application. That permission has now been implemented and now forms part of the street scene and context for the proposed site.

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. 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, consideration will be given to the siting, landscaping, levels, density, 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.

The proposed design of the dwelling offers a more contemporary style which would be in keeping with the adjoining site at no.232, where two 4-bedroom dwellings have recently been constructed. The proposal incorporates design features of existing dwellings in the road with a hip style roof and gable shaped windows on the front elevations. The proposed height would not exceed the ridge height of the adjoining dwellings at no.232 or tower above no.236.

There were concerns raised that the proposed site would not be able to comfortably accommodate two dwellings and would not reflect the existing surrounding pattern of development. However, the neighbouring site was granted planning permission for a very similar scale, design and layout under application 18/P/3072/FUL. The planning permission has been built out and now forms part of the street scene and needs to be taken into consideration.

Paragraph 38 of the UK Government's National Design Guide advises that the immediate context of a site should be taken into consideration. When considering the proposal within the existing context, the height, size and scale would reflect the surrounding pattern of development. Therefore, when considering the context of sites in the immediate street scene, the proposed plot sizes, design, size and scale of the proposed dwellings would not adversely contrast with the existing pattern of development or street scene.

It is therefore considered that the proposed dwellings will be in keeping with the character and appearance of the area and will comply with the requirements of policies CS12 of the Core Strategy and DM32 of the Sites and Policies Plan Part 1.

Issue 3: Living conditions of neighbours

Policy DM32 of the Sites and Policies Plan (Part 1) states that the design and layout of development should not prejudice the living conditions for the occupiers of the proposed development or that of adjoining occupiers through loss of privacy, overlooking, overshadowing or overbearing impact. Policy DM37 also requires that the living conditions of the occupiers and adjoining properties are not prejudiced. A new dwelling should not cause significant harm to the living conditions of neighbouring residents when using their gardens or habitable rooms and the scheme should also be designed to provide adequate living conditions for the occupants of the proposed dwelling.

There were concerns the proposal would have an overbearing effect on the adjoining neighbours at no.236 and no.232a. The RDG1 applies a “45 degree test” to assess whether a proposal would have an adverse overbearing impact. The proposal would comply with the 45 degree test in terms of depth/width and height.

There were also concerns the proposal would result in an unacceptable loss of light to the adjoining occupiers. No.232a has side windows which would serve non-habitable rooms. Therefore, the proposal would not result in an unacceptable loss of sunlight to the neighbour at no.232a. The dwelling at no.236 has two side windows serving a kitchen. Whilst a kitchen is considered a habitable room, RDG1 advises that *‘secondary windows to habitable rooms at neighbouring properties are not normally given the same protection as the main window.’* One of the kitchen windows on no.236 is high level. The kitchen is also served by a window and French double doors on the rear elevation which allows in uninterrupted sunlight. The existing bungalow already minimises sunlight to the side windows at no.236. Although, the proposal would be increased in height, it would be set further off the boundary. Therefore, the proposal is unlikely to result in an unacceptable loss of sunlight to the neighbouring dwelling. There were also concerns the proposed height of the dwelling would be overbearing on the outdoor decking area of no.236. However, the outdoor decking area would be uninterrupted by development to the rear and the change in ground level would also somewhat mitigate against the impact. Overall, the proposed siting of the dwelling would be unlikely to have an adverse overbearing impact on the users of the outdoor decking area at no.236.

There were also concerns the proposal would result in a loss of privacy to the rear gardens of the adjoining neighbours due to the proposed first floor Juliet balconies and decking. However, the first floor Juliet balconies are unlikely to cause any further loss of privacy than the existing overlooking from the surrounding dwellings. The proposed Juliet balconies are angled to face directly north which would reduce any direct overlooking. The plans indicate the proposed decking would be at ground level and show the proposed boundary treatment would screen any unacceptable overlooking. The proposal is therefore, unlikely to result in any unacceptable loss of privacy.

Therefore, as the proposal would comply with the relevant tests contained in the RDG1, the proposal complies with policies DM32 and DM37 of the Sites and Policies Plan Part 1 and the Residential Design Guide 1 – Section 1: Protecting Living Conditions of Neighbours.

Issue 4: Parking and highway safety

Plans show a proposed shared access in the centre of the site measuring approximately 6 metres wide. This is a sufficient width to allow two vehicles to pass. Due to the access being directly adjacent to the existing access, an adequate level of visibility will be achievable. The applicant has also provided tracking to demonstrate that vehicles would be able to turn and egress the site in a forward gear. This is considered acceptable and in line with Policy DM24 (Highway Safety) of the Sites and Policies (Part 1).

The visibility splays at both sides of the access need to be kept free of obstruction to visibility in excess of 600mm). This can be conditioned.

The plan P05 shows the proposed profile of the driveway. The longitudinal grade of the access way should not be too steep as to present a hazard for vehicles entering or exiting the site, particularly in frosty or snowy conditions. In order to overcome this the first 5 metres of the access way adjacent to the public highway is to have a maximum longitudinal gradient of 1:12 (8%). This can be conditioned.

Local car parking standards are set out in the North Somerset Parking Standards SPD and outline the minimum required number of car parking spaces for residential development, specifying 3 car parking spaces for a property with 4 bedrooms. Plans show provision for 3 parking spaces for each dwelling on the proposed driveways. As these meet the dimensions of 2.4 x 4.8 metres, this would meet the parking standard and be considered acceptable.

The applicant has provided information regarding cycle parking (cycle store) provision. This meets the required standard and is acceptable.

Issue 5: Protected species

The submitted ecology report advises that the proposal is unlikely to adversely affect bats. However, the ecologist does make recommendations to safeguard any bats species using the site. A bat house is also recommended to enhance the use of the site by bats. A condition is advised to ensure the recommendations set out in the ecology report is followed. 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 6: Setting of Listed Building

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

Issue 7: Planning balance

The council is currently unable to demonstrate a 5-year land supply for housing, with the most recently tested position concluding that supply stands at around 4 years. Paragraph 11 of the NPPF advises where relevant policies are considered out of date because of a lack of housing supply, development should be approved without delay unless *'any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.'*

The proposal would provide an additional dwelling to the housing supply in North Somerset in a sustainable location. The proposal would comply with the requirements of the neighbour impact tests set out in the RDG1. The proposed plot would be able to comfortably accommodate two dwellings and would be in keeping with the immediate context of the site. Highway concerns have been overcome subject to conditions. Therefore, on balance, the council would not be able to demonstrate the adverse impacts of the scheme outweigh the benefits. In the absence of significant and demonstrable harm, the proposal is therefore considered sustainable development.

Issue 8: Other matters

All other matters raised by the consultees have been taken into account, including loss of views but none is of such significance as to outweigh the considerations that led the recommendation below.

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.

Conclusion

RECOMMENDATION: APPROVE (for the reasons stated in the report above) subject to the following conditions:-

1. The development hereby permitted shall be begun before the expiry of three years from the date of this permission.

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in accordance with the approved plans and documents to be listed on the decision notice.

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

3. The materials to be used in the development hereby permitted shall be in complete accordance with the approved plans and specifications unless details of any alternative material have first been submitted to and approved, in writing, by the Local Planning Authority.

Reason: To ensure that the materials to be used are acceptable in order to maintain the character and appearance of the building and those of the surrounding area, and in accordance with policy CS12 of the North Somerset Core Strategy and policies DM32 and DM37 of the North Somerset Sites and Policies Plan (Part 1).

4. The development hereby approved shall not be occupied until the access and parking area have been constructed in accordance with the approved plans and these parking spaces shall thereafter be permanently retained and shall not be used

except for the parking of vehicles in connection with the development hereby approved.

Reason: To ensure that the development is served by a suitable parking area in order to preserve highway safety and in accordance with policies CS10 and CS11 of the North Somerset Core Strategy and Policies DM24 and DM28 of the North Somerset Sites and Policies Plan Part 1.

5. No structure, erection or planting exceeding 600mm in height above the adjoining carriageway level shall be placed within the sight lines shown on the approved plans PO1 Proposed Site Layout Plan.

Reason: To preserve sight lines in the interests of road safety and in accordance with policy CS10 of the North Somerset Core Strategy and policy DM24 of the North Somerset Sites and Policies Plan (Part 1).

6. Prior to the occupation of the dwellings details of the gradient of the driveway shall be built in accordance with the approved plan P05. The first 5 metres of the access way adjacent to the public highway is to have a maximum longitudinal gradient of 1:12 (8%). The gradient of the driveway shall not be subsequently altered without the express permission of the Local Planning Authority.

To ensure safe egress onto the highway in all weather conditions and in the interests of road safety and in accordance with policy CS10 of the North Somerset Core Strategy and policy DM24 of the North Somerset Sites and Policies Plan (Part 1).

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order, with or without modification), no windows, rooflights or dormers (other than any expressly authorised by this permission) shall be inserted in the side elevations.

Reason: To protect the living conditions of occupiers of adjoining properties and in accordance with policies DM32 and DM37; 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).

8. The dwellings hereby approved shall not be occupied until measures to generate 10% (less if agreed with the Local Planning Authority) of the energy required by the use of the development (measured in carbon) through the use of micro renewable or low carbon technologies have been installed on site and are fully operational in accordance with details that have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved technologies shall be permanently retained unless otherwise first agreed in writing by the Local Planning Authority.

Reason: In order to secure a high level of energy saving by reducing carbon emissions generated by the use of the building in accordance with paragraph 17 and section 10 of the National Planning Policy Framework and policies CS1 and CS2 of the North Somerset Core Strategy.

9. The finished floor, ground and ridge height levels shall not exceed those shown on the approved plans.

Reason: In order to ensure that the height of the development is appropriate in the interests of the character and appearance of the area, and in accordance with policy CS12 of the North Somerset Core Strategy and policy DM32 of the North Somerset Sites and Policies Plan (Part 1).

10. No dwellings shall be occupied until space and facilities for the separate storage and collection of waste and recycling materials have been provided for it in accordance with the approved plans and specifications. The said space and facilities shall thereafter be made permanently available for the storage and collection of waste and recycling materials only for the occupiers of the dwellings.

Reason: The Local Planning Authority wishes to encourage sustainable recycling initiatives in the interests of local amenity and sustainable waste management and in accordance with policies CS1, CS3 and CS7 of the North Somerset Core Strategy and policy DM32 of the North Somerset Sites and Policies Plan (Part 1).

11. The development shall not take place except in strict accordance with the measures outlined in section 5 of the Bat Survey dated 07.09.2020. If amendments to the methodology are required, details of the changes must be submitted in writing and agreed by the Local Planning Authority before relevant works proceed. The development shall then be implemented in accordance with the agreed changes.

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

For advice on discharging this condition, please refer to: www.n-somerset.gov.uk/batroostconditions

12. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- (a) the parking of vehicles of site operatives and visitors
- (b) loading and unloading of plant and materials
- (c) storage of plant and materials used in constructing the development
- (d) wheel washing facilities
- (e) measures to control noise from works on the site
- (f) measures to keep access roads clear of vehicles
- (g) routing restrictions

Reason: In order to preserve highway safety, local amenity and the living conditions of nearby residents and in accordance with policy CS3 of the North Somerset Core Strategy and policy DM24 of the North Somerset Sites and Policies Plan (Part 1). The details are required prior to the commencement of development in order to ensure that construction works do not pose a threat to amenity, health or safety.

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North Somerset Council

REPORT TO THE PLANNING & REGULATORY COMMITTEE

DATE OF MEETING: 17 MARCH 2021

**SUBJECT OF REPORT: EXTENSION OF REVISED DELEGATION
ARRANGEMENTS FOR PLANNING APPLICATIONS DURING COVID-19
PANDEMIC**

TOWN OR PARISH: ALL

OFFICER/MEMBER PRESENTING: HEAD OF PLANNING

KEY DECISION: NO

RECOMMENDATIONS

That the temporary changes to the Protocol and Code of Practice agreed by the Planning and Regulatory Committee on 14th October 2020 as set out in appendix 3 to this report be extended for a further a period of 6 months.

1. SUMMARY OF REPORT

The Protocol for Delegating Planning Decisions to officers approved by Planning & Regulatory Committee on 12th April 2017 was amended by the Committee on 20th May and extended for a further 6 months on 14th October 2020 due to operational constraints arising from the Covid-19 pandemic. The effect of the agreed amendments is to suspend and amend the automatic triggers for referral of certain planning applications to committee. It is proposed to extend the amended arrangements for a further 6 months.

2. POLICY

Ensuring speedy, proportionate and efficient decision making processes is consistent with Government expectations for the delivery of new development through the planning system. Effective delegation is fundamental element of efficient management systems.

3. DETAILS

Taking into account relevant guidance, the Committee agreed last May and again in October to amend temporarily the adopted Protocol for delegating planning applications to officers. This was done to remove some of the automatic triggers which result in applications being reported to the committee for decision. Prior to the temporary amendment there was an automatic referral process for certain Councillor, officer and Council applications as well as major applications which are departures from policy. Whilst such referrals are relatively rare, suspension of the automatic referral process allows

uncontentious applications to proceed under delegated powers. Local members, the Chairman and Director still retain the right to refer such applications to Committee should they wish.

For ease of reference, the adopted, pre-Covid Protocol for Delegating Planning Decisions to Officers, which was approved by Planning & Regulatory Committee in 2017, is attached as appendix 1 to this report. The changes agreed by the Committee in May and October to suspend the automatic referrals identified above are set out in appendix 2 with a clean copy of the agreed temporary arrangements in appendix 3.

It continues to be recognised that maintaining openness is a core North Somerset objective and it remains vital that there is no perception that any change to operating arrangements reduces public scrutiny or accountability. In this respect it is therefore important to continue to recognise that the member referral process would still enable contentious applications to be referred to Committee for decision even if the automatic trigger is suspended.

4. CONSULTATION

Informal consultation took place in May 2020 with the leaders of the Independent, Liberal Democratic, Conservative, Labour and Green party groups, the Chairman and Vice Chairman of the Planning and Regulatory Committee, the Chief Executive, the Head of Legal and Democratic services and other officers.

5. FINANCIAL IMPLICATIONS

An efficient delegation system enables effective use to be made of resources and reduces costs involved in extending Committee time unnecessarily

6. LEGAL POWERS AND IMPLICATIONS

The Council Constitution delegates functions of the local planning authority, amongst other matters, to the Director of Development and Environment. This includes the authorisation of officers to exercise functions in accordance with statutory provisions. The Head of Planning and other senior officers within the Development Management service exercise these powers in the name of the Director, including the function to make decisions on planning applications.

7. CLIMATE CHANGE AND ENVIRONMENTAL IMPLICATIONS

Climate change and environmental impacts are considered on a case by case basis when applications are considered.

8. RISK MANAGEMENT

As set out in the report.

9. EQUALITY IMPLICATIONS

Decisions on planning applications are governed by published law and procedure. Access issues are taken into account in all planning decisions.

10. CORPORATE IMPLICATIONS

Article 6 of the Human Rights Act 1998 gives the right to a fair and public hearing.

11. OPTIONS CONSIDERED

Options considered include (a) delegating more applications to officers to determine or (b) continuing to refer planning applications to the Planning and Regulatory Committee.

AUTHOR

Richard Kent Head of Planning

APPENDICES

- Appendix 1 The adopted Protocol for Delegating Planning Decisions to Officers Approved by planning & regulatory committee 12th April 2017.
- Appendix 2 Temporary Protocol agreed on 20 May and 14th October 2020 and with agreed additions shown in bold text with agreed deleted text crossed through.
- Appendix 3 Clean copy of Proposed Protocol

BACKGROUND PAPERS

Scheme of Delegation set out in the Council's Constitution

Reports to Planning and Regulatory Committee

LGA "Probity in Planning: Advice for Councillors and Officers making planning decisions" 2019.

Planning Advisory Service "Virtual planning committee – a hints & tips guide" April 2020

APPENDIX 1

THE PRE-COVID PROTOCOL FOR DELEGATING PLANNING DECISIONS TO OFFICERS

APPROVED BY PLANNING & REGULATORY COMMITTEE 12TH APRIL 2017

All applications made under the Town and Country Planning Act (as amended) including applications for planning permission, listed building consent, consent to display an advertisement and Hazardous Substances Consent are delegated to the Director of Development and Environment to decide with the following exceptions which will be determined by the relevant Planning and Regulatory Committee.

- Any application within a Councillor's ward which that Ward Councillor requests be decided by Committee in accordance with the code of practice
- Any application which may have significant impact within a Ward, other than the Ward in which the application is sited, if the Ward councillor for the ward significantly impacted by the development refers the application to the committee in accordance with the code of practice.
- Applications submitted by or on behalf of the Chief Executive, a Director, Assistant Director of any Directorate (or equivalent); or a Head of Service in Development and Environment other than applications (a) made on behalf of the Council or (b) applications for the enlargement, improvement or other alteration of a dwelling house where no objections have been received.
- Applications submitted by or on behalf of any elected member of North Somerset Council other than applications for the enlargement, improvement or other alteration of a dwelling house where no objections have been received.
- Applications (other than applications for the enlargement, improvement or other alteration of a dwelling house where no objections have been received) submitted by or on behalf of any member of staff who works in either the Development Management Group or who has advised the Development Management Group on planning applications within the 12 months preceding the application
- Applications (other than applications for Lawful Development Certificates) submitted by or on behalf of North Somerset Council or on land owned or part owned by the Council where that application is either more than 1000sq.m in floor area or site area; or where the total number of residential units proposed is 10 or more; or where 10 or more letters raising material planning comments have been received where those comments are contrary to the officer's recommendation; or where a single letter signed by 10 or more signatories from different addresses in North Somerset raising material planning comments has been received and those comments are contrary to the officer's recommendation.
- Any application for major development* where it is recommended that permission be granted contrary to the development plan.

- Any application which the Director of Development and Environment or the Chairman and Vice Chairman of the Committee consider should be decided by Committee.
- Applications where the Planning and Regulatory Committee has resolved to grant planning permission subject to the applicant entering into a planning obligation (such as a S106 legal agreement) and where the required obligation is not completed either:
 - a) within 24 weeks (168 days) of the date when the application was first received as a valid application; or
 - b) before ten working days prior to any extended target date previously agreed in writing by the applicant

may be delegated to the Director of Development and Environment to determine in consultation with the Chairman, Vice-Chairman and Ward Member(s) without further reference to the Committee on the basis of there being no planning obligation.

Applications where the Planning and Regulatory Committee has resolved to grant planning permission subject to the applicant entering into a planning obligation (such as a S106 legal agreement) and where subsequent amendments to draft heads of terms of legal agreements previously agreed by the Committee are needed, these are delegated to the Director of Development and Environment subject to agreement by the Chairman, Vice-Chairman and Ward Member(s) without further reference to the Committee

* “major development” means development involving any one or more of the following—

- (a) the winning and working of minerals or the use of land for mineral-working deposits;
- (b) waste development;
- (c) the provision of dwellinghouses where —
 - (i) the number of dwellinghouses to be provided is 10 or more; or
 - (ii) the development is to be carried out on a site having an area of 0.5 hectares or more and it is not known whether the development falls within sub-paragraph (c)(i);
- (d) the provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more; or
- (e) development carried out on a site having an area of 1 hectare or more;

Notes

1. For the avoidance of doubt, any application for major development where it is recommended that permission be granted contrary to the development plan will be referred to the Planning and Regulatory Committee for decision regardless of the status or nature of the applicant.
2. Applications submitted by the spouse or partner of a Councillor or staff member to whom the protocol applies will be treated as if they had been made by the Councillor or staff member personally.
3. Should there, in any individual case, be a doubt over the interpretation or transparency of these arrangements, the Head of Development Management or the relevant Service Manager in the Development Management Group (in consultation

- with the Chairman of the Planning and Regulatory Committee if appropriate) will decide whether the application ought to be referred to the Committee for decision.
4. In the event that a Ward Member is unavailable due to long term illness or the seat on the Council becomes vacant the relevant Party Group Leader may authorise another Councillor to exercise the absent Ward Member's powers to request applications be decided by Committee as set out in the Protocol for the period of their absence.
 5. Applications where the decision would conflict with an objection received from Historic England, Natural England, the Environment Agency or Highways England will normally be notified by the case officer to the relevant Ward Member before a decision is made to enable the member to decide whether to refer the application to the Committee for decision.
 - 6 The powers delegated to the Director are exercised on a day to day basis by the front line managers responsible for the running of the service. These are the Head of Development Management, the Service Managers in the Development Management Group and their nominated deputies.

THE CODE OF PRACTICE FOR REFERRAL OF PLANNING APPLICATIONS AND ENFORCEMENT CASES BY COUNCILLORS TO COMMITTEE

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- The Member's request must be made in writing by letter or e-mail **and sent** to the case officer, Service Manager and team email address dadminrequest@n-somerset.gov.uk
- Members may qualify their request so that the application need only be referred to the Planning and Regulatory Committee if the officer's recommendation is contrary to the Member's view.
- If the application involves an enforcement issue, it will be treated no differently from other planning applications.

- Enforcement cases may only be referred to a Committee by the Chairman of the Planning and Regulatory Committee, the Head of Development Management or the Delivery and Enforcement Service Manager.
- All decisions made under delegated powers are circulated monthly to councillors.

APPENDIX 2

THE COVID-19 TEMPORARY PROTOCOL FOR DELEGATING PLANNING DECISIONS TO OFFICERS APPROVED BY THE PLANNING AND REGULATORY COMMITTEE ON 20 MAY AND 14 OCTOBER 2020

Proposed additions are shown in **bold text** with deleted text crossed through.

All applications made under the Town and Country Planning Act (as amended) including applications for planning permission, listed building consent, consent to display an advertisement and Hazardous Substances Consent are delegated to the Director of Development and Environment to decide with the following exceptions which will be determined by the relevant Planning and Regulatory Committee.

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*** for the purpose of this protocol a “letter” includes an email or comment made on the application via the Council’s online system for commenting on planning applications.**

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CLEAN COPY INCORPORATING PROPOSED CHANGES.

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**PLANNING AND REGULATORY COMMITTEE – 17 MARCH 2021
REPORT OF THE DIRECTOR OF PLACE**

A - PLANNING APPEAL DECISIONS

1. Planning Application Number 20/P/0056/FUL

Site: Land North of Oakhill And Kewstoke Lodge, Front Street, Churchill

Description: Construction of single dwelling house and garage with associated access, parking and landscaping

Recommendation: Refused

Appeal Dismissed 4 Feb 2021

Type of appeal: Written Representation

Officer: Judith Porter

Appellant: Mr & Mrs Jonathan and Zena Tout

The main issue that was identified by the Planning Inspector was whether the proposal would preserve or enhance the character or appearance of the Churchill Conservation Area.

2. Planning Application Number 19/P/2073/FUL

Site: 2 Church Cottages, Banwell Road, Christon

Description: Change of use of land from agricultural to equestrian use with construction of ménage. Retrospective permission for the replacement of a barn with adjacent container.

Recommendation: Refused

Appeal allowed in part - allowed insofar as it relates to the change of use of land from agricultural to equestrian use and the replacement barn and adjacent container; dismissed insofar as it relates to the construction of the ménage and landscaping works - 8 Feb 2021

Type of appeal: Written Representation

Officer: Angela Norris

Appellant: Mr And Mrs Field

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 including the effect on the Mendip Hills Area of Outstanding Natural Beauty.

**PLANNING AND REGULATORY COMMITTEE – 17 MARCH 2021
REPORT OF THE DIRECTOR OF PLACE**

3. Enforcement Notice Number 19/00551/UAW

Site: Rosedene, 21 Grove Park Road, Weston-super-Mare

Description: Without planning permission, the erection of a garage.

Recommendation: Enforcement Notice issued

Appeal Dismissed 23 Feb 2021

Appellants application for Costs Refused.

Type of appeal: Written Representation

Officer: Chris Joannou

Appellant: Mr Steven And Mrs Suzanne Rowbotham

The main issue that was identified by the Planning Inspector was whether the development would preserve or enhance the character or appearance of the Great Weston Conservation Area in terms of its size, design and location.

4. Planning Application Number 20/P/0640/PIP

Site: Builders Yard, Weston Road, Long Ashton

Description: Permission in principle for the erection of 2-5 dwellings.

Recommendation: Refused

Appeal Allowed 24 Feb 2021

Type of appeal: Written Representation

Officer: Louise Grover

Appellant: Mr S Weeks

The main issues that were identified by the Planning Inspector were 1) whether or not the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies, including the effect of the proposal on the openness of the Green Belt, and 2) whether the development plan would support the proposed residential development in this location.

**PLANNING AND REGULATORY COMMITTEE – 17 MARCH 2021
REPORT OF THE DIRECTOR OF PLACE**

5. Planning Application Number 20/P/1154/OUT

Site: Land East Of Hillview, Greenhill Lane, Sandford

Description: Outline application for the erection of 1 No. dwelling with the formation of vehicular access (Appearance, landscaping, layout and scale reserved for subsequent approval.)

Recommendation: Refused

Appeal allowed with conditions 26 Feb 2021

Type of appeal: Written Representation

Officer: Angela Norris

Appellant: Peter and Donna Codman and Sweeting

The main issues that were identified by the Planning Inspector were 1) whether the appeal site is suitably located for a new dwelling having regard to local and national planning policy, and the accessibility of services and facilities; and 2) the effect of the proposed development on the character and appearance of the area.

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B – PLANNING APPEALS RECEIVED SINCE LAST COMMITTEE

1. Planning Application Number 19/P/1747/OUT

Site: Summervale, Moor Lane, Backwell

Description: Outline application for the erection of 9no. dwellings with access and layout for approval with matters of appearance, landscaping and scale reserved for subsequent approval

Date of Appeal: 4 Feb 2021

Type of appeal: Written Representation

Case Officer: Lee Bowering

Appellant: Mr D Abruzzo

**PLANNING AND REGULATORY COMMITTEE – 17 MARCH 2021
REPORT OF THE DIRECTOR OF PLACE**

2. Planning Application Number 20/P/0426/OUT

Site: **Land at Duck Lane, Kenn**

Description: Outline application for the erection of 2no. four bed detached dwelling houses with access and scale to be considered, with matters of appearance, layout and landscaping reserved for subsequent approval

Date of Appeal: 4 Feb 2021

Type of appeal: Written Representation

Case Officer: Mike Cole

Appellant: Mr Stuart Ings & Ms Jackie Manning

3. Planning Application Number 19/P/1520/LDE

Site: **Devils Elbow Farm, Hillend, Locking**

Description: Certificate of lawfulness for the existing use of a part of an agricultural barn to a self-contained residential flat, the residential occupation of one caravan, building operations to a second caravan and its use as a residential dwelling and the use of the land for B8 storage.

Date of Appeal: 8 Feb 2021

Type of appeal: Written Representation

Case Officer: Karen Bartlett

Appellant: Mr John Reed

4. Enforcement Notice Number 20/00063/COU

Site: **Devils Elbow Farm, Hillend, Locking**

Description: Without planning permission, the material change of use of part of a building to a single dwelling house

Date of Appeal: 8 Feb 2021

Type of appeal: Written Representation

Case Officer: Karen Bartlett

Appellant: Mr J Reed

**PLANNING AND REGULATORY COMMITTEE – 17 MARCH 2021
REPORT OF THE DIRECTOR OF PLACE**

5. Enforcement Notice Number 20/00063/COU

Site: **Devils Elbow Farm, Hillend, Locking**

Description: Without planning permission, the material change of use of the land from a mixed agricultural, equestrian use to a mixed agricultural, equestrian and the siting of a caravan for residential use

Date of Appeal: 8 Feb 2021

Type of appeal: Written Representation

Case Officer: Karen Bartlett

Appellant: Mr J Reed

6. Enforcement Notice Number 20/00063/COU

Site: **Devils Elbow Farm, Hillend, Locking**

Description: Without planning permission, the material change of use of the land from a mixed agriculture and equestrian use to residential

Date of Appeal: 8 Feb 2021

Type of appeal: Written Representation

Case Officer: Karen Bartlett

Appellant: Mr J Reed

7. Planning Application Number 20/P/1892/FUH

Site: **2 Westbury Crescent, Weston-super-Mare**

Description: Retrospective erection of a fence around the north east and southern boundaries of the property.

Date of Appeal: 15 Feb 2021

Type of appeal: Fast Track Appeal

Case Officer: John Grierson

Appellant: Mr Anthony Hobden

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8. Enforcement Notice Number 2017/0455

Site: **Woodland Farm, Shiplate Slait, Mearcombe Lane, Bleadon**

Description: Without planning permission, the erection of a building

Date of Appeal: 18 Feb 2021

Type of appeal: Written Representation

Case Officer: Julie Walbridge

Appellant: Mr K Perret

9. Planning Application Number 20/P/2271/FUH

Site: **Flat 1, Precinct, Brinsea Road, Congresbury**

Description: First floor extension to Maisonette to create additional storey.

Date of Appeal: 1 Mar 2021

Type of appeal: Written Representation

Case Officer: Ellena Fletcher

Appellant: Dillan Vaghela

C- INQUIRIES/HEARINGS DATES AND VENUES

1. Enforcement Notice Number 19/00095/UAW

Site: **Land off Summer Lane, Banwell**

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

Type of Appeal: Hearing – 20 and 21 April 2021, virtual event to be held

Case Officer: Chris Joannou

Appellant: Ms Kathleen Kiely

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Planning Application Number 19/P/0314/FUL

Site: **Land off Summer Lane, Banwell**

Description: Use of land for the stationing of caravans for residential purposes as a single pitch gypsy/traveller site and the erection of a day room building ancillary to that use

Type of Appeal: Hearing – 20 and 21 April 2021, virtual event to be held

Case Officer: Judith Porter

Appellant: Ms Kathleen Kiely

Enforcement Notice Number 20/00186/COU

Site: **Land off Summer Lane, Banwell**

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

Type of Appeal: Hearing – 20 and 21 April 2021, virtual event to be held

Case Officer: Chris Joannou

Appellant: Ms Kathleen Kiely

2. Enforcement Notice Number 19/00229/OTH

Site: **The Olde Shoppe, West Hay Farm, Summer Lane, Banwell**

Description: Without planning permission the change of use of a building to a residential dwelling

Type of Appeal: Public Inquiry – 21 Mar 2021, virtual event to be held

Case Officer: Karen Bartlett

Appellant: Mr Paul Bateman

Planning Application Number 18/P/4024/LDE

Site: **Land At West Hay Farm, Summer Lane, Banwell**

Description: Certificate of lawfulness for existing use of land and buildings to a mixed use of B8 Storage, Car repairs (sui generis) and residential

Type of Appeal: Public Inquiry – 21 Mar 2021, virtual event to be held

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Case Officer: Karen Bartlett
Appellant: Mr P Bateman

3. Enforcement Notice Number 2017/0490

Site: **Land on the East Side of Manor Road, Abbots Leigh**

Description: Without planning permission, the material change of use of the land from agriculture/horticulture to a mixed use of agriculture and recreational/leisure.

Type of appeal: Public Inquiry – 7 June 2021, virtual event to be held

Case Officer: Karen Bartlett

Appellant: Mr and Mrs Johnson

4. Planning Application Number 18/P/5118/OUT

Site: **Bristol Airport, North Side Road, Felton, Wrington**

Description: Outline planning application (with reserved matters details for some elements included and some elements reserved for subsequent approval) for the development of Bristol Airport to enable a throughput of 12 million terminal passengers in any 12 month calendar period, comprising: 2no. extensions to the terminal building and canopies over the forecourt of the main terminal building; erection of new east walkway and pier with vertical circulation cores and pre-board zones; 5m high acoustic timber fence; construction of a new service yard directly north of the western walkway; erection of a multi-storey car park north west of the terminal building with five levels providing approximately 2,150 spaces; enhancement to the internal road system including gyratory road with internal surface car parking and layout changes; enhancements to airside infrastructure including construction of new eastern taxiway link and taxiway widening (and fillets) to the southern edge of Taxiway GOLF; the year-round use of the existing Silver Zone car park extension (Phase 1) with associated permanent (fixed) lighting and CCTV; extension to the Silver Zone car park to provide approximately 2,700 spaces (Phase 2); the provision of on-site renewable energy generation; improvements to the A38; operating within a rolling annualised cap of 4,000 night flights between the hours of 23:30 and 06:00 with no seasonal restrictions; revision to the operation of Stands 38 and 39; and landscaping and associated works.

Type of appeal: Public Inquiry – 20 July 2021 (40 days)

Case Officer: Neil Underhay

Appellant: Bristol Airport Limited

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5. Planning Application Number 20/P/0204/LDE

Site: The Old Forge, Bristol Road, Felton, Wrington

Description: Certificate of lawfulness to confirm a) the amalgamation of three former planning units into one from 2006 with the Forge accommodation, Lulscott, Silverridge and the uses formerly approved at the Old Forge area of the Site becoming one enterprise, b) the building known as Lulscott is lawful and has a holiday accommodation use, c) the use of the former Silveridge area of the Site for the placement of 2 static caravans used for holiday accommodation and the retention of the building to the rear of the former Silveridge area of the Site as holiday accommodation, d) the use of the land across the Site for the parking of vehicles in association with the uses on the site, namely; holiday accommodation, office, car repair garage and car hire

Type of appeal: Public Inquiry – date to be confirmed

Case Officer: Karen Bartlett

Appellant: Mr Gregory Wedlake

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Summary Performance April 20 – March 21

Appeals received 70

Appeals decided 52

Appeals dismissed 39

Percentage dismissed of appeals decided 75

Appeals Allowed April 20 – March 21

Delegated Decision 12

Committee Decision 1

Costs awarded against the Council

Delegated Decision: none

Committee decision: none

Total: none

Costs awarded to the Council

Delegated Decision: one

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