

# Public Document Pack

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**Date:** Wednesday, 16 June 2021

## **\*\* Physical Meeting**

While the meeting will take place in person at the Town Hall it will also be live broadcast on YouTube (see link below). Because of the need to maintain social distancing measures, members of the public and media are encouraged to watch the meeting online and not attend in person. Should you wish to attend in person you **MUST** request to do so no less than 48 hours before the meeting. Contact Hazel Brinton for more information.

Dear Sir or Madam

### **Planning and Regulatory Committee – Thursday, 24 June 2021, 2.30 pm – New Council Chamber, Town Hall**

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/IJ83wh5P9VU>

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):**

**James Tonkin (Chairman), Steve Bridger, Peter Bryant, Caroline Cherry, Andy Cole, Peter Crew, John Crockford-Hawley, Ann Harley, Stuart McQuillan, Robert Payne, Mike Solomon, Richard Tucker, Richard Westwood**

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

James Tonkin (Chairman), Mike Bell, Mike Bird, Steve Bridger, Peter Bryant, Gill Bute, Ashley Cartman, Caroline Cherry, Andy Cole, Peter Crew, John Crockford-Hawley, 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, Richard Tucker and Richard Westwood.

## Agenda

1. **Election of Vice Chairman for Municipal Year 2021/22**
2. **Public speaking at planning committees (Standing Order 17 & 17A) (Pages 5 - 8)**

To receive 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).

Given the extremely limited space in the council chamber due to ongoing social distancing requirements, those wishing to speak on an application are strongly encouraged to submit a written statement which will be read out on their behalf by an officer at the meeting. Members of the public are advised that 400 words at normal speaking speed equate to a three minute statement. **\*\* If you are attending in person to speak on an application, you MUST register this intent 48 hours before the meeting with the committee clerk named above.**

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 statement to be read out/person to be heard.

Requests and full statements must be submitted in writing to the Head of Legal and Democratic Services, or to the officer mentioned at the top of this agenda letter, by noon two days before the meeting and the request must detail the subject matter of the address.

3. **Apologies for absence and notification of substitutes**
4. **Declaration of Disclosable Pecuniary Interest (Standing Order 37 as amended by SO7A)**

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.

**5. Minutes (Pages 9 - 12)**

21 April 2021, to approve as a correct record (attached)

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

**7. Planning Application No. 20/P/0861/FUL Erection of 14no. dwellings, provision of access, public open space, drainage, landscaping and ancillary works. Land to east of Youngwood Lane, Nailsea (Pages 13 - 30)**

Section 1 report of the Director of Place Directorate (attached)

**8. Planning Application No. 20/P/1673/FUL Reconfiguration and two storey extension to the existing retail unit to include a gym (1,054m<sup>2</sup>) (use class D2) and additional ground floor retail space to create two units (534m<sup>2</sup>); and erection of a food retail unit (195 m<sup>2</sup>) (use class A3/A5) and 39no. senior living apartments (29no. 1 bed and 10no. 2 beds) (use class C3); to include reconfiguration of the car park, public realm and landscaping works. B And M Bargains Limited, The Triangle, Clevedon, BS21 6HX (Pages 31 - 54)**

Section 1 report of the Director of Place Directorate (attached)

**9. Planning Application No. 19/P/3197/FUL Residential development of 60no. dwellings with supporting infrastructure and enabling works including new vehicular access with Moor Road, public open space, landscaping and drainage infrastructure on land off Moor Road, Yatton (Pages 55 - 94)**

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

**10. Planning Appeals 24.06.2021 (Pages 95 - 106)**

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

**11. 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 and Regulatory Committee – Thursday, 24 June 2021, 2.30 pm**  
**Committee Statement in Support of Application Ref 20/P/1673/FUL – Agenda Item 8**

**Submitted on behalf of the Applicant**

On behalf of our team, we want to express our passionate belief in the potential of Clevedon and the significance of the benefits this proposed scheme will deliver, and are sorry that current restrictions prevent us from being there in person to fully convey our excitement and long-term commitment to the town's future.

This scheme is the culmination of 24 months of stakeholder engagement and design evolution. From the outset, our aspirations for the site have been simple yet powerful, to:

1. Create an attractive gateway that increases Clevedon's appeal as a destination
2. Modernise, diversify and increase the resilience of the centre's retail offering
3. Provide more life and activity to the area through a complementary mix of uses
4. Deliver a scheme that local residents and businesses are proud of and that stimulates further investment and regeneration

We strongly believe the submitted scheme will achieve these goals.

We are approaching the end of a 35-year lease, which provides a once-in-a-generation opportunity to regain control of the site and reverse its persistent decline through a multi-million-pound investment - something that is rare in the current retail and economic climate.

We also want to help rejuvenate Queen's Square recognising its importance to the community and the traders. As the land is mainly outside our ownership boundary, we commit to contributing a minimum of £100,000 to the council for improvements to be carried out in consultation with local stakeholders, which will revitalise the public space at the community's 'heart' and provide a safer environment for residents after hours.

The plans incorporate a well-designed, modest block of senior living accommodation. To clarify: this accommodation is the non-assisted, modern type increasingly sought by active downsizers. These residents are typically strong contributors to their community, not least as spenders and volunteers.

We understand that parking is a sensitive subject, but it is important to note that this is a private car park whose owner has no legal obligation to make any public provision. The car park is over-provisioned, a legacy of its original service to car-dependent foodstore customers in the 1980s and if a similar new-build store sought permission today, the adopted parking standards would require approximately the number of spaces that our plans propose.

The proposals have emerged through an extensive consultation with officers and stakeholders, and has secured support from key local groups including traders, Clevedon BID and the Chamber of Commerce.

To summarise: these proposals represent a genuine, once-in-a-generation opportunity to regenerate and future proof Clevedon town centre and fulfil North Somerset's placemaking aspirations. We urge this committee to seize it – for the sake of local businesses, residents and all those striving to help the town thrive long into the future.

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## **Statement on behalf of Josh Ashwin – Technical Director Persimmon Homes**

The Officers Report is commended and this statement responds to specific matters raised during the previous committee and the Officers Report.

Members will be aware that the development site is allocated for Residential Development with an access road across the orchard to only be considered if an alternative access arrangement cannot be made. Persimmon Homes have demonstrated that an alternative access cannot be achieved. As stated, the Rugby Club has no development status and any suggestion that this is a suitable alternative would be premature, as it does not accord with the Development Plan. This is also detailed in the Officers Report.

Furthermore, the submitted Habitat Regulations Assessment and supporting landscaping plans detail the ecological and landscape mitigation. These have not been objected to by Natural England.

Furthermore, it is noted in the Officer Report that reference was made at the previous Planning Committee to the Yatton Neighbourhood Plan. The proposed development accords with the Yatton Neighbourhood Plan. The alternative access proposed via the Rugby Club would in fact conflict the Neighbourhood Plan and the development plan.

The Officer Report makes reference to two outstanding matters:

1 – Clarification on the renewable energy provision. We have confirmed with the Officer that we will deliver the 15% renewable energy required as per condition 20 and in accordance with policy CS1 & CS2.

2 – Confirmation concerning compliance with Policy DM42. We have submitted a table which confirms each unit complies with the National Space Standards.

Therefore, all matters have been considered and addressed.

In light of the above, the development accords entirely with the Development Plan, as set out in the Officers Report. NPPF paragraph 11 (c) states 'Plans and decisions should apply a presumption in favour of sustainable development... for decision taking this means approving development proposals that accord with an up to date development plan without delay.'

Therefore, we respectfully request members to reconsider their previous position and consider their officers recommendation and approve the development.

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## Minutes

of the Virtual Meeting of

## The Planning and Regulatory Committee

### Wednesday, 21 April 2021

Virtual Meeting via Microsoft Teams

Meeting Commenced: 2.30 pm

Meeting Concluded: 4.17 pm

#### Councillors:

Andy Cole (Chairman)

John Ley-Morgan (Vice-Chairman)

Steve Bridger

Peter Bryant

Caroline Cherry

Peter Crew

John Crockford-Hawley

Ann Harley

Stuart McQuillan

Robert Payne

Mike Solomon

Richard Tucker

Richard Westwood

**Apologies:** Councillors: Mike Bell, Gill Bute, Ashley Cartman, Catherine Gibbons, David Hitchins, Steve Hogg, Ruth Jacobs, Patrick Keating, Bridget Petty, Terry Porter, David Shopland and Timothy Snaden.

**Also in attendance:** Councillors: Mike Bird (non-voting P&R member); Sandra Hearne (non-voting P&R member); Nicola Holland (non-voting)

**Officers in attendance:** Hazel Brinton (Democratic Services Officer), Michele Chesterman (Democratic and Electoral Services Officer), Simon Exley (Applications and Consents Service Manager, Place Directorate), Richard Kent (Head of Planning, Place Directorate), James Wigmore (Lead Transport Planner), Roger Willmot (Service Manager Strategic Development, Place Directorate), Sue Buck (Solicitor - Litigation Team Leader), Ellena Fletcher (Senior Planning Officer), Mike Riggall (Information and ICT Security Manager), Lee Bowering (Principal Planning Officer) and Sally Evans (Principal Planning Officer).

#### PAR Chairman's Welcome

1

The Chairman welcomed everyone to the twelfth 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 2 Public speaking at planning committees (Standing Order 17 & 17A, as amended by SO 5A) Planning Application No 20/P/0861/FUL (Agenda Item 1)**

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

**PAR 3 Public speaking at planning committees (Standing Order 17 & 17A, as amended by SO 5A) Planning Application No 20/P/0861/FUL (Agenda Item 1)**

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

**PAR 4 Public speaking at planning committees (Standing Order 17 & 17A, as amended by SO 5A) Planning Application No 19/P/3197/FUL (Agenda Item 1)**

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

**PAR 5 Public speaking at planning committees (Standing Order 17 & 17A, as amended by SO 5A) Planning Application No 19/P/3197/FUL (Agenda Item 1)**

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

**PAR 6 Public speaking at planning committees (Standing Order 17 & 17A, as amended by SO 5A) Planning Application No 20/P/2447/FUL (Agenda Item 1)**

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

**PAR 7 Public speaking at planning committees (Standing Order 17 & 17A, as amended by SO 5A) Planning Application No 20/P/2447/FUL (Agenda Item 1)**

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

**PAR 8 Declaration of disclosable pecuniary interest (Standing Order 37) (Agenda Item 3)**

None.

**PAR 9 Minutes 17 March 2021 (Agenda Item 4)**

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

**PAR 10 Planning Application No. 20/P/0861/FUL Erection of 14no. dwellings, provision of access, public open space, drainage, landscaping and ancillary works. Land to east of Youngwood Lane, Nailsea (Agenda Item 6)**

The Director of the Place Directorate's representative drew members' attention to the update sheet which included additional information provided by the applicant around access for refuse lorries; additional existing and proposed spot levels; elevations in respect of one of the house types; visibility splays and the pedestrian/cycle path blending crossing. He reported that 16 additional letters of objection had been received.

**Resolved:** that the application be **DEFERRED** for one cycle to allow members to conduct a site visit that conforms with national Covid regulations.

**PAR 11 Planning Application No. 19/P/3197/FUL Residential development of 60no. dwellings with supporting infrastructure and enabling works including new vehicular access with Moor Road, public open space, landscaping and drainage infrastructure on land off Moor Road, Yatton (Agenda Item 7)**

The Director of the Place Directorate's representative drew members' attention to the update sheet which included additional information on the ecological proposals by the applicant; amended conditions to support Natural England's requirements in respect of trees and hedgerow planting and recommendations by the council's solicitor. He noted 4 additional comments/letters of objection had been received.

**Resolved:** that members were minded to refuse the application contrary to the officers' recommendation for the following reason:

The proposed road would result in the unacceptable loss of trees, hedgerow and habitat and would have a detrimental impact on the rural character and appearance of the former orchard and rural setting of the village contrary to policies CS4, CS5 and CS14 of the Core Strategy, policies DM9, DM10, DM32 and DM36 of the Development Management Policies Sites and Policies Plan Part 1, the North Somerset Landscape Character Area Supplementary Planning Guidance 2018 and policy SA1 of Sites and Policies Plan Part 2: Site Allocations Plan.

**NOTE:** Since the application was a section 1 application the Committee have not

made the final decision and the application must be reported back to the Committee to confirm the resolution.

**PAR 12 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 (Agenda Item 8)**

The Director of the Place Directorate's representative presented the application to members including an explanation of application of the 45-degree angle test in respect of impact on neighbouring properties.

**Resolved:** that the application be **APPROVED** as per the officers' recommendation.

**PAR 13 Planning Appeals 21.04.2021 (Agenda Item 9)**

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

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

This was Cllr Cole's last meeting as Chairman of the Planning and Regulatory Committee and members and officers thanked him for his work as Chairman of the committee.

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Chairman

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### SECTION 1 – ITEM 7

**Application No:** 20/P/0861/FUL

**Proposal:** Erection of 14no. dwellings, provision of access, public open space, drainage, landscaping and ancillary works.

**Site address:** Land to east of Youngwood Lane, Nailsea

**Applicant:** Clifton Homes (SW) Ltd

**Target date:** 14.07.2020

**Extended date:** 30.04.2021

**Case officer:** Sally Evans

**Parish/Ward:** Nailsea/Nailsea Youngwood

**Ward Councillors:** Councillor Sandra Hearne

### **REFERRED BY COUNCILLOR HEARNE**

#### **Background.**

The application was deferred by the Planning and Regulatory Committee at meeting on 21 April for a Committee site inspection. This took place on 14 May. The issues discussed at the inspection mainly related to impacts on the Strategic Gap and are addressed in the section of the report on 'Planning Issues' below. The report has been updated since the last meeting.

#### **Summary of recommendation**

It is recommended that, subject to the completion of a legal agreement, and resolution of outstanding matters, the application be **APPROVED** subject to conditions, the completion of a S106 agreement and Habitat Regulations Assessment. The full recommendation is set out at the end of this report.

#### **The Site**

The site measures 0.76 ha and is located at the south western side of the developed edge of Nailsea and adjoins The Perrings at part of the northern side and Youngwood Lane at the west. It is agricultural pasture land and incorporates a rectangular field with approximately 2m high boundary hedges at the east, west and south boundaries with trees and hedges at the north where the site adjoins the rear gardens of bungalows (23 - 31 The Perrings). The application site also includes a triangular area of hedge and scrubland at the eastern side where the vehicular access to The Perrings is proposed. At the east is unadopted land used as public open space, maintained by North Somerset Council and subject to a current application by Nailsea Town Council to be designated as a Town

Green. The proposed Town Green site initially included a small section of the application but this has now been excluded from the Town Green land.

### **The Application**

Full permission is sought for:

- The erection of a total of 14 dwellings consisting of:
- 10 open market units (1 x 3 bed bungalow; 2 x 2 bed bungalows; 5 x 3 bed two storey dwellings and 2 x 4 bed two storey dwellings) and:
- 4 affordable housing units (2 no social rent and 2 no shared ownership)(2 x 2 bed two storey dwellings, 1 x 3 bed two storey dwelling and 1 x 4 bed two storey dwelling.)
- Off road parking for 32 vehicles (minimum of two per dwelling)
- A new vehicular access off The Perrings.
- A green buffer at the southern and western boundaries;
- Two areas of public open space at the east and west of the site.

Since the committee in April plans have been submitted to demonstrate that access by refuse vehicles complies with standards, there is a footpath priority crossing at the junction with The Perrings and a separate footpath has been added to the access road at the northern side and is not a shared surface.

### **Relevant Planning History**

**Year:** 2005

**Reference:** 05/P/0738/O

**Proposal:** Erection of 8 dwellings

**Decision:** Refused

**Year:** 1975

**Reference:** 2585/75

**Proposal:** Erection of 164 dwellings and garages and construction of estate roads and sewers with reservation of land for public open space.

**Decision:** Approved

### **Policy Framework**

The site is affected by the following constraints:

- Within the Strategic Gap between Backwell and Nailsea.
- Adjacent to land proposed for a town/village green at the south east boundary
- Adjacent to the settlement boundary for Nailsea
- Horseshoe Bat Habitat. Zone B.
- Minimal overlap with Wildlife site designation at the southern part of the site. (Site of wildlife interest) (within site green buffer.)
- Tree preservation orders at the north and east site boundary. No's 127 (mixed species); 632 (T96 Oak); (T97 Ash); (T94 Oak); (T95 Ash.)
- EA groundwater source protection area zone 2c
- Coal Authority Development Low Risk area.

- NSC Landscape Character Assessment Area K1: Nailsea Farmed Coad Mining Measures.
- Agricultural Land Classification grade 3b.

## The Development Plan

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

The following policies are particularly relevant to this proposal:

CS1	Addressing climate change and carbon reduction
CS2	Delivering sustainable design and construction
CS3	Environmental impacts and flood risk management
CS4	Nature Conservation
CS5	Landscape and the historic environment
CS9	Green infrastructure
CS10	Transport and movement
CS11	Parking
CS12	Achieving high quality design and place making
CS13	Scale of new housing
CS14	Distribution of new housing
CS15	Mixed and balanced communities
CS16	Affordable housing
CS19	Strategic gaps
CS31	Clevedon, Nailsea and Portishead
CS33	Smaller settlements and countryside
CS34	Infrastructure delivery and Development Contributions

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

The following policies are particularly relevant to this proposal:

DM1	Flooding and drainage
DM2	Renewable and low carbon energy
DM6	Archaeology
DM7	Non-designated heritage assets
DM8	Nature Conservation
DM9	Trees
DM10	Landscape
DM18	Identification of Minerals Safeguarding Area for surface coal
DM19	Green infrastructure
DM26	Travel plans
DM27	Bus accessibility criteria
DM28	Parking standards
DM32	High quality design and place making
DM35	Nailsea housing type and mix
DM36	Residential densities
DM42	Accessible and adaptable housing and housing space standards
DM71	Development contributions, Community Infrastructure Levy and viability

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
- SA5 Local green space.
- SA7 Strategic Gaps

**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
- 6 Building a strong, competitive economy
- 7 Ensuring vitality of town centres
- 8 Promoting healthy and safe communities
- 9 Promoting sustainable transport
- 10 Supporting high quality communications
- 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

Paragraphs 99, 100, 101, 145 and 146 are particularly relevant.

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)
- Creating sustainable buildings and places SPD (adopted April 2021)
- Solar Photovoltaic (PV) Arrays SPD (adopted November 2013)
- Wind Turbines SPD (Adopted April 2014)
- Travel Plans SPD (adopted November 2010)
- Affordable Housing SPD (adopted November 2013)
- Development contributions SPD (adopted January 2016)
- North Somerset and Mendip Bats Special Area of Conservation (SAC) Guidance on Development: SPD (Adopted January 2018)
- Accessible Housing Needs Assessment SPD (Adopted April 2018)



## Consultations

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

**Third Parties:** 81 letters of objection and one letter of comment have been received at the time of report writing following the initial consultation in April 2020, the submission of amended plans in October 2020 and further minor amendments submitted in May 2021. The principal planning points made are as follows:

- In principle objection to development in strategic gap and conflict with local plan.
- Development should be considered as part of a wider consultation for the Nailsea area in the new local plan.
- Adverse impacts to existing properties, loss of privacy.
- Increase in traffic and associated highway hazards on local and wider road network.
- Increase in noise and air pollution.
- Inadequate and unsafe access and insufficient parking.
- Adverse impacts and loss of local ecology.
- Out of character with the surrounding area.
- Proposed buildings too high and over development.
- Increased risk of flooding.
- Loss of trees and hedges.
- Insufficient community facilities for new residents.
- Adverse impact to adjacent town/village green application.
- Adverse impacts to the character of Nailsea.
- Adverse impact on land with Local green space designation.

### **Nailsea Town Council:**

**“Recommend Refusal** on grounds that:

- 1) The proposal does not fit with the adopted Core Strategy.
- 2) The site sits outside of the settlement boundary.
- 3) The site is located in the strategic gap between Nailsea and Backwell”

### Additional Comments dated 02/06/21.

“Nailsea Town Council would like to ensure that if The Perrings application does get approval (contrary to the Town Council's objections) that S.106 funding is requested to pay for a replacement play area on the proposed Town Green land, also at The Perrings. Historically North Somerset Council installed and managed a play area on the neighbouring land. The site was well used but sadly fell into disrepair and was removed, we would like to ensure funding is allocated for a replacement play area.”

### Additional comments dated 9<sup>th</sup> June 2021.

Recommended for refusal due there being no improvement to the design and so our comment remains as before.

### **Other Comments Received:**

#### Environment Agency

No comment or objections.

#### Natural England.

The site is located in Zone B of the Mendip Horseshoe Bats SAC SPD and the proposals will require assessment under the Habitats Regulations. Additional bat surveys and further information may be required required to enable the Council to undertake an HRA.

#### *Officer comment:*

*Additional information has been provided by the applicant and the HRA is being drafted.*

#### Avon Fire Brigade.

Hydrants are required on site and a sum of £1,500 per hydrant for future maintenance.

### **Principal Planning Issues**

The principal planning issues in this case are (1) the principle of development (2) public open space (3) highways and transport (4) sustainable urban design (5) arboricultural impacts (6) biodiversity (7) drainage and flooding (8) house types and housing space standards (9) environmental protection and acoustic assessment (10) historic coal mining use risks (11) setting of heritage assets and (12) archaeology.

### **Issue 1: Principle of development**

The overarching principle of development is set out in the adopted Core Strategy which provides the strategic planning policies for North Somerset up to 2026. Policy CS31 allows for new housing development within and adjoining the settlement boundary of Nailsea provided it is appropriate in scale, of high quality design, respectful of the Town's distinctive character and local environment, provides sufficient infrastructure, enhances sustainability and addresses local housing needs. In terms of scale, proposals in excess of about 50 dwellings would need to be brought forward through the local plan process.

In terms of this policy, the development integrates with the settlement pattern and does not form an uncharacteristic projection into a rural area. There is no evidence that local services and facilities will be adversely affected by it. The site is within walking distance of schools and is served by sustainable bus links and foot/cyclepaths. The range of house types complies with policy DM35 and the proposed affordable housing provision complies with policy CS16. The proposed dwellings are high quality in design and materials and the density is appropriate. On site sustainable energy provision complies with Core Strategy policies CS1 and CS2 and Development Management Plan policy DM2. Providing the outstanding matters referred to in this report are satisfactorily resolved, it is therefore considered that the proposals will conform with these aspects of policy CS31.

The application site also lies within the designated strategic gap between Backwell and Nailsea. In this respect, Core Strategy policy CS19 states that the council will protect strategic gaps to help retain the separate identity, character and/or landscape setting of settlements and distinct parts of settlements. The Development Management Sites Allocations Plan policy SA7 provides more detailed guidance about the circumstances in which development will be permitted in strategic gaps. It identifies 3 key criteria each of which has been assessed in turn with the conclusions set out below:

*(i) "The open or undeveloped character of the gap should not be significantly adversely affected."*

The land between Nailsea and Backwell is a wide valley, sloping upwards towards the settlements. The character and appearance of the Strategic Gap in this location is created by a series of fields of varying sizes, enclosed and contained by high hedges and mature trees. A number are used for equestrian uses and have associated stables and out buildings. There are houses and farms interspaced within the field structure. Adjacent to the eastern site boundary is the Perrings public open space. As it is undeveloped, the site contributes to the gap between Nailsea and Backwell, but it is a relatively very small area of land. The Strategic Gap designation covers a wide area of land in this location (approx. 1.4 km in width) and the application would reduce this by less than 80m in width at the widest point. Additionally, overall the Strategic Gap covers about 63.8 hectares of land from which the application would remove 0.76 ha which marginally over 1%. The loss of a small amount of land from what is a considerable undeveloped gap between settlements is considered to be acceptable and would not significantly adversely affect the purposes of designating the Strategic Gap.

*(ii) "The separate identity and character of the settlements would not be harmed."*

In summer months when tree cover is more prominent and provides screening, the site is not easily visible from the majority of the built up area of Backwell, whereas in winter views are less filtered. However it is considered that the development would not significantly adversely impact on the identity or character of either of the settlements of Backwell or Nailsea. The character of Nailsea's settlement shape is evolving and has changed significantly in recent years. The relatively smooth edge, following the line of the higher land, has been expanded by development extending outwards and down the slopes, including the bungalows to the north of the application site, and more recently by the allocated residential development sites at The Uplands, west of Engine Lane, north west Nailsea and Youngwood Lane. The application site should be seen in this context and is effectively a minor extension to the settlement and follows a form previously approved. The development would be no higher than the existing bungalows as the houses would be built into the hillside and therefore would not be visually prominent. As a consequence, the proposal would not harm the separate identity and character of the settlements in terms of significantly reducing the distance between them.

*(iii) "The landscape setting of the settlements would not be harmed."*

The visual effects of the development are confined to the immediate site environs and limited to public viewpoints close to it at the north east corner of the boundary. The greatest change would be to the private views of nearby residents at the 5 bungalows at the northern boundary and two storey dwellings at The Perrings, but these are mostly not publicly accessible views. Land to the east would be designated a "Town Green", if the

application is approved. This would effectively prevent further residential development in that direction. To the west is Youngwood Lane and a number of large residential properties and residential curtilages, creating a barrier to development in that direction. The new houses are not proposed to be on the highest land, this is already occupied by the bungalows, but are relatively low level dwellings, to be constructed into the hillside and will not be visually prominent. It is therefore concluded that impacts to the landscape setting will be minimal.

Policy SA7 sets out that development in Strategic Gaps will be permitted provided it is assessed against the three criteria. The designation does not seek to prevent all development, just the development that does not comply with the policy criteria. The development is therefore considered to comply with policies CS19, SA7, and CS31.

Notwithstanding this, the Council cannot currently demonstrate a five-year supply of deliverable housing sites as required by the National Planning Policy Framework (NPPF), with the current supply position standing at 4.2 years. This means that for applications involving the provision of housing should be granted permission unless (i). the application of policies in the NPPF that protect areas or assets of particular importance (such as habitat sites, SSSIs, Green Belt, Local Green Space and AONB) provides a clear reason for refusing the development proposed; or (ii) any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. The impacts of the development are assessed in this report and it is do not outweigh the benefits which includes 14 new high quality homes, with 30% affordable units.

Given that the conclusion from the assessment of the impacts of the development on the strategic gap is that it is not considered that the proposals will cause any overriding harm, when assessed against the criteria in policy SA7, it is considered that the application is acceptable in principle.

## **Issued 2: Public Open Space, proposed Town Green and Local Green Space.**

The Perrings neighbourhood of 164 dwellings, associated roads and open space was developed under full planning consent ref no 2585/75, approved August 1977. That application site included the easternmost triangle of the current planning application land and the access road to The Perrings is proposed to be constructed through it. The triangle of land was noted on the approved 1970's plans as public open space. However there were no planning conditions nor a requirement in the associated legal agreement that it be delivered, used, adopted and retained as public open space and it has never been passed to the Council for adoption.

Nailsea Town Council has recently submitted an application to designate land east of this site as a Town/Village Green, which was registered after this planning application was validated. This is currently being assessed by the Council's Legal Services team. It initially included a small section of the application site but this has since been excluded from the proposed Town Green land and therefore does not impact directly on the consideration of this application. The land that was initially proposed as part of the Town Green would be public open space under the current application although separated by hedges and trees (as the land is now). Therefore the impacts of this application would be minimal as the land would be in the same use as it is now.

The eastern triangular segment of the site is identified in the Development Management Part 2 Sites and Policies Plan (adopted April 2018) as Local Green Space. It is a small section measuring only 0.06 ha of the local green space designation which exceeds 8 hectares in total area. The associated policy SA5 states that planning permission will not be granted except in very special circumstances for development affecting a Local Green Space and should be considered in relation to the characteristics underpinning its designation. Schedule 3 of the plan justifies the designation on the basis that the land is a grassed open space used for informal recreation. The supporting paragraphs explain that the designation allows local communities to rule out new development other than in very special circumstances, and that the interpretation of such circumstances should be consistent with the policy for Green Belts. Para 146 of the NPPF sets out that certain forms of development are not inappropriate in the Green Belt (or in this case Local Green Space) provided they preserved the openness and do not conflict with the purposes of including land within it. They include local transport infrastructure which can demonstrate a requirement for the location.

The area of Local Green Space affected by the application is small. Of the small affected area, this application proposes to retain approximately half as public open space with the access road passing through the remainder. It is therefore considered that this proposal complies with policy SA5 and the associated paragraphs of the NPPF because it is retaining part of the land as public open space and the remainder will be used for a small local access road which is required to serve the houses.

### **Issue 3: Highways and Transport**

The site is in a sustainable location, adjoining the settlement boundary of Nailsea where developments of up to 50 dwellings are considered acceptable in principle under the terms of Core Strategy policy CS31.

There is an existing bus route along The Perrings and an improved cycle/pedestrian route to the railway station is to be delivered along this road under the terms of the S106 agreement attached to the permission at Youngwood Lane for 450 dwellings (16/P/1677/OT2). The first stage along the site frontage would be constructed by the applicants for this development.

Car parking provision complies with adopted standards and each house would have electric vehicle charging facilities on plot within car ports (which are proposed instead of garages which are considered unlikely to remain available for parking). The closest schools are within 15 minutes walking distance from the site therefore public home to school transport provision is not required. Traffic generation from the proposal has been assessed using the industry standard TRICS database to forecast the likely number of resulting new trips generated. The outcome found that a maximum of 7 two-way vehicle movements were likely in peak times and up to 64 vehicle movements were possible across a typical day. This would not result in a significant adverse impact on traffic volumes during morning and evening peak times and is considered acceptable.

The detailed design of the vehicle access from The Perrings has been subject to further assessment, revised plans and a Road Safety Audit which comply with adopted standards. Visibility at the junction is 43m from 2.5m back from the centre of the access which is acceptable in view of the 30 mph speed limit at The Perrings. The new road has a separate footpath and is designed as a cul-de-sac with vehicle turning and is likely to be

offered for adoption. Cycle parking and refuse box storage facilities will be required within plots.

Subject to confirmation from the Highway Authority, a financial contribution towards promotion of sustainable travel, the creation of new cycle and pedestrian routes may be required through the S106 agreement. It is concluded that the application would comply with adopted policies, in particular Development Management plan policies DM24, DM28 and Core Strategy policy CS11.

#### **Issue 4: Sustainable development and urban design.**

Core Strategy policies CS12 and CS31 require that new developments provide high quality and locally distinctive designs, creating an individual character and identity. Development Management Policy DM32 also supports high quality, distinctive, functional and sustainable places. The Council's Residential Design Guide Part 1 provides guidance in respect of protecting residents from overlooking, overshadowing and overbearing impacts. The development has paid due regard to these policies and subject to further consideration of the recently submitted amended plans, would comply with them. The proposed dwellings are varied, distinctive and high quality in design and include 2 single storey properties adjacent to existing houses, which lowers potential impacts to residential amenity. External materials can be agreed by planning condition but illustrations include a good mix of natural stone, timber cladding natural coloured render and brick detailing. Amended plans submitted in May included minor alterations to plot 6 which has been relocated to be slightly further from neighbouring bungalows and its upper floor dormer window has been removed. On this basis the scheme is considered acceptable.

#### Sustainable energy

Core Strategy policies CS1 and CS2 supported by Development Management Plan policy DM2 require a minimum of 15% of future energy needs to be generated on site. The energy strategy for this development includes solar pv panels sited on the south facing roof slopes of all dwellings except plot 8 where the orientation does not enable this, and which will comply with the minimum policy specifications.

#### Open space provision

To comply with the requirements of Development Management Plan policies DM8 (protection of wildlife corridors and provision of ecological mitigation) and DM32 (high quality design of new residential areas) and supported by DM70 and DM71, the layout includes 5m wide unlit green buffers at the south and western boundaries and two areas of public open space with new tree planting, one at the eastern and another at the western side of the site. The open space provision is sufficient to provide neighbourhood open space facilities for the new residents and an ecological benefit and is considered acceptable.

#### S106 contribution for an equipped play area.

The Town Council has requested a contribution towards the provision of an equipped play area to replace the one previously sited on the proposed Town Green site, and which had to be removed recently as it did not conform to health and safety requirements. Such facilities are now required to be funded through CIL and cannot be included in the S106.

#### Affordable Housing provision

The proposals include 30% on site affordable housing provision with an acceptable mix of tenure and house types, to be delivered via a S106 agreement and therefore accords with Core Strategy policy CS16.

#### **Issue 5: Arboricultural impacts**

There are a number of trees around the periphery of the site, the majority of which are protected by Tree Preservation Orders and are being retained and protected by ecological buffers or by new public open space. Smaller trees within the eastern boundary hedgerow are to be removed and new tree planting will compensate for this. The TPO'd trees at the northern boundary have been reinspected. They are currently constrained by the existing development, and although this application may result in proposals for a small amount of crown lifting it is not a reason for refusal. Subject to suitable conditions requiring protection during construction the proposals comply with Development Management plan policy DM9.

#### **Issue 6 – Biodiversity and Habitat Regulations Assessment.**

The Natural Environment and Rural Communities (NERC) Act 2006 places a duty on Local authorities to have regard to the conservation of biodiversity in exercising their functions and it is confirmed that the terms of the Act have been complied with in this respect. Development Management Plan policy DM8 requires that biodiversity and important species are protected. The site is within Zone B of the North Somerset and Mendip Bats Special Area of Conservation (SAC). There is evidence that Horseshoe bats are using the southern boundary and an unlit buffer has been provided with the hedge and trees retained. Additional new hedge and tree planting is likely to be required under the terms of the Habitats Regulation Assessment/Appropriate Assessment (HRA/AA) which is being produced under guidance from Natural England. No other protected species have been identified on site. Land adjacent to the southern site boundary is within the Nailsea and Tickenham Moors Local Wildlife site and as such is protected under policy DM8 of the Development Management Policies Plan part 1. The proposals incorporate the retention and reinforcement of the boundary hedgerow and an unlit 5m green buffer, to protect the designated land and therefore considered not to adversely impact on it. Subject to the acceptability of the most recent additional ecological assessment information in relation to lighting specifically, and the completion of the HRA/AA and acceptable off-site mitigation if required, the proposals will be concluded to be acceptable and in accordance with policy DM8 of the Development Management Sites and Policies Plan.

#### **Issue 7: Drainage and flooding.**

Development Management Plan policy DM1 and Core Strategy policy CS2 require that the potential for site flooding and drainage requirements are properly addressed. The site is located in flood zone 1 and is at low risk of fluvial flooding. A formal Flood Risk Assessment is not required and the submitted details have provided sufficient information to demonstrate that this issue may be addressed by a pre-commencement planning condition. The proposals include a new underground private foul pumping station and surface water soakaway at the south western corner, details of the latter will be approved under a planning condition.

#### **Issue 8: Range of house types, accessible and adaptable housing and housing space standards.**

Development Management Plan policy DM35 requires that, specifically in Nailsea, proposals for more than 10 new dwellings should include no more than 20% of units in excess of 4 bedrooms. This application is compliant albeit rounding the number up from 2.8 to 3 units. Policy DM42 of the Development Management Plan part 1, and the associated adopted SPD requires that a minimum of 17% of new housing should be constructed to the Category 2 Standards (accessibility and adaptability for all ages and abilities) under Part M of the Buildings Regulations 2015. Additionally all dwellings should conform to the minimum space standards set out in the Nationally Described Space Standards for overall floorspace and certain room sizes, where practical and viable. Subject to the acceptability of amended plans and the addition of necessary planning conditions the proposals comply with these policies.

**Issue 9: Environmental Protection and acoustic assessment.**

Policy CS3 requires that the potential for environmental impacts both to and from developments are addressed. Potential noise issues arising to existing and proposed residents have been assessed and it has been concluded that the proposals comply with this policy.

**Issue 10: Historic coal mining use risks**

The site lies within an area of Low Level coal mining risks. A full risk assessment is not required but an advice note is proposed notifying the developer that if any evidence of coal mining activities is found they should notify the Coal Authorities. The application therefore complies with the requirements of Core Strategy policy CS3.

**Issue 11: Setting of Heritage Asset**

The proposal does not affect any listed buildings, other heritage assets or their settings. It is therefore in accordance with policies CS5 and ECH/4 of the North Somerset Replacement Local Plan, 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 12: Archaeology.**

Development Management Plan policy DM6 requires that archaeological interests are fully considered and taken into account in determining planning applications. The site has been investigated and assessed by geophysical survey and trenching. Nothing of note was found. It is therefore concluded that no further archaeological requirements are necessary and the proposals comply with the relevant adopted plan policy.

**Third party comments**

The issues raised through the consultation process have been taken into account in the consideration of the application. Some matters which have been raised, namely loss of views, devaluation of property carry little weight in the determination of planning applications and are not controlled under adopted plan policies.

**Development Contributions and Community Infrastructure Levy**



Policy CS34 of the Core Strategy and Policy DM71 of the Sites and Policies Plan Part 1 set out the requirement and mechanism to seek developer contributions to mitigate the impacts of a development proposal. This application is for 14 dwellings and therefore subject to developer contributions.

On site provision or contributions are required to deliver:

- (a) 30% on site affordable housing in accordance with policy CS16;
- (b) £1,500 per fire-fighting water hydrant for future maintenance;
- (c) off site mitigation measures to comply with the Habitat Regulations and Appropriate Assessment (if required) and
- (d) a financial contribution for the creation of off-site cycle/pedestrian routes, subject to confirmation.

### Community Infrastructure Levy

The Council's Community Infrastructure Levy (CIL) Charging Schedule took effect on 18 January 2018. This means that the development may be liable to pay the CIL. The Charging Schedule and supporting information can be viewed on the website at [www.n-somerset.gov.uk/cil](http://www.n-somerset.gov.uk/cil). The Council is not permitted to enter into S106 agreements requiring infrastructure that is to be funded through the CIL. A formal list (known as the "Regulation 123 List") has been published on the above webpage setting out which infrastructure will be funded through the CIL and which will remain the subject of S106 planning obligations.

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

The proposed development has been screened separately under the above Regulations and has been found not to constitute 'EIA development'. An Environmental Statement is not therefore, required.

### **The Crime and Disorder Act 1998**

The Crime and Disorder Act places a Duty on Local authorities to have regard to crime and disorder issues in exercising their functions. The proposed development will not have a material detrimental impact upon crime and disorder.

### **Local Financial Considerations**

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

### **Conclusion**

Policy CS31 allows for the principle of development on the edge of the Nailsea settlement boundary. The proposal will deliver a high quality, relatively small scale housing development which conforms to the mix of house types required for Nailsea under policy DM35 and affordable housing provision complies with policy CS16. It will integrate with the

settlement pattern and will not adversely impact on the strategic gap in accordance with policies CS19 and SA7. There is no evidence that local services and facilities would be adversely affected. The site is within walking distance of schools and is served by sustainable bus links and foot/cyclepaths. On site sustainable energy provision complies with Core Strategy policies CS1 and CS2 and Development Management Plan policy DM2. Weight should also be given to the Council's housing supply shortfall in accordance with NPPF paragraph 11.

Overall therefore, provided the requirements of the Habitat Regulations are addressed, and the recently submitted amended plans and additional information is acceptable and the S106 is completed, the application is considered to be acceptable.

**RECOMMENDATION:** Subject to –

- (a) In consultation with Natural England, the completion of the Habitat Regulations Assessment and Appropriate Assessment if required, and provision for any necessary off site mitigation;
- (b) The completion of a section 106 legal agreement securing the delivery of a minimum of 30% on site affordable housing, financial contributions towards on-going maintenance of fire hydrants and for off site cyclepath links (if required).

the application be **APPROVED** (for the reasons stated in the report above) subject to the following conditions and any other additional or amended conditions as may be required 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.

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. No dwelling shall be occupied until details of electric vehicle charging ducting, wiring and identified suitable fuse box connection ready to receive a charging socket serving that dwelling have been submitted to and approved in writing by the Local Planning Authority and implemented in full.

Reason: In order to secure sustainable modes of travel and in accordance with policies CS1 and CS10 of the North Somerset Core Strategy.

4. 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.

Reason: The Local Planning Authority wish to retain control over extensions in order

to maintain the integrity and appearance of this development, to reduce landscape impact in accordance with the outline planning permission 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).

5. 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.

Reason: The Local Planning Authority wish to retain control over means of enclosure in the interests of the character and appearance of the area and in accordance with policy DM32 of the North Somerset Sites and Policies Plan and policies CS5 and CS12 of the North Somerset Core Strategy.

6. 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 or created from car ports 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.

Reason: The Local Planning Authority wish to retain control over new garages in order to maintain the integrity and appearance of this development and protect the living conditions of neighbouring residents/, and in accordance with policy CS12 of the North Somerset Core Strategy and policies DM38 and DM32 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).

7. 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.

Reason: To ensure adequate parking is available for each occupier 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.

8. 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.

Reason: To ensure that secure cycle parking are provided in order to encourage the use of more sustainable transport choices and in accordance with policies CS1 and CS11 of the North Somerset Core Strategy, policies DM 28 and DM32 of the North

Somerset Sites and Policies Plan (Part 1) and the North Somerset Parking Standards SPD.

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. Notwithstanding the approved plans no 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.

Reason: In the interests of the visual appearance of the area and in accordance with policy DM32 of the North Somerset Sites and Policies Plan Part 1 and policy CS12 of the North Somerset Core Strategy.

11. 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.

Reason: In the interests of the local environment and in accordance with policy DM32 of the North Somerset Sites and Policies Plan Part 1 and policy CS12 of the North Somerset Core Strategy.

12. 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.

Reason: In order to preserve the living conditions of nearby residents and to protect road safety in accordance with policy CS3 of the North Somerset Core Strategy and policy DM24 of the North Somerset Sites and Policies Plan Part 1.

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### SECTION 1 – ITEM 8

**Application No:** 20/P/1673/FUL

**Proposal:** Reconfiguration and two storey extension to the existing retail unit to include a gym (1,054m<sup>2</sup>) (use class D2) and additional ground floor retail space to create two units (534m<sup>2</sup>); and erection of a food retail unit (195 m<sup>2</sup>) (use class A3/A5) and 39no. senior living apartments (29no. 1 bed and 10no. 2 beds) (use class C3); to include reconfiguration of the car park, public realm and landscaping works.

**Site address:** B&M Bargains Limited, The Triangle, Clevedon, BS21 6HX

**Applicant:** Ever (Cleveland) Ltd

**Target date:** 04.11.2020

**Extended date:**

**Case officer:** Sally Evans

**Parish/Ward:** Clevedon/Clevedon East

**Ward Councillors:** Councillor David Shopland

### **REFERRED BY COUNCILLOR CROSBY**

#### **Summary of recommendation**

It is recommended that, subject to the satisfactory resolution of various matters and completion of a legal agreement (if required) the application be **APPROVED** subject to conditions. The full recommendation is set out at the end of this report.

#### **The Site**

The application site incorporates the current B&M store, the associated car park, rear service yard and the separate vehicle access and egress from Great Western Road and is located at the western end of the Clevedon Triangle Town Centre. The current B&M store, formerly Morrison's supermarket, is a large two storey height building with a shallow peripheral pitched roof and a 2,250 sqm approximately square footprint. The building abuts the smaller retail stores at its north and forms one side of the buildings enclosing Queens Square. The goods yard lies at the eastern side and the car park to the north and west. The application site is 1.33 ha's in area and the boundary extends to the Great Western Road at the south west side; to Melbourne Terrace at the south east; Queens Square as far as the raised planters at the north east; Lower Queens Road and associated properties including the Veterinary surgery car park at the north and north west. There are four mature White Poplar trees and a number of smaller trees including Scots Pine, Ash and Cherry within the site forming a landscaped buffer to Great Western Road. Individual semi mature trees including Cherry and Rowen are located at the north eastern side of the site. The car park is tarmac with interspaced with raised planting beds. At the north west on the

opposite side of Great Western Road is the Curzon Cinema (Grade II Listed) and Lidl store. There is a traffic light-controlled crossing in Great Western Way sited between the site access and egress, linking to the pedestrian route near Churchill Avenue to Clevedon Rugby Football Club. The culverted Land Yeo rhyne crosses the site at the north until it becomes above ground at Station Road.

### **The Application**

Full permission is sought to:

- Extend and alter the existing B&M building to create two separate ground floor retail units (2,559 sqm total) and a class D2 Gym (1,026sqm) at the first floor extension.
- Construct a freestanding café/food retail outlet, use class A3/A5 (195sqm) at the south of the site adjacent to the access to Great Western Road.
- Construct a separate block of 39 no senior living apartments, use class C3,(10 x two bed and 29 x one bed units) with landscaping, 20 space car park, including two disabled spaces, substation and a bin store at the north of the site;
- Create a vehicular access from Lower Queens Road to serve the apartments only.
- Revise the layout and reduce the current B&M car park from 266 spaces to 145 spaces.
- Reconfigure the car park access resulting in the removal of the current egress from the site and enlarging the existing entrance to accommodate two-way traffic;
- Revise and re-route the pedestrian access through the car park to create a new walkway adjacent to the apartments and amending the existing route.
- Remove a number of the existing mature and other landscaping and trees from the Great Western Road frontage and the trees closest to B&M at the Lower Queens Road side and replace with a new landscaping/tree planting scheme.
- Create a new pedestrian/cycle route through the site to Lower Queens Road between the senior living apartments and the car park.

### **Relevant Planning History**

**Year:** 1983

**Reference:** 1838/83

**Proposal:** Erection of a supermarket, twelve two storey shop units with offices at first and second floors, 441 space car park and the construction of a primary link road.

**Decision:** Approve 11/09/1985.

*Officer comment. The accompanying Legal Agreement related to road and infrastructure delivery and did not include requirements relating to car parking provision. Also, even though the consent was for 441 parking spaces, the car park currently contains 266 spaces due to alterations over time since the original consent was granted.*

**Year:** 1983

**Reference:** LB2779/83

**Proposal:** Demolition and site clearance to provide supermarket, shops, offices, link road and car parking.

**Decision:** Approve 05/06/1984.



## **Policy Framework**

The site is affected by the following constraints:

- Inside the settlement boundary for Clevedon, the Clevedon Town Centre and Primary Shopping Area as designated in the adopted Development Management Plan (Part 1.)
- Within Zone C Horseshoe Bats
- Within the Clevedon Conservation Area which has an Article 4 direction
- TPO'd trees in the Triangle Centre.
- SFRA Tidal flood zone 3a
- Internal drainage board interest.
- Environment Agency interest – Culverted sealed main river under the site at the north (Land Yeo).
- Listed building (The Curzon) adjacent at the north west corner.
- Access is to the Great Western Way (Class B highway).
- Public Right of Way crossing the site at the current car park exit, following the northern side of the building through the Triangle.
- Sites and policies plan part 1: Development Management Policies specific site town centre and primary shopping area allocation.

## **The Development Plan**

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

CS1	Addressing climate change and carbon reduction
CS2	Delivering sustainable design and construction
CS3	Environmental impacts and flood risk management
CS4	Nature Conservation
CS5	Landscape and the historic environment
CS9	Green infrastructure
CS10	Transport and movement
CS11	Parking
CS12	Achieving high quality design and place making
CS13	Scale of new housing
CS14	Distribution of new housing
CS15	Mixed and balanced communities
CS16	Affordable housing
CS20	Supporting a successful economy
CS21	Retail hierarchy and provision
CS25	Children, young people and higher education
CS26	Supporting healthy living and the provision of health care facilities
CS27	Sport, recreation and community facilities
CS31	Clevedon, Nailsea and Portishead
CS34	Infrastructure delivery and Development Contributions

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

The following policies are particularly relevant to this proposal:

DM1	Flooding and drainage
DM2	Renewable and low carbon energy
DM3	Conservation Areas
DM4	Listed Buildings
DM6	Archaeology
DM7	Non-designated heritage assets
DM8	Nature Conservation
DM9	Trees
DM10	Landscape
DM19	Green infrastructure
DM24	Safety, traffic and provision of infrastructure etc associated with development
DM25	Public rights of way, pedestrian and cycle access
DM26	Travel plans
DM27	Bus accessibility criteria
DM28	Parking standards
DM29	Car parks
DM32	High quality design and place making
DM33	Inclusive access into non-residential buildings and spaces
DM34	Housing type and mix
DM36	Residential densities
DM40	Retirement accommodation and supported independent living for older and vulnerable people
DM42	Accessible and adaptable housing and housing space standards
DM47	Proposals for economic development within towns and defined settlements
DM60	Town centres
DM63	Primary Shopping Areas
DM64	Primary Shopping Frontages
DM65	Development at the retail parks
DM66	The sequential approach for retail development
DM68	Protection of sporting, cultural and community facilities
DM69	Location of sporting, cultural and community facilities
DM70	Development infrastructure
DM71	Development contributions, Community Infrastructure Levy and viability

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

The following policies are particularly relevant to this proposal:

SA3	Sites allocated for a mix of uses
SA4	Business employment development – allocations/safeguarding
SA8	Allocated/safeguarded community uses
SA9	Town centre regeneration area

**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
- 6 Building a strong, competitive economy
- 7 Ensuring vitality of town centres
- 8 Promoting healthy and safe communities
- 9 Promoting sustainable transport
- 10 Supporting high quality communications
- 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)

- Residential Design Guide (RDG1) Section 1: Protecting living conditions of neighbours SPD (adopted January 2013)
- North Somerset Parking Standards SPD (adopted November 2013)
- North Somerset Landscape Character Assessment SPD (adopted September 2018)
- Biodiversity and Trees SPD (adopted December 2005)
- Creating sustainable buildings and places SPD (updated April 2021)
- Travel Plans SPD (adopted November 2010)
- Affordable Housing SPD (adopted November 2013)
- Development contributions SPD (adopted January 2016)
- North Somerset and Mendip Bats Special Area of Conservation (SAC) Guidance on Development: SPD (Adopted January 2018)
- Accessible Housing Needs Assessment SPD (Adopted April 2018)

### Consultations

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

**Third Parties:** 856 letters in total have been received, 434 in response to the initial notification and 422 in response to the second when neighbours were notified of amended plans in February 2021. The principal planning points of objection made are as follows:

- Loss of town centre car parking and detrimental impact on health of town centre particularly on market days;
- Current over provision of senior living apartments/retirement homes in Clevedon.
- No demand for a gymnasium in this location.
- Out of keeping with the character of the area.
- Adverse impacts on local ecology.
- Need for unrestricted age accommodation suitable for young people.
- Overdevelopment of site, the development is too high and too close to existing properties.

- Poor quality design, retirement flats have insufficient gardens, no high-quality public realm; no overall landscape or public realm masterplanning.
- Increase in traffic, inadequate public transport.
- Insufficient existing community facilities.
- Loss of mature trees and adverse impacts on townscape.
- Loss of light, privacy and overlooking to neighbouring properties.
- Loss of existing well used and valued B&M shop.
- Increase in pollution from additional traffic.
- Development should be completed as a whole and not allow the flats to be built with no additional retail or café facilities.
- Increase flood risk to existing properties.
- Likely land contamination from former railway related uses.
- Adverse impacts to historic Curzon and conservation area.
- Requirement for additional affordable housing units.
- Insufficient sustainable energy proposals.

14 letters of support or neutral comment about the proposals have been received. The principal planning points made are as follows:

- Beneficial redevelopment of rundown town centre.
- Proposals improve B&M design and its frontage to Queens Square.
- Gym will be benefit and attract younger people.
- Improve the car park and big box B&M which currently detract from the attractiveness of the town centre, and create a dead evening frontage.
- Additional retail floorspace will support town centre economy.
- Potential phase 2 and/or hotel will support an increase economic growth and activity.

#### Clevedon Civic Society

Objects for the following reasons:

- The original planning approval for this site provided car parking for the town centre, not just for the supermarket. The reduction of spaces from 266 to 145 spaces is claimed to be adequate for the repurposed B&M store but makes no allowance for additional parking for the other town centre businesses, or indeed for the proposed gymnasium and drive thru restaurant.
- The proposed car park layout is unsatisfactory because it is centred entirely on the B&M building providing no significant linkage with Queens Square, also combining the vehicular entrance and exit in the same location is likely to be unsafe, particularly given the proximity of the drive thru restaurant.
- The old person accommodation said to be necessary to fund works to the rest of the development. As a consequence, Clevedon town centre will be negatively affected for the foreseeable future, particularly because it will no longer be possible to form an east-west pedestrian connection between Queens Square and the developing cultural quarter centred on the Curzon cinema. The desirability of forming this linkage was stressed by the Design Review Panel.
- The submitted scheme could just as easily be for an edge of town retail park, it does not add to the character of the Triangle Conservation Area, nor does it create a frontage to Great Western Road which improves the entrance to the town or

integrate the scheme into the town centre.

**Clevedon Town Council:**

Initial comments dated 14 Sept 2020:

“Planning Committee Members agreed that improvements are required to the B and M building and car park area. However, Committee members agreed that the planning application should be refused as the proposals are an overdevelopment of the site. The proposed senior living accommodation will remove a large number of the much needed carparking spaces in the town centre for residents and visitors. With recent developments either those that have been agreed or as with Poets Mews, now built, this comes with an age restriction on those residents moving in. This is creating an age imbalance in the town along which is starting to see an ageing population. Affordable housing to keep the age balance stable and to support younger people looking for homes in Clevedon, is very much needed in the town. The Engine Shed proposal was viewed as another food outlet in the town, whereby Clevedon already has several coffee shops and cafes in the town centre. The redundant building in the car park could be used for something else to support and encourage more footfall into the town centre. The senior living accommodation proposal will impact on the surrounding area due to loss of light and privacy to neighbouring residents, due to the scale and height of the proposed building. The senior living accommodation is cutting off the Curzon cinema and Clevedon Library with the rest of the town. Amendments to the pathways need to be considered to bring people through the whole town.”

Additional comments dated 22<sup>nd</sup> February 2021 following the submission of amended plans:

“Over 800 objections have been recorded by the public etc., on the NSC portal. The Civic Society and emergency services have also raised concern with the proposals. Members felt the developers need to understand and listen to what Clevedon wants in the Town Centre. Especially with the recent retirement accommodation already built, and another large development receiving approval to be built in the town soon. The Census in 2011, established Clevedon as one of the oldest wards in North Somerset, by concentration of age. The Census, due this year, members felt will be interesting to establish how old Clevedon is now. The District Councillor for South Ward advised members of the following NSC policy:

*‘The NSC Core Strategy 2017, CS15 - ‘Delivering strong and inclusive communities’, – mixed and balanced communities. The demography with a mixed housing type to support a range of household sizes, ages, and incomes to meet identified housing needs’. ‘Also, to reduce existing proliferation of one housing type within an area through encouraging the development of a range of housing types that better meet housing needs etc’.*

The Council can challenge the planning application on this, as the proposed development does not support this policy. Although there is no evidence, it is anticipated that the development will bring more elderly into the town, rather than existing elderly residents moving into the complex, freeing up homes in the town. Committee members raised again,

that the size, height, and visual look of the proposed senior living accommodation is not very attractive and not appropriate for the immediate locality given neighbouring buildings: it would both overpower the small Victorian terraces and being practically the same size as the Curzon Cinema, produce a ‘canyoning effect’. The traffic flow in the area will be affected and concern was raised with access to and from the site. The proposal will decrease the number of car parking spaces available to visitors and residents to the retail outlets and therefore reduce footfall, impacting on local businesses to bring further decline to the town centre.

The proposed four storey height of the development will impact on the privacy to neighbouring residents and the height will also prevent the possibilities that may be afforded through future development to bring both the Curzon Cinema and Library more into the town centre through landscaping and access between these iconic buildings and the Queens Square. In 1983, the supermarket development and provision for 441 car parking spaces was granted permission on this site. NSC should not be able to overturn Condition 5, below.

*‘Planning application no. 1838/83 submitted in 1983 for the supermarket development and provision of 441 car parking spaces.’*

*‘Reason: In accordance with the provisions of Section 41 of the Town and Country Planning Act 1971, Condition 5 - To ensure that adequate and satisfactory car parking facilities are available in connection with the proposed use in the interests of the safety and convenience of road users.’*

The Committee confirmed this requirement for car parking spaces in the town centre. The Committee acknowledged that the success of Phase 1 of the town transformation is dependent on making a profit on the senior living accommodation. This will then determine if Phase 2 goes ahead, with further development of the Queens Square. Since the Covid-19 pandemic has had such a dramatic impact on the economy, questions were raised regarding the viability of the proposed development in an uncertain climate, will all the flats be sold and occupied?”

**Officer comment/clarification.**

*Condition no 5 of 1838/83 which was the original planning consent for the development, states “The area allocated for parking on the submitted plan shall not be used other than for the parking of vehicles in connection with the development hereby permitted.” The parking provision was based on the standards that applied in 1983. Local Planning Authorities are able to reassess parking provision in accordance with current highways and transport policies and parking standards. This is explained further in the Issues below.*

**Other Comments Received:**

Environment Agency

Following reconsultation in relation to the amended application the Environment Agency confirmed it had no further comments to make.

On the original plan, EA had no objection in principle provided the sequential test requirements as set out in the NPPF are addressed and conditions are attached requiring that the later living building floor levels are as high as practical; a permanent safe refuge is

provided on an upper floor accessible using a staircase which is sufficiently large to accommodate those within the units, with lighting and electricity, and a flood warning and evacuation plan is submitted and approved. Due to the close proximity of the development to a main river (Land Yeo rhyne) an Environmental Permit may be required for the development from the Agency and the applicant has been advised to contact the Agency to discuss this.

### Historic England

The site is dominated by the existing supermarket building and extensive car parking. Originally the location of the town's railway station, any traces of that former use are now long gone. The existing buildings and landscape are functional at best and fail to preserve or enhance the character and appearance of the conservation area. There is a clear opportunity for considerable townscape enhancement in the potential site redevelopment.

It is disappointing, therefore, that the opportunity has not been taken to make good the gaps in the townscape created by the railway first, and the supermarket later. Lower Queen's Road, for instance, is lined with attractive and intimate terraced housing, but the eastern end of the road peters out into an ill-defined area of turning heads, service yards, and car parking. The position of the proposed retirement housing could be adjusted to provide a street frontage to Lower Queens Road, drawing the viewer towards the newly-animated façade of the supermarket retail units.

The opportunity to link the small market square to the North of the site with Lower Queen's Road appears to also have been missed. Like the idea of the proposed "engine shed" coffee shop, but the reference to the site's past could be strengthened without some contextual hard landscaping to reference the historic linear grain of the former railway alignment.

Paragraph 200 of the NPPF advises local planning authorities to look for opportunities for new development within conservation areas to enhance or better reveal their significance. We are not convinced that this is the case with this application, which with refinement and modification could be considerably improved without compromise to the quantum of development proposed.

Suggest the proposals are modified; the position of the retirement flats should be adjusted to give a street frontage to Lower Queen's Road. The landscaping should be refined to both connect Lower Queen's Road with the market square, and to reference the former railway alignment in the vicinity of the proposed 'engine shed'.

### Somerset Drainage Board

No comments.

### Avon and Somerset Police Crime Reduction Officer

Paragraphs 91, 95 and 127 of the National Planning Policy Framework July 2018 require crime and disorder and fear of crime to be considered in the design stage of a development. Other paragraphs such as 8, 104, 106, 110, 117, and 127 also require the

creation of safe environments within the context of the appropriate section. The amended plans in part address concerns, particularly with lack of defensible spaces issues remain relating to natural surveillance and secure boundaries.

### Avon Fire and Rescue

Should the application be approved a contribution is sought for the maintenance of the four fire hydrants required on site of £1,500 each.

### Clevedon BID (Amenity Group)

To be confirmed (at time of writing.)

## **Principal Planning Issues**

The principal planning issues in this case are (1) principle of development, (2) highways and transport, (3) sustainable urban design, (4) conservation area and setting of listed buildings, (5) equalities act, accessible and adaptable housing and impacts on neighbours living conditions, (6) flood risk, drainage and culverted rhyne, (7) biodiversity and habitat regulations assessment, (8) archaeology; (9) potential land contamination, (10) third party comments and (11) Development Contributions and Community Infrastructure Levy.

### **Issue 1: Principle of development.**

The application site is within the Clevedon Town Centre which has the same boundary as the Primary Shopping area. Adopted local plan policies are aimed at encouraging main town centre uses, regeneration and activities which support the economic, social and environmental well-being of the town and residents. The associated policy is DM60:

*“DM60: The boundaries of the town centres of Clevedon, Nailsea, Portishead and Weston-super-Mare are defined on the Policies Map. The vibrancy, vitality and community focus provided by the town centres will be maintained and enhanced. Proposals for main town centre uses within these areas will, in principle, be supported provided they contribute to the improvement of the town centre. In assessing this the proposal should:*

- *Make a positive contribution to the centre’s identity and heritage.*
- *Increase job, education and training opportunities.*
- *Enhance the mix or quality of uses at the centre.*
- *Create additional community benefits and activities.*
- *Increase the activity and footfall in the centre, including supporting the evening economy.*
- *Secure the redevelopment or improvement of buildings, features or areas which detract from the quality or appearance of the centre.*
- *Enhance the built environment and public realm.*
- *Do not adversely impact on the role and function of the centre.*
- *Do not prejudice the delivery of proposed redevelopment schemes.*
- *Retain or increase the amount and quality of public car parking spaces available”*

The supporting text clarifies that *“Residential development within the centres is encouraged especially as part of mixed-use schemes using upper floors with other uses on the ground floor. The conversion of vacant ground floor units in residential style streets back to residential use outside of the primary shopping areas will be supported.”*



The Glossary in Annex 2 of the NPPF defines Main Town Centre uses as “Retail development (including warehouse clubs and factory outlet centres); leisure, entertainment and more intensive sport and recreation uses (including cinemas, restaurants, drive-through restaurants, bars and pubs, nightclubs, casinos, health and fitness centres, indoor bowling centres and bingo halls); offices; and arts, culture and tourism development (including theatres, museums, galleries and concert halls, hotels and conference facilities).”

The whole site is within the Primary shopping area as designated in the Sites and Policies Plan and policy DM63 applies. This states:

*“DM63: Within the primary shopping areas of Clevedon, Nailsea, Portishead and Weston-super-Mare defined on the Policies Map ‘A’ class uses will be supported. Other uses may be considered appropriate where they:*

- Make a positive contribution to the vitality, viability and diversity of the town; and*
- Contribute to local distinctiveness such as by reflecting the heritage/ coastal location; and*
- Encourage greater footfall in the town centre in particular better linkages between the seafront/dock and the primary shopping area; and*
- Extend the time frame of active use to support the evening economy. For the purposes of permitted development rights ‘key shopping areas’ are the defined primary shopping areas.”*

#### Town centre commercial uses.

The proposals for retail floorspace, gym and café uses fall within the NPPF categories for main town centre uses. The proposals are considered to comply with the majority of the principles set out in policies DM60 and DM63. They will provide an opportunity to increase job and training opportunities, enhance the mix of uses with a new gymnasium which has community benefits, improve the design and appearance of the B&M building, particularly the frontage facing Queens Square which currently is a blank wall and is proposed to be replaced by new shop fronts with accesses and windows. Policies and supporting text support residential uses in town centres should be given due weight, not least because they will increase footfall and an active evening economy.

The applicants also propose to make a financial contribution to the Council to pay for enhancements of the public realm at Queens Square (Council owned land), and the amount, the justification and relationship to requirements for other financial contributions are currently being assessed and the committee will be updated.

#### Age restricted apartments.

The proposals are for 39 senior living apartments where the main occupier is restricted to be aged 60+ and a partner to be aged 55+. There is no care to be provided and the accommodation is within Use Class C3 (dwellinghouses.). Development Management plan policy DM40 states that the Council will support retirement accommodation provided that it is within the settlement boundary, within easy reach of shops, public transport, community facilities and medical services without access to a car and an appropriate standard of facilities are provided. The site is within the Town Centre and complies with these specifications. The justification for the policy advises that it is likely that demand will increase for a range of types of housing aimed at providing independent living for older

people and that the Council will support this, including accommodation aimed at the active 65+ age group. This type of housing provides opportunities for people to downsize and for family houses to become available, although planning practice does not permit this to be restricted to the local area or town. Objections on the grounds of need for more family accommodation to support schools in Clevedon have been assessed by the Education service planning and governance team, who advise that all schools have a sustainable pupil roll. It is also likely that some future housing growth will be planned for Clevedon over the new Local Plan period. It is acknowledged that the proposed accommodation is small scale with the majority of units having only one bedroom, and that outdoor space is minimal, but the apartments benefit from being in a highly sustainable location, in close proximity to amenities and with green open space and allotments within 350m. It is therefore concluded that the type of residential units comply with policy.

### Affordable Housing.

Core Strategy policy CS16 requires a minimum of 30% on-site affordable housing provision to meet local needs. This equates to 11 units, on site with a tenure split of 77% social rent and 23% shared ownership. Policies and the associated SPD allow for this requirement to be subject to viability. The applicants do not propose to provide any on or off-site affordable housing and have submitted a development viability appraisal with the aim of demonstrating that there is no finance available to provide this. The appraisal is currently being assessed at time of writing and the committee will be updated.

### Development Viability

In line with policy CS16 and the associated Affordable Housing SPD, and Development Management policies DM70 and DM71, the applicants have submitted a development viability appraisal with a view of demonstrating there is insufficient finance to deliver any affordable housing on site. The applicants instead propose a contribution of £100,000 for town centre enhancements to the hard landscaping on Council owned land at Queens Square. At the time of writing, the appraisal and the underlying policy assumptions, interpretations and implications are currently being assessed and the Council has appointed external Valuers to advise on the proposals. The committee will be updated.

## **Issue 2: Highways and Transport**

The most relevant adopted plan policies are Core strategy policy CS11 (requiring adequate parking and a balance between good urban design, highway safety, residential amenity and promoting town centre attractiveness and vitality); Development Management Plan policy DM24 (new development should not prejudice highway safety); DM25 (provision to be made for cyclists, pedestrians etc); DM26 (travel plans); DM28 (parking standards should be met and functional parking accommodated); DM29 (protection of car parks) and DM60 which requires that in town centres the amount and quality of public car parking spaces available are retained or increased.

The Council's adopted Parking SPD and parking discount tool which permits a 15% reduction in the number of parking spaces in locations with the high sustainable travel opportunities, are also relevant.

At the time of report writing, assessment of the amended plans received in May, which mainly impact on the car park and foot/cyclepath layout is ongoing and the committee will be updated on issues as identified below. The application proposals are:

(i) Reduction in size of the current B&M car park from 266 spaces to 145 spaces.

It is recognised that this issue has resulted in a large number of objections. However the car park is owned and operated by the applicants and the original planning consent does not include a requirement by legal agreement or planning condition that it be available for public use. Instead planning condition no 5 states that it shall not be used other than for the parking of cars in connection with “the permitted development”, which could be interpreted to exclude general use by the public if they are not visiting the B&M store and these are the restrictions imposed on the current use. Policy DM 29 is therefore not considered to apply to these proposals.

(ii) Compliance with parking standards.

*Commercial development:* Assessment of the parking required to serve the two retail units, café and gym using the TRICS database forecasts parking demand on a 24 hour basis and indicates there will be peak levels on weekdays of 74 vehicles and at weekend of 97 vehicles. An uplift of 10% is applied for unplanned demand, which results in a maximum need of 107 spaces. The surplus from the provision of 145 spaces provides for some other town centre linked trips. The application proposes additional cycle parking and improved cycle routes to the stores, is considered acceptable on this basis.

*Senior living residential development:* The provision of 20 spaces is 10 spaces less than required by the Council’s adopted standards. The Council’s Parking Discount tool however can be applied because the site is sustainably located within a Town centre and is well served by buses with stops within 500m of the site although these are not easily linked to the rail network. This reduces the shortfall to 5 spaces. This can be addressed through the implementation of a car club, with a minimum of two electric cars over a three year period enforced by planning condition and a residential Travel Plan.

(iii) Amendments to the car park access at Great Western Road.

A road safety audit (stage 1) has assessed the proposals to remove the current site egress and change the site entrance to two way traffic. Potential concerns about visibility at the junction have been addressed with 25m visibility splays, a suitable revised signage strategy and delivery vehicles will be restricted to out of peak hours by a planning condition. The design of pedestrian crossing points is subject to final approval of location, surfacing, signage which may be controlled by condition.

(iv) Potential impacts on the surrounding highway network from the additional traffic generated by the development.

An assessment has taken place of the wider traffic impacts from the development on flows at Great Western Road, associated roundabouts and road network junctions at Clevedon. The traffic generation (36 at the morning peak and 68 at the afternoon peak) is considered acceptable and to have little impact on overall traffic levels.

(v) New access to Lower Queens Road.

The proposed access to the senior living apartments from Lower Queens Road has been assessed by Road Safety Audit and is considered acceptable. Refuse lorry access has been designed for and bin storage provided. Existing taxi bays will be relocated.

(vi) Sustainable travel improvements.

The main cycle route through the site is relocated to be between the apartments and the B&M car park and the path has been widened to 3m to accommodate this. A further footpath links the shops to the existing toucan crossing in Great Western Road. A total 39 Sheffield cycle stands are proposed which will provide 78 cycle parking spaces, (29 for shoppers, 49 for staff and 14 for the later living apartments). Electric vehicle charging points can be conditioned in the car park and later living site. There is a need to widen the existing path at Great Western Road to 3m to allow for cycle use and a method of delivery is under discussion. However in general the proposals are acceptable as they facilitate improvements to sustainable travel patterns in the neighbourhood.

(vii) Construction traffic.

A construction environmental management plan will be required by condition and will include requirements for on-site materials storage, traffic parking, wheel washing etc.

On this basis it is concluded the application will deliver a sustainable development, in accordance with the previously referenced local plan policies.

### **Issue 3: Sustainable urban design**

Core Strategy policies CS12 and CS31 require that new developments provide high quality and locally distinctive designs, creating an individual character and identity. Local Plan Policy DM32 also supports high quality, distinctive, functional and sustainable places. Paragraph 130 of the NPPF advises that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, or taking into account any local design standards. However, where the design accords with clear expectations of planning policies it should not be used as a refusal reason. The Government has produced the National Design Guide, which sets out 10 characteristics of well-designed places and demonstrates good practice, which are context, identity, built form, movement, nature, public places, uses, homes and buildings, resources and lifespan. The application is also within the Conservation Area therefore policies CS5 and DM3 are relevant and require that new development will not cause harm to the existing character and appearance and wherever possible enhance it. Also, that new development retains existing buildings, features, hard and soft landscaping that contribute to its special character.

The proposals to redevelop this site were the subject of the pre-application enquiry process when the applicants consulted the Design Review Panel (DRP). At that stage the apartment block and the commercial development were significantly larger and related poorly to adopted plan policies and the National Design Guide. The DRP advice was essentially that the proposals needed a clearer vision and links to the heritage strategy, stronger green and blue infrastructure, contributions to biodiversity and to make the senior living element more sensitive to the conservation area and clarify proposals for how Queens Square and Great Western Road can be improved.

#### B&M, Gym and café.

The submitted application addressed some of the DRP points, and following negotiations, amended plans were submitted in January which improved the external appearance and designs of the café and B&M building significantly. The designs took inspiration from the railway heritage which gave them a clearer identity, with raised coped verges and feature

gables. The unbalanced, overhanging first floor extension to the B&M building was redesigned and now has a more conventional double pitch roof better suited to the Conservation Area. External materials include red brick finish to the most prominent ground floor elevations and clay vertical 'Terrart' Baguette structures above, which subject to approval of detailed design and colouring, has the ability to provide a high-quality finish with articulation, grain and shadowing. The retail unit at the B&M building east elevation facing Queens Square has evolved to address the DRP's suggestions for improving the relationship with the public square by including a doorway and shop windows to retail unit no 2, replacing the B&M blank wall and improving the signage. The current B&M building is not of a particularly high-quality design and does not contribute positively to the character and appearance of the conservation area and the proposals are considered to improve it. In conclusion the redesigned B&M building and the café are considered not to cause harm to and subject to high quality design details and external materials, to enhance the conservation area and are acceptable.

#### Public space, pedestrian/cycleway links and car park.

The use of space for car parking has been maximised, with a landscaped boundary with Great Western Road and a number of trees within the car park. The Design Review Panel's suggestion for a biodiversity inspired public walkway through the site has not been addressed. However, a 1.1m high stone wall is proposed along the boundary with Great Western Road, apart from the area adjacent to the blank wall of the apartments where no means of enclosure is proposed. Provided the detailed design and materials are suitable the wall will improve this boundary and be more in keeping with the appearance of the Conservation Area, which is characterised by stone walls.

Reference has been made by the applicants to a second phase of development to improve retail units along the eastern side of Queens Square and the Square itself which is in Council ownership. However, details of these proposals are not part of this application.

#### Senior living apartments.

The proposals for the senior living building have been amended and reduced in scale since the pre-application enquiry and during consideration of this application. The building is three stories in height with large dormers resulting in four stories at the southern section overlooking the car park and furthest from the neighbouring residents at Lower Queens Road. The design makes reference to the railway architecture inspiration for the retail and café units, in terms of external bricks, terracotta Baguettes and the form of the gables. In addition to the apartments there is residents lounge/meeting room, reception and management office at the ground floor, three staircases, a lift and a flood evacuation room at the fourth floor. The apartments are single aspect and those at the south west elevation overlooking the car park have balconies. There are no windows in the north east elevation which faces towards the nearest neighbouring properties in Lower Queens Road and Great Western Road (north).

There is very little private open space for the residents. However, the development is located within a town centre where residents would not necessarily expect to have access to private gardens. There are concerns that the garden space between the ground floor apartments and the foot/cyclepath is only between 2.7m and 2.9m wide and is delineated by 1.0m high railings. This results in little privacy or security for the occupants of the ground floor flats. As the applicants have not proposed methods of addressing these concerns details will be sought and the committee updated.

Sustainable energy.

Policies CS1 and CS2 require a minimum of 15% of future energy needs to be generated on site, subject to feasibility and viability. Should the application be approved it is proposed to address this by planning conditions.

#### **Issue 4: Impact on Conservation Area**

The heritage assets are the Conservation Area (CA) and the site is within the setting of the listed Curzon Cinema (Grade II) and St Johns Church (Grade II\*). The Conservation Area includes the whole of the site but excludes the Curzon, though its setting must also be considered. There are views of the rear and side elevation of the Curzon obtainable from within the Conservation Area (CA), particularly Great Western Road and these provide a connection to the town centre and main part of the CA. A substantial area of the CA comprises the car park which is the site of this application. This is considered to be unattractive and has a harmful impact on the CA. So too, do the blank elevations of the 1980s supermarket and its service area. There are, however, important views out of the Conservation Area towards the roof of St Johns Church which is a local landmark and as a Grade II\* listed building is a particularly important building of more than special interest. Views into the core of the CA's commercial centre are restricted. There is a group of poplar trees alongside Great Western Road which are important, highly visible in the CA and are valuable to the appearance of the streetscene. They contribute significantly to the Conservation Area, providing the most obvious green features on this side of the road by reason of their size and maturity. Though individually not specimen trees, as a group they are a positive and prominent feature of the CA and are therefore of significant amenity value. Other trees within the car park are not of such significance but those adjacent to Great Western Road are to be removed and replaced with others.

Core strategy policy CS5 and Development Management policies DM3 and DM4 are relevant. Generally, the alterations and extensions proposed to the B&M building and the new café are supported and subject to satisfactory detailing are not considered to adversely impact on heritage assets. The comments from Historic England are noted but the principles of the layout were agreed at the pre-application stage taking into account the views of the Design Review Panel and the impracticalities of relocating the new buildings to the western side of Queens Square, including the presence of the culverted main river, are extremely difficult to address.

Para 196 states that "Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use."

It is considered that the application will have some harmful effects on the significance of these assets: the proposed apartments do have a significant mass and will present a somewhat dominating effect to Great Western Road though it is considered sufficiently distant from the Curzon for this not to have a severe impact on pedestrians' appreciation and enjoyment of the Conservation Area. The apartment block will be visible along Great Western Road where currently the Curzon is the primary building in the streetscene. The setting of the Curzon will be affected but these are relatively brief views. The development will also obscure distant views of the landmark tower and nave roof of the Grade II\* listed St Johns Church and characteristic Clevedon hillside skyline from further east on Great Western Road but similar views will remain obtainable from Lower Queens Road. The

harm is considered to be limited. However, the impact on appreciation of the four poplar trees and their health and long-term retention is considered to be significant.

As the application site is within a Conservation Area the existing trees are protected by the provisions of section 211 of the 1990 Town and Country Planning Act. Development management policies CS4, CS5, CS9 and DM3 are relevant and require that the Council seeks to secure the retention of features, hard and soft landscaping (including trees) that contribute to the special character of the Conservation Area. Additionally, policy DM9 of the Development Management Plan require that proposals affecting trees should demonstrate that they are protected where appropriate. The Residential Design Guide – Section 2 paragraph 3.6.2 outlines the council's guidance on trees. The British Standard BS5837:2012 which relates to the Design, Demolition and Construction in proximity to trees, provides guidance on design. Paragraph 5.2 and 5.3 advise works should allow adequate space for long term retention of trees and consider future maintenance. Whilst now showing three of the four poplars to be retained, the applicant has not addressed their long-term health or amenity value. They are very close to the apartment block and this will likely lead to the early loss of these prominent trees through requests to fell to allow better light penetration to apartments. The decision to still remove one of the poplars in order to retain one parking space has a damaging effect for marginal gain on the parking front.

There are nevertheless, public benefits arising from the application. These include enhancement of the appearance of the current B&M Bargains building that currently presents a blank and unappealing elevation visible in extensive views from Great Western Road within the Conservation Area, to present one that will create life, movement and greater night-time activity in this part of the centre. It will also help create a greater sense of enclosure and arrival at the centre with new buildings rather than a relatively featureless car park dominating the Great Western Way impressions of the centre. There will be a beneficial effect in enlivening and providing a fresh face to Queens Square through improved elevational treatment of the B&M store that faces onto Queen Square. This is currently a somewhat dead frontage and elevation that turns its back on the Square. It is also positive that in a time of great difficulties for retail centres that the scheme is proposing significant investment in the town centre.

That is not to say there are aspects of the scheme that could not be improved upon. It is disappointing that it has not been feasible to create a continuation of Lower Queens Road, but this was not an aspect that the DRP felt strongly about. It remains possible to improve the end of this road to create a space rather than the ill-defined area of turning head and pedestrian path. It is also disappointing that suggestions relating to the public realm from the DRP and celebration of the historic route of the river have not been picked up and utilised more positively but these cannot be characterised as harm.

Weighing up these aspects of the application it is considered that on balance it preserves the character of the centre and offers some limited enhancement. The offer of a contribution towards the improvement of Queen Square is welcome but should not be considered in terms of weighing up the impact on the CA. However, the balance in favour of preserving or enhancing the CA still relies on demonstrating that the application delivers a sustainable long-term relationship between trees and the apartment block.

The applicant has been asked to retain the four poplar trees along the road frontage as they would take some years to replicate their amenity value and scale. However, it is considered that their relationship to the proposed dwellings as currently shown is not

satisfactory for the reasons given. It is considered that the applicant should be required to either revisit the footprint of the building to allow more space, or alternatively provide detailed technical specifications for the replacement of these trees where conflict is likely. Suitable tree pits with reservoirs to enable better establishment and growth of new trees of suitable stock size should be required. This would have beneficial long-term microclimate benefits by providing shade and could be considered to be a satisfactory long-term solution and one that .

Overall it is considered that the proposals for the senior living apartments will cause less than substantial harm to the CA and the setting of the LBs, but that there are public benefits that will preserve or enhance their character.

#### **Issue 5: Equalities Act, Accessible and Adaptable housing and impacts on neighbours living conditions.**

Relevant policies are Development Management policy DM33 which requires that public buildings should be accessible and policy DM42 which requires that a minimum of 17% units should comply with M(4) of Part M of the B Regs, in accordance with the accessible and adaptable housing needs SPD. If the application is approved suitable planning conditions will be added to address these requirements.

Another requirement of policy DM42 is that all new dwellings should conform with the minimum space standards set out in the Nationally described space standards where practical and viable. Additional information has been requested to demonstrate compliance with these standards and the committee will be updated on the outcome.

Policy DM32 requires that new development conforms with the standards to protect neighbouring residents from overlooking, overshadowing and overbearing as set out in the Council's Residential Design Guide Part 1. It is confirmed that the proposals comply with these standards.

#### **Issue 6: Flood risk, drainage and culverted rhyne**

Development Management policies DM1 and CS2 require that the potential for site flooding and drainage requirements are properly addressed. The site is within flood zone 3 and the culverted Main River (the Land Yeo rhyne) passes under the north of the site. Surface water runoff is proposed to drain to this rhyne. Drainage details submitted with the application were insufficient for a full assessment and an additional drainage report was provided recently with the aim of demonstrating that no additional flood risk will arise from the development. Provided this information is satisfactory there will be no objections on these grounds subject to necessary planning conditions. The Environment Agency may require the applicants to obtain approval for an Environmental Permit from that Authority for the development due to the proximity to the Main river. This is the applicant's responsibility to address and is unlikely to impact on the physical development and a note will be added to the planning decision notice to this affect.

As the site lies within flood zone 3 the proposals are required to comply with the Sequential sites assessment and exceptions test as set out in the NPPF and NPPG. It is confirmed that these matters have been addressed.



### **Issue 7: Biodiversity and Habitat Regulations Assessment**

The Natural Environment and Rural Communities (NERC) Act 2006 places a duty on Local authorities to have regard to the conservation of biodiversity in exercising their functions and it is confirmed that subject to the addition of relevant planning conditions the terms of the Act have been complied with in this respect. Development Management Plan policy DM8 requires that biodiversity and important species are protected. The site has no significant connected habitat value for bats and the buildings on site have been surveyed for bats and nothing was found. The site mainly consists of a tarmac car park with areas of tree and shrub planting, and it has been concluded that other protected species are very unlikely to be on site. Should the application be approved, the new landscaping scheme should include flowering and fruiting plants, native species where possible and bird boxes under the terms of planning conditions.

### **Issue 8: Archaeology.**

Development Management Plan policy DM6 requires that archaeology interests be fully considered and taken into account in determining planning applications. Should the application be approved planning conditions are required to implement an archaeological watching brief to monitor grounds and record the archaeological remains, and to require the installation of information boards to showcase the site history relating to the the heritage of Clevedon Station and the Weston, Clevedon & Portishead Light Railway.

### **Issue 9: Potential land contamination.**

Core strategy policy CS3 requires that the potential for environmental impacts both to and from new developments are addressed. The submitted site desktop studies indicate the potential for on-site contamination and possible impacts on the development from nearby off site contamination and further assessment and investigations are to be carried out and appropriate mitigation implemented during development, if required. Further assessments of potential asbestos in existing buildings will be necessary and mitigation programmed into the development. Potential impacts from road noise to residential uses also requires further assessment, and suitable mitigation can be implemented through higher levels of sound insulation if necessary which will not impact on the external appearance of the building. These matters can be addressed through suitable planning conditions. Additionally the proposals to reused railway sleepers in the hard landscaping are not acceptable as they are often contaminated with creosote and should be replaced with clean replicas under landscaping conditions.

### **Issue 10: Third party comments**

Neighbouring residents and the Town Council's objection to the development proposals are detailed in this report. They have been addressed in the preceding issues sections. Other matters have been raised by neighbours namely loss of views, devaluation of property, noise and nuisance. Such matters carry little weight in the determination of planning applications and are not controlled under adopted plan policies.

### **Issue 11: Development Contributions and Community Infrastructure Levy**

Policy CS34 of the Core Strategy and Policy DM71 of the Sites and Policies Plan Part 1 set out the requirement and mechanism to seek developer contributions to mitigate the

impacts of a development proposal, should the application be approved. This application is for 39 no new dwellings and Use class E town centre commercial development (1,008 sqm gym; retail extension 456 sqm net and a food unit 195 sqm). Under the terms of adopted planning policies and SPD's, the development should provide for affordable housing and potentially contributions for Highways Act requirements; fire fighting infrastructure and town centre enhancement . The applicants have submitted a development viability appraisal with the aim of demonstrating that the development cannot meet the costs of all these contributions. It is currently being assessed and the committee will be updated. The development will also be required to pay community infrastructure levy.

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

The proposed development has been screened separately under the above Regulations and has been found not to constitute 'EIA development'. An Environmental Statement is not, therefore, required.

### **The Crime and Disorder Act 1998**

Subject to the proposed planning conditions, the proposed development will not have a material detrimental impact upon crime and disorder.

### **Local Financial Considerations**

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

### **Conclusion**

Para 11 of the NPPF says that there should be a presumption in favour of sustainable development where proposals conform to an up-to-date development plan. Section (d) explains that where policies are out of date then planning permission should be granted unless:

- (i) the application of policies in the NPPF that protect areas or assets of particular importance provide a clear reason for refusing the development, or
- (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

The associated footnote 6 explains that policies are deemed out of date where the Local Planning Authority cannot demonstrate a 5 year land supply (with the appropriate buffer), as is the case here. At present the Council cannot demonstrate a five year land supply of deliverable housing sites, with the current supply position standing at 4.2 years. This means that for applications involving the provision of housing, the policies which are most important for determining the application are deemed to be out of date (NPPF paragraph 11, footnote 7). In accordance with paragraph 11 of the NPPF this means that unless:

i: the application of policies in the NPPF that protect areas or assets of particular importance (as listed in NPPF footnote 6 and which include designated heritage assets such as Conservation Areas) provide a clear reason for refusing the application; or  
ii. the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits, then the application should be considered favourably. Impacts on the Conservation Area have been assessed and subject to the points made in the report and recommendation, are not unacceptably harmful. It is considered that the impacts of the development detailed in this report need not outweigh the benefits which includes the provision of 39 new homes and town centre regeneration from new commercial developments.

**RECOMMENDATION:** Subject to –

- (a) The satisfactory completion of the assessment regarding the development viability appraisal and the completion a section 106 legal agreement securing suitable financial contributions (or site provision) towards (i) affordable housing provision, (ii) town centre enhancements (where justified), (iii) highways and transportation requirements (if required) and (iv) fire service infrastructure, and
- (b) amended plans and details to demonstrate and secure the retention and protection of the trees at the boundary with Great Western Road or suitable replacements;
- (c) satisfactory proposals to protect the privacy of the occupiers of ground floor apartments;
- (d) further assessment and confirmation of the acceptability of the design of the vehicle access to Great Western Road and improvements to the turning head at Lower Queens Road;
- (e) further information to confirm that the proposals comply with policy DM42 in terms of compliance with the minimum space standards set out in the Nationally described space standards;

- the application be **APPROVED** (for the reasons stated in the report above) subject to conditions to be agreed in consultation with the Chairman, Vice Chairman and ward member to include the following matters together with any further relevant conditions as may be required:

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. No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the Local Planning Authority. The approved plan shall be adhered to throughout the construction period. The plan 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 the emission of dust and dirt during construction
- (f) measures to control noise from works on the site
- (g) a scheme for recycling/disposing of waste resulting from demolition and construction works

Reason: In order to preserve highway safety, local amenity and the living conditions of nearby residents in accordance with policy CS2 of the Core Strategy.

4. No development hereby approved shall commence until a noise survey at the site has been completed and a scheme to protect the proposed and existing dwellings from noise has been submitted to and approved, in writing, by the Local Planning Authority. The details are required prior to the commencement of the development to allow for any sound insulation/mitigation requirements to be incorporated into the design of the development. None of the dwellings or the retail units shall be occupied until all the works that form part of the scheme have been completed. The approved noise protection scheme shall thereafter be permanently retained and maintained in accordance with the approved details.

Reason: So that noise affecting the proposed development may be attenuated to a level acceptable for residential use. Likewise, so that noise from the proposed development, particularly the retail element, does not cause noise disturbance to existing and proposed residential dwellings.

5. A written method statement for the identification and subsequent removal of asbestos if required, shall be agreed in writing with the LPA prior to the demolition/extension/alteration of site buildings and all requirements shall be implemented and completed to the satisfaction of the LPA. No deviation shall be made from this scheme without the express written agreement of the LPA.
6. No development shall take place until an intrusive ground investigation, assessing the nature and extent of contamination on the site, has been submitted to and approved in writing by the Local Planning Authority. This investigation must be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site. Moreover, it must include:
- (i) a survey of the extent, scale and nature of contamination;
  - (ii) an assessment of the potential risks to:
    - human health,
    - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
    - adjoining land,
    - groundwaters and surface waters,
    - ecological systems, and

- archaeological sites and ancient monuments

Reason: In order to ensure that land is suitable for the intended uses.

7. Unless the Local Planning Authority confirms in writing that a remediation scheme is not required, no development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal of remedial options, and proposal of the preferred option(s), and a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason: In order to ensure that land is suitable for the intended uses

8. The remediation scheme, which includes gas protection measures if required, shall be implemented in accordance with the approved timetable of works. Within 3 months of the completion of measures identified in the approved remediation scheme, a validation report (that demonstrates the effectiveness of the remediation carried out) shall be submitted to the Local Planning Authority.

Reason: In order to ensure that land is suitable for the intended uses

9. No dwelling shall be occupied until details of electric vehicle charging ducting, wiring and identified suitable fuse box connection ready to receive a charging socket serving that dwelling have been submitted to and approved in writing by the Local Planning Authority and implemented in full.

Reason: In order to secure sustainable modes of travel and in accordance with policies CS1 and CS10 of the North Somerset Core Strategy.

10. No building or use hereby permitted shall be occupied or use commenced until details of a car club scheme, in accordance with a contract to be entered into by the developer and an approved\* car club provider, shall be submitted to and approved in writing by the Local Planning Authority. To incorporate -
- The allocation of 2 car club parking space(s)
  - The provision of 2 vehicle(s)
  - Provision of car club membership for all eligible residents of the development for a minimum of three years
  - Promotion of the scheme
  - The phasing at which the scheme will be introduced

Reason: to follow.

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## Section 2

# North Somerset Council

## ITEM 9

### REPORT TO THE PLANNING AND REGULATORY COMMITTEE

**DATE OF MEETING: 24 June 2021**

**SUBJECT OF REPORT: Planning application 19/P/3197/FUL**

**Full application for the residential development of 60no. dwellings with supporting infrastructure and enabling works including new vehicular access with Moor Road, public open space, landscaping and drainage infrastructure, land off Moor Road, Yatton**

**TOWN OR PARISH: Yatton**

**OFFICER/MEMBER PRESENTING: HEAD OF PLANNING**

**KEY DECISION: NO**

### RECOMMENDATIONS

Subject to:

- (a) clarification regarding renewable energy provision;
- (b) confirmation concerning compliance with Policy DM42;
- (c) the completion of a section 106 legal agreement securing:
  - I. the provision of 30% Affordable Housing,
  - II. the provision of neighbourhood open space and the transfer of the orchard to the Parish Council for future management as local green space with ecological features,
  - III. agreement to a detailed phasing plan to enable planting important to maintaining continuity of bat flight corridors to the existing and additional roosts to be carried out and established ahead of commencement on the construction works, together with
  - IV. financial contributions towards (i) replacement sports pitches (ii) the provision of a Local Landscaped Area for Play (LLAP), including associated commuted sums (iii) drainage works required by the NSIDB, (iv) funding of TRO for parking restriction on Kenn Moor Road in the vicinity of the junction with Moor Road and within the section of new road crossing the orchard; (v) fire hydrant maintenance; (vi) travel information packs, public transport taster tickets and

cycle vouchers for each residential unit and (vii) home to School transport for secondary school pupils

the application be **APPROVED** subject to the conditions referred to in the 21 April committee report attached as Annex 1, as amended by conditions referred to within the 21 April Update sheet attached as Annex 2, and any other additional or amended conditions as may be required in consultation with the Chairman and Vice Chairman and local members:

## 1. SUMMARY OF REPORT

The application was considered by the Committee on 21 April when it was resolved that the application should be refused. As the Committee resolution was contrary to the officer's recommendation, the application was held over in accordance with the provisions of the Scheme of Delegation to enable the issues raised to be considered before the Committee confirms the decision.

## 2. POLICY

As set out in the report to the Planning and Regulatory Committee report of 21 April 2021 attached as Annex 1. It should be noted that an updated Creating Sustainable Buildings and Places in North Somerset SPD 2021 was adopted by the Council on 20 April.

## 3. DETAILS

The application was considered by the Committee on 21 April when it was resolved that the application should be refused for the following reason:

*"1. The proposed road would result in the unacceptable loss of trees, hedgerow and habitat and would have a detrimental impact on the rural character and appearance of the former orchard and rural setting of the village contrary to policies CS4, CS5 and CS14 of the Core Strategy, policies DM9, DM10, DM32 and DM36 of the Development Management Policies Sites and Policies Plan Part 1, the North Somerset Landscape Character Area Supplementary Planning Guidance 2018 and policy SA1 of Sites and Policies Plan Part 2: Site Allocations Plan".*

As the Committee resolution was contrary to the officer's recommendation, the application was held over in accordance with the provisions of the Scheme of Delegation to enable the issues raised to be considered before the Committee confirms the decision.

In considering the application, the Committee made observations on the development potential of the adjoining Yatton Rugby Club ground and the feasibility of providing access to the current application site from that land if it came forward for development. Should access be provided from the rugby club site, it would negate the need for the proposed access road across the former orchard proposed in the current application.

This has been considered further since the April Committee meeting and more information sought from the rugby club and others about potential future development plans. The rugby club is not currently an allocated site in the Local Plan and is not the subject of a current planning application. Planning permission



would be required for the development of the site which, unlike the current application site, is not currently allocated.

Notwithstanding this, it is understood that negotiations are taking place with a prospective developer but the pace and deliverability of a redevelopment would be dependent on suitable replacement rugby pitches and facilities being provided. The replacement facilities would also need to be the subject of a planning application and both developments would require all other relevant planning issues to be appropriately addressed. No certainty can be given in this connection, as it is likely that Sport England and Natural England will have important inputs in connection with the two applications.

In terms of access from the current application site through a potential development of the rugby club site, there is currently insufficient information to determine whether a safe and appropriate access could be secured for the likely number of homes which would be proposed on both the application site and the site of the existing rugby club. From previous understanding of the development ideas for the rugby club land, this could amount to a combined total for both sites in the region of 140 dwellings. This highway assessment would also need to take into account the relationship of the Oxford Instruments site opposite the rugby club which is also allocated for residential development.

Best indications from the prospective developer of the rugby club site is that replacement pitches could be available for use in September 2023, as grass pitches normally take two growing seasons minimum before being playable. If this were to be the case it might be possible to release the club's current pitches at the end of the 2022/23 season i.e. May 2023. This would be dependent on certainty that the new pitches would be available and that the club could use one or two of the existing pitches at the new site for pre-season training. The current proposal would be for a developer to commence construction of the residential site whilst also completing construction of a new clubhouse. However, the club would continue to use its existing changing and clubhouse facilities at North End until the new clubhouse is complete. Currently there is no application on either site and both the residential and replacement rugby facilities would need to receive planning permission for this approach to be feasible.

In the previous report it was stated that The Yatton Neighbourhood Plan became part of the development plan on 11 April 2019 following a successful referendum. It was formally adopted on 23 July 2019. The NPPF makes clear that in situations where the presumption in favour of sustainable development (NPPF paragraph 11d) applies to applications involving the provision of housing, "the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits" provided a) the neighbourhood plan became part of the development plan two years or less before the date on which the decision is made; b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement; c) the local planning authority has at least a three year supply of deliverable housing sites, and d) the local planning authority's housing delivery was at least 45% of that required over the previous three years.

The Yatton Neighbourhood Plan currently meets these criteria however it will be more than 2 years old after 23<sup>rd</sup> July 2021. The weight that could be given to it in terms of housing supply shortfall will decrease as a result.

Prior to the last committee, the applicants suggested that they are unable to provide 15% carbon reduction but proposed to comply with 15% 'betterment' using a fabric first approach and the remainder via solar pv panels. No additional information has been submitted to the Council since this time but the applicants have been requested to provide more information to show why they are unable to meet the policy test. This requires fabric first approaches to be made to buildings and then renewable energy generation of 15% of the residual energy requirements to be provided. This requirement is reflected in the officer recommendation above.

The officer recommendation therefore remains as set out in the April report attached in Annexes 1 and 2 below.

#### **4. CONSULTATION**

Details of consultation responses are in the Committee report in Annex 1. Further informal consultation with Yatton Rugby Club and a prospective developer has taken place since the last meeting of the Committee.

#### **5. FINANCIAL IMPLICATIONS**

The National Planning Guidance makes it clear that LPAs are at risk of an award of costs against them on appeal if they are deemed to have acted unreasonably.

#### **6. EQUALITY IMPLICATIONS**

As set out in the previous Committee report in Annex 1.

#### **7. CORPORATE IMPLICATIONS**

As set out in the previous Committee report in Annex 1.

#### **8. OPTIONS CONSIDERED**

Planning applications can either be approved or refused.

**AUTHOR** Richard Kent. Head of Planning

#### **BACKGROUND PAPERS**

Planning and Regulatory Committee report 21 April, update sheet and draft minutes.

# ANNEX 1

## REPORT TO PLANNING & REGULATORY COMMITTEE 21 APRIL 2021

### SECTION 1 – ITEM 7

**Application No:** 19/P/3197/FUL

**Proposal:** Residential development of 60no. dwellings with supporting infrastructure and enabling works including new vehicular access with Moor Road, public open space, landscaping and drainage infrastructure

**Site address:** Land off Moor Road, Yatton

**Applicant:** Persimmon Homes Severn Valley

**Target date:** 14.04.2020

**Case officer:** Lee Bowering

**Parish/Ward:** Yatton/Yatton

**Ward Councillors:** Councillor Wendy Griggs/Councillor Steve Bridger

### REFERRED BY COUNCILLOR BRIDGER

#### Summary of recommendation

It is recommended that, subject to the resolution of outstanding matters as set out in the report and the completion of a legal agreement, the application be **APPROVED** subject to conditions. The full recommendation is set out at the end of this report.

#### The Site

The 2.71 ha site lies on the north-western side of Moor Road and comprises a former orchard and land which has been used by the adjacent Yatton rugby club for junior pitches. Stowey Rhyne runs along the north-eastern boundary with fields beyond. To the south, there is a Grade II listed building, The Grange, together with existing housing developments in Moor Road, Moorside and Grange Farm Road adjacent to the site.

#### The Application

- This is a full application for 60 dwellings forming an uneven U-shaped access road, with the junction into the site formed from the former alignment of Moor Road which is now a cul-de-sac, having been terminated at its Horsecastle end.
- It is proposed to erect 42 dwellings for sale and 18 as affordable houses (30%)
- The site is 2.71 hectares (gross) and net 1.46 ha. The site density is 41.1 dwellings per hectare.
- The access road crosses a former orchard with a footway on one side only. The former orchard is also shown to accommodate an attenuation pond and local area for play, together with footpaths leading around the pond, linking the

play area and pond with the housing development site, which is located on the field used formerly by the Rugby Club for youth training and coaching. The remnant orchard is shown to retain the few remaining elderly fruit trees and to be re-planted with new orchard fruit trees.

- The hedge separating the development from the orchard is proposed to be retained except where breached to accommodate the proposed access road and pedestrian pathway that serves the proposed locally equipped play area.
- The Moor Road frontage is shown on the landscape plans to require removal of much of the frontage banks, hedges and trees in order to accommodate the proposed access and visibility splays.
- The accommodation for sale comprises: 4x1 bed units, 4x 2 bed units, 19x 3 bed units, and 15x 4 bed units. The affordable housing mix is: 4x 1 bed flats, 8x 2 bed units and 6x 3 bed units.
- Amended plans and details were submitted during the course of the application in response to highway and drainage comments received.

### **Relevant Planning History**

**Year:** 2019

**Reference:** 16/P/0888/F

**Proposal:** Residential development of 66no.dwellings with supporting infrastructure and enabling works including new vehicular access with Moor Road, public open space, landscaping and drainage infrastructure on land off Moor Road, Yatton. Land Off Moor Road Yatton

**Decision:** Refused

#### **Officer comment:**

*The application was refused by the Committee in 2019 on the basis that “the proposed road would result in the unacceptable loss of trees and hedgerow and in conjunction with a cramped layout and excessive density of development for a semi-rural location would have a detrimental impact on the rural character and appearance of the former orchard and gateway setting of the village contrary to policies CS5 and CS14 of the Core Strategy, policies DM9, DM10, DM32 and DM36 of the Development Management Policies Sites and Policies Plan Part 1 and the North Somerset Landscape Character Area Supplementary Planning Guidance 2018”.*

### **Policy Framework**

The site is affected by the following constraints:

- Site is outside the Yatton Settlement boundary
- North Somerset and Mendip Bats SAC consultation area Zone B
- Part of the site (referred to as “Moor Road”) is allocated for residential development by policy SA1 of the Site Allocations Plan. Schedule 1 of the plan identifies a capacity on the allocated site of 60 units and the site-specific requirements or key considerations to be taken into account.
- Within setting of Grade II Listed Building Grange Farm

## **The Development Plan**

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

The following policies are particularly relevant to this proposal:

- CS1 Addressing climate change and carbon reduction
- CS2 Delivering sustainable design and construction
- CS3 Environmental impacts and flood risk management
- CS4 Nature Conservation
- CS5 Landscape and the historic environment
- CS7 Planning for waste
- CS9 Green infrastructure
- CS10 Transport and movement
- CS11 Parking
- CS12 Achieving high quality design and place making
- CS13 Scale of new housing
- CS14 Distribution of new housing
- CS15 Mixed and balanced communities
- CS16 Affordable housing
- CS20 Supporting a successful economy
- CS32 Service Villages
- CS34 Infrastructure delivery and Development Contributions

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

The following policies are particularly relevant to this proposal:

- DM1 Flooding and drainage
- DM2 Renewable and low carbon energy
- DM6 Archaeology
- DM7 Non-designated heritage assets
- DM8 Nature Conservation
- DM9 Trees
- DM10 Landscape
- DM19 Green infrastructure

- DM24 Safety, traffic and provision of infrastructure etc associated with development
- DM25 Public rights of way, pedestrian and cycle access
- DM26 Travel plans
- DM27 Bus accessibility criteria
- 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
- DM42 Accessible and adaptable housing and housing space standards
- DM47 Proposals for economic development within towns and defined settlements
- DM48 Broadband
- DM68 Protection of sporting, cultural and community facilities
- DM69 Location of sporting, cultural and community facilities
- DM70 Development infrastructure
- DM71 Development contributions, Community Infrastructure Levy and viability

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

The following policies are particularly relevant to this proposal:

- SA1 Allocated residential sites (10 or more units)
- SA2 Settlement boundaries and extension of residential curtilages

The Yatton Neighbourhood Plan

The Yatton Neighbourhood Plan became part of the development plan on 11 April 2019 following a successful referendum. It was formally 'made' by the Council on 23 July 2019.

The following policies are particularly relevant to this proposal:

- BP1 Transport Assessment for proposals with significant transport impacts
- EP1 Access to local public footpaths
- EP2 Local Green Space
- EP3 Amenity Areas
- EP4 Dark skies
- HP2 Sustainable urban drainage systems

TP1 New transport infrastructure

### **Other material policy guidance**

#### National Planning Policy Framework (NPPF)

The following sections are particularly relevant to this proposal:

- 1 Introduction
- 2 Achieving Sustainable Development
- 5 Delivering a sufficient supply of homes
- 6 Building a strong, competitive economy
- 8 Promoting healthy and safe communities
- 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

#### National Planning Practice Guidance

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

- Residential Design Guide (RDG1) Section 1: Protecting living conditions of neighbours SPD (adopted January 2013)
- North Somerset Parking Standards SPD (adopted November 2013)
- North Somerset Landscape Character Assessment SPD (adopted September 2018)
- Biodiversity and Trees SPD (adopted December 2005)
- Creating Sustainable Buildings and Places SPD (adopted March 2015)
- Travel Plans SPD (adopted November 2010)
- Affordable Housing SPD (adopted November 2013)
- Development contributions SPD (adopted January 2016)
- North Somerset and Mendip Bats Special Area of Conservation (SAC) Guidance on Development: SPD (Adopted January 2018)
- Accessible Housing Needs Assessment SPD (Adopted April 2018)
- Renewable and Low Carbon Energy Generation in North Somerset: Solar Photovoltaic (PV) Arrays (adopted November 2013)

### **Consultations**

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

**Third Parties:** 74 letters of objection have been received. The principal planning points made are as follows:

- amount of new housing being built/proposed in Yatton in completely out of proportion to the size of the village which already does not have the infrastructure to accommodate the large increase in housing; ;
- no prospect of significant employment;
- more car journeys using the local road networks whilst commuting with danger of increased parking on Kenn Moor Road with safety implications. Can easily be avoided by providing access from the B road alongside the Rugby Club which will become housing in due course anyway;
- contrary to Core Strategy policy CS4 since it does not protect old remnant orchard with a rare fungus;
- does not respect this important gateway approach to the village and the cultural and biodiversity significance of Stowey Rhyne as a connecting linear feature; negative impact the open rural countryside character and appearance of a valued gateway into the village;
- negative impact on the greater and lesser horseshoe bats and potential impacts of water pollution into the nearby SSSI network and YACWAG nature reserves; loss of an historic orchard, trees and hedgerow;
- impacts on a Grade 2 listed building;
- flooding risk to the new development & to existing properties if the water table/drainage are interfered with;
- loss of sunlight and privacy that the development will have on existing properties and visual impact for residents on Grange Farm Road
- foul waste; noise and pollution
- access unsuitable

No letters of support have been received.

**Yatton Parish Council:** “The Parish Council recommended not supporting the application and the amended plans for the following reasons:

#### Amended Plans

The application has been amended since submitted. The Parish Council’s comments on the amended plans are as follows:

“The Parish Council have historically never supported the development of this site and the amended plans do not include any changes that would prompt a change to this view. The one access on to Moor Road and the road safety issues it presents, together with the lack of permeability on to the High Street for any residents of that site would create an isolated community. The detrimental impact on the orchard, the area’s ecology, the adjacent Grade 2 listed building and the gateway to Yatton are fundamental in the Parish Council’s recommendations not to support the amended plans”.

#### Application as submitted

On the application as submitted the Parish Council commented as follows:

“The Parish Council cannot see any merit in this new application and conclude that the long-term future of the village cannot be compromised for the short-term benefit



of the developer. The principal objections made under the previous application remain unaddressed and therefore are still applicable to this new proposal.

The proposal would cause significant and irreversible harm to the rural countryside setting at the entrance gateway to the village along Moor Road, to the setting of the Grade 2 listed building 'The Grange' and to the biodiversity and ecology of the Orchard and nearby Bat Conservation Area/Kenn Moor SSSI, for all of which no satisfactory mitigation has or can be found.

The access on to Moor Road was unacceptable, and this application should not be allowed to proceed unless access can be secured through the development of the Rugby Club site which it's understood is progressing towards the planning application stage.

The Environment Agency continue to object to this application because the proposal includes residential dwellings within Flood Zone 3; in light of many parts of the country currently suffering very serious flooding this element of the site must not be compromised.

Many of the evidence documents submitted have not been updated since 2015 (including Flood, Archaeology, Travel & Transport, Energy), some of which acknowledge the negative impacts the development will have and others, in particular the Travel and Transport Plans, are no longer accurate. In five years, vehicle movement has significantly increased, and this can be evidenced by recent data gathered by PACT (Police & Communities Together) which is current and very relevant to the sustainability of this site.

The site layout design will create unbroken stretches of parking with no footway, this is unsafe for pedestrians and cyclists and visually unattractive.

The Parish Council wish to re-iterate all the previous comments they have made for development on this site as they are considered to be just as relevant and applicable to this new application."

See Appendix 1 for the Parish Council's further comments in respect of the proposal and the previous refused application 16/P/0888/F.

### **Other Comments Received:**

#### Environment Agency

Provided the LPA is satisfied the requirement of the Sequential Test under the National Planning Policy Framework is met, we can now withdrawal its earlier objection to the proposed development, subject to the inclusion of conditions within the Decision Notice.

#### Officer comment

*This is an allocated site and for this reason is sequentially acceptable.*

#### North Somerset Levels IDB

No objection to the proposals as they remain largely as proposed previously. The planting adjacent to the access/buffer strip along Stowey Rhyne should not be such that mature canopies impinge on the access/buffer strip as this will have an impact

on the Board's ability to access and maintain the adjacent rhyne and potentially increasing flood risk locally.

Officer comment

*The species of the proposed trees adjacent to the access buffer strip is a matter that can be resolved by an appropriate landscape planning condition.*

Avon Fire and Rescue

Avon Fire & Rescue Service seeks the provision of two Hydrant requirements associated with this application. The costs will need to be borne by developers through developer contributions.

Avon and Somerset Constabulary (Crime Prevention Design Adviser)

No objection subject to comments regarding access to the former orchard, clear demarcation between public and private space, gates and lighting.

Sport England

The site has been well used by the rugby club in the recent past and was very important to the delivery of rugby in the community. The RFU formally objected to this original application back in 2016, due to the loss of playing pitches. The RFU are aware that the club has lost access to these pitches in recent years and that the club are in detailed discussions to relocate to a new location on the edge of the village, with an identified parcel of land for sports pitches, including ancillary facilities. The RFU nevertheless maintain their objection to Sport England in respect of the current application proposal due to the loss of pitches. The RFU seeks the LPA and Developer – in consultation with the RFU - to agree a financial contribution to offset the loss of these pitches and training area, so replacement pitches can be created and installed at the new proposed club site. It is not clear how this application is consistent with Policy CS27. In light of the above, Sport England objects to the application because it is not considered to accord with any of the exceptions to Sport England's Playing Fields Policy or with Paragraph 97 of the NPPF. The application raises issues regarding loss of playing field land without replacement.

Natural England

There is very likely to be a functional link between the orchard field, established Horseshoe bat roosts at The Grange and the SAC. The Shadow Habitats Regulations Assessment (HRA) concludes that all three boundaries of the orchard field are used for commuting by both species of Horseshoe bats. Night roosts for both species of Horseshoe bat have been confirmed in the outbuilding, cellar and stables at The Grange.

Development of the access road across the orchard field will result in the removal of 314m<sup>2</sup> of hedgerow used as a commuting feature by both species of Horseshoe bat as well as urbanising the surrounding area. NE is concerned that removal of such significant amounts of hedgerow and the consequent lengthy period of time which it will take for any replacement planting to establish, together with the housing development and consequent urbanising and introduction of lighting to this currently dark area will result in abandonment of the roosts at the Grange. Horseshoe bats

are territorial and faithful to their roosts so the loss of a roost used by even a low number of individuals can be significant.

NE advise that all proposed mitigation at the site should be delivered at the earliest possible opportunity. In particular, the new trees and hedgerow which are proposed at the site entrance and adjacent to Stowey Rhyne should be planted prior to or on commencement of development. In addition, the new bat roost feature in the orchard field should be complete and available for use by bats prior to the removal of any hedgerow for the access road. A Landscape and Ecological Management Plan (LEMP) will be required to govern appropriate management of mitigation planting in the orchard field.

The Council will be required to carry out an HRA. The assessment of 'In Combination' effects of the development will need to take account of relevant recent developments in the locality.

Whilst NE does not object to these proposals, it suggests, as submitted, the proposal is contrary to local plan policies. It also suggests that following NPPF guidance, significant harm to biodiversity can be avoided by accessing the housing site from the north rather than through the orchard field and draws attention to Council's declared a Climate Emergency. NE suggests the orchard site presents a great opportunity to preserve and enhance a site which has been demonstrated to support rare bat species and which has the potential to support many more species. The orchard site connects directly to the Nailsea and Kenn Moors SSSI as well as Stowey Rhyne (an important dispersal route for Horseshoe bats) and the Local Nature Reserve across the other side of Moor Road. Enhancing it for wildlife will maintain the landscape connections in this area and benefit not only bats but also pollinators, other invertebrate species, and the future residents of the housing development.

### **Principal Planning Issues**

The principal planning issues in this case are (1) the principle of the development, (2) highway safety and capacity, (3) impact on the character of the area and living conditions of adjoining properties, (4) drainage, (5) impact on protected species, (6) design and space standards, (7) loss of playing fields, (8) impact on setting of listed building and (9) development contributions and Community Infrastructure Levy.

#### **Issue 1: The principle of residential development in this location**

Whilst the site lies outside the settlement boundary for Yatton, Policy SA1 of the adopted Site Allocations Plan (SAP) allocates part of the application site for residential development with an indicative capacity of 60 dwellings. Schedule 1 of the plan lists specific site-related requirements that must be taken into account.

Two of these requirements relate to the parcel of land referred to as the orchard, which is within the extent of the planning application but beyond the boundary of the SAP allocation as shown on the Policies Map. In respect of access to the site, the SAP states that "*The provision of an access road across the orchard will only be considered if alternative access arrangements cannot be made and subject to a*

*suitable scheme being agreed with Natural England. Should a suitable scheme not be agreed, alternative access arrangements must be made”.*

Options for alternative means of access have been considered. Since the last application was refused, officers have made extensive investigations into the potential for an alternative access. This has included a number of meetings with the owners and partner developers of the adjacent Rugby Club.

There are two potential routes excluding one further option which was discounted during the last application due to its potential impacts. It was considered that whilst this route, across farmland might possibly address concerns about the orchard, it leads to a number of undesirable impacts and other risks. That route lies outside the settlement boundary and is not on land allocated for any form of development. It would necessitate a new access road from Kenn Moor Road with the necessary visibility splays for the higher speed road which would be likely to damage further roadside vegetation, possibly necessitate one or two bridges or culverts to cross the roadside rhyne and the Stowey Rhyne and a breach of the hedge line along the Stowey Rhyne to access the development area. This would be likely to cause landscape and ecological harm. Development on this side of Stowey Rhyne has always previously been resisted and the geometry of the access and the need to retain maintenance margins for the Stowey Rhyne would result in a significant projection into that field and be likely to enclose land that might come under development pressure in the future. Further, it is likely that the road would need to be raised above existing field levels causing landscape harm. This alternative is not considered to be a desirable solution that can be supported.

Of the other two options, one is via Grange Farm Road and the other via the adjoining rugby club grounds. The access via Grange Farm Road involves a cul-de-sac at the end of which there is a turning head that provides access to several properties. However, this is a privately maintained highway and neither the applicants nor the Council have control over it.

The principle of accessing the development site through this route could be technically feasible but more detailed investigation might be required into the full range of highway and other issues. Some have suggested that this would be beneficial in terms of making the development site more accessible to Horsecastle and integrating it better with the village. However, it is understood that there is very little difference between the distance via Moor Road and this alternative in terms of walking or cycling distance.

The second alternative would be via the rugby club grounds. It is known that the club is actively exploring the development of its own ground. The club has been working with a selected development partner and in earlier discussions it was evident that although the club was open-minded about this possibility of deriving access from the rugby club grounds, the developer was not favourably inclined to this solution.

The applicant does not support either option and believes that with construction of an access road before any plots or servicing of land could take place together with the challenges of securing an alternative for the club, it could be 4-6 years before the site could be developable, which they consider unreasonable, with a potential risk that the rugby club site might still not become available to them for access. The applicant is opposed to being placed in a position where they are dependent on another developer for site access especially where there is a lack of certainty of a

timescale for that development being brought forward or approved by the Planning Authority. A further factor is the potentially lengthy process that would ensue from the need to secure replacement pitches.

To further complicate this alternative, disruption of the existing ground could not realistically take place without the club having established a usable set of pitches at a replacement location, as it is believed there is insufficient space to allow active sport to take place alongside a major construction access to the application site. Pitch replacement normally is expected, according to Sport England, to take up to two growing seasons before being usable. The potential for such a period to be reduced is likely to be dependent on ground conditions or the construction of replacement pitches. Artificial hybrid pitches formed from rubber crumb and natural base can be formed but are not universally popular with some sporting organisations because of concerns over their impacts on players' wellbeing. Furthermore, such pitches are considerably more costly than natural pitches.

Other options such as omitting housing plots from the proposed development or agreeing not to develop some that might be used as an access or allowing a temporary access only across the orchard, pending arrangement of one of the alternatives have been discounted by the respective developers controlling adjacent sites, as unworkable.

The Neighbourhood Plan for Yatton was made on 23<sup>rd</sup> July 2019 and being at an advanced stage was a material consideration in the decision-making process on the last application (P&R Committee 17<sup>th</sup> July 2019). The orchard was included as potential Local Green Space in the submitted draft Neighbourhood Plan, but the examiner did not support the designation. Consequently, the Plan does not contain any open space or other protective designation for the orchard. The 'made' plan does not contain any housing policies directly relating to the application site, though there are other policies that have relevance if the site is approved such as those relating to dark skies and walking and cycling. There are no open space policies which affect the orchard within the Council's Site Allocations Plan 2018.

Notwithstanding this, there are strong policy reasons to resist built development on the former orchard should any be proposed in the future. Whilst the principle of residential development on the allocated part of the site has been established through the Site Allocations Plan, the Plan is clear that no development except for access, will be considered acceptable within the orchard. The orchard is part of the rural setting of the village which the Local Plan policy seeks to protect.

Because the Council currently does not have a five-year supply of deliverable housing sites, applications for housing must therefore be considered in accordance with NPPF paragraph 11(d). This requires permission to be granted unless any adverse impacts of doing so would "significantly and demonstrably" outweigh the benefits when assessed against the policies in the NPPF taken as a whole.

The benefits of approving the additional housing in accordance with the adopted plan is considered to outweigh the impacts of the development on the village gateway and ecology which can be made acceptable through the mitigation measures identified in this report. The proposal provides 30% on-site affordable housing provision at nil public subsidy, with a tenure split of 77% social rent and 23% shared ownership. The affordable housing requirement is therefore 18 units. This will be delivered via a s106 agreement.

It is considered that the proposal provides a satisfactory mix of housing sizes, though with a preponderance within the middle-sized ranges and terraced, semi and detached houses and with only 6 properties of 2.5 storeys which is considered are best limited on this site given its prominence. It incorporates policy compliant affordable housing provision within the layout.

## **Issue 2: Highway safety and capacity**

The proposed access is onto Moor Road, close to the junction with Kenn Moor Road. The south-east end of Moor Road, which is an unclassified highway subject to a 30mph speed limit, has been blocked off and forms a cul-de-sac that serves 15 properties.

The previous application for 66 properties on this site (ref 16/P/0888/F) was refused on environmental impact and appearance but not on highway grounds. The revised housing layout provides a reduction in property numbers but maintains the same access arrangements previously approved by highways. In support of the earlier application a Transport Statement had been submitted.

The submitted plans indicate the provision of a new 5.5m wide simple priority junction onto Moor Road to serve the development and 2.0m wide footways will be provided on either side of the junction. The existing junction between Moor Road and Kenn Moor Road will be realigned. At this point the road is a 'C class highway stretching from the B3133 to the south and Nailsea Wall to the north and is part of a Quiet Lanes project to provide safe routes for people to walk and cycle safely, though this is currently being reviewed in the light of public responses to a TRO consultation. The road is subject to a 30mph speed limit along the stretch from the B3133 to just past the bridge at Stowey Rhyne, adjacent to the site access where the speed limit then increases to 40mph. The submitted plans indicate visibility on Kenn Moor Road to be 2.4m x 120m to the north which meets the required standard. Speed surveys derived at the Moor Road/Kenn Moor Road junction found the 85<sup>th</sup> percentile speed to be 40mph northbound. Visibility to the south is indicated as 2.4m x 75m within highway land which meets the required standard. The gateway feature is expected to reduce traffic speeds at this point.

The applicant has previously submitted a Road Safety Audit (Stage 1 and 2) which has not raised any highway concerns regarding road safety for the proposed development. The plans indicate the main access roads will be 5.5m wide with pavements on each side except where passing through the orchard. Concern has been raised about the road width into the development and the potential for on street parking within the development restricting widths for service vehicles. A Traffic Regulation Order (TRO) would however be required to remove the parking and this would be subject to consultation. The funding of a TRO would be secured by way of a S106 developer contribution, which would also include a contribution towards lining and traffic management measures, as required.

Tactile crossing points are shown on all relevant junctions with a bollard provided at the footpath entrances to the areas of public open space to prevent use by vehicles. A condition will be required to ensure that no planting takes place within the visibility splays that are to be kept clear.

Local residential 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, Policy CS11 of the Adopted Core Strategy states that adequate parking must be provided and managed to meet the needs of anticipated users (residents, workers and visitors) in usable spaces. Based on the type and number of units proposed 131 parking spaces as detailed are adequate to serve the development. The required cycle parking standards would be secured by planning condition.

The proposed road width is adequate to allow the standard size recycling, waste, and garden waste vehicles to get unhindered access. NSC Waste Team will not service an area with smaller vehicles which are less efficient, more costly and have a bigger impact on carbon emissions. A refuse collection point should be accessible no more than 30 metres from each dwelling and no more than 15 metres from adoptable highway where a refuse vehicle can manoeuvre. Whilst a plan has been provided which shows the location of bin storage, further detail secured by condition, is considered necessary to ensure that satisfactory arrangements are in place for the placing and emptying of containers.

The site is within statutory walking distance of primary schools but beyond the statutory walking distance to the nearest comprehensive school. Contributions towards school travel for secondary school pupils will be required. It is reasonably well served by the local bus network and close to the railway station for commuter trips to Bristol. There will be a requirement for the applicant to provide a contribution towards travel information packs, public transport taster tickets and cycle vouchers for each residential unit. These contributions are required to ensure the development is not reliant on single occupancy car trips and should be secured via S106 Agreement. An updated Travel Plan should be secured by planning condition and agreed prior to first occupation. It is considered that electric vehicle charging points for each plot should be provided, and the appropriate planning condition is recommended.

The local rural highway network and the volume of material that may need to be removed and brought to site must be considered and a construction management plan would be required before the commencement of development on the site. This is likely to include but not be limited to, HGV routing, provision for staff car parking, times of site operation, volume of HGV movements throughout the day, highway safety measures such as wheel washing facilities and mitigation measures for any remedial works required. The appropriate planning condition would secure this requirement.

Overall, there are no overriding adverse highway or transport impacts arising from the development proposal subject to the appropriate conditions that are referred to within this planning issue. The proposal satisfies development plan policies CS10, CS11, DM24 and DM28.

### **Issue 3: Impact on the character of the area and living conditions of adjoining properties**

The plans do not propose residential development within the orchard, which provides an important transition between the village and its' rural setting. The access road

itself would not have an unacceptable impact provided Natural England's requirements can be met.

In respect of the living conditions of neighbouring properties it is considered that there are no significant issues. The layout has been amended following the previous refusal with three gabled ended houses now facing the rear elevations of the dwellings located at the head of Dairy Close and Grange Farm Road. The closest separation distance is in excess of 19 metres and therefore well beyond the minimum 12 metres permitted in the Residential Design Guide (RDG1) Section 1. There is also screening vegetation on the boundaries of the existing properties which is understood to be within the control of those householders.

The submitted plans show planting to the rear of the proposed visibility splays and further details such as plant spacing and type will be secured by condition. Further trees within the orchard are also proposed to replicate traditional orchard planting plans and space between, for picking and mowing with a less frequent mowing regime. This will take up a slightly larger area of the orchard than originally proposed. A strong landscape buffer with hedge and tree groups along the Stowey Rhyne is proposed, which will reduce the visual impact of housing when approaching from the Moors but importantly recognises the importance of the Stowey Rhyne to bats.

This retained orchard area should be enclosed with an appropriate style of parkland railing with lockable gates to limit access to the orchard and fungus, to authorised persons to ensure protection of trees, understorey and fungus. This will need to be secured by condition. The applicant has provided a play area on the northern side of the orchard, which is considered acceptable but will need physical separation from the orchard to protect its future integrity. It is considered that a low knee rail is required along the north-eastern side of the access road and can be secured by condition. The preferred long-term management of this space would be by transfer to this Council or the Parish Council which previously had sought its designation as local green space in the draft Neighbourhood Plan. The developer has been requested to agree this or propose other suitable maintenance arrangements to protect the orchard.

There is no intention to provide streetlighting within the orchard thereby mitigating the risk of impact on bats. The character of the orchard will change as a result of the proposed road and new planting but, with sensitive care and management, the existing character and contribution which the orchard makes to the approach to the village will be maintained as far as possible.

#### **Issue 4: Drainage and Flood Risk**

The site has been assessed and would not raise unacceptable drainage or flooding issues subject to relevant planning conditions. The Internal Drainage Board (IDB) confirms the outfall invert level has been agreed so the site may discharge to the local Rhyne.

An operation and maintenance schedule has also been provided and is considered satisfactory for the proposed surface water drainage arrangement. It is understood,



that either Wessex Water or a named private management company will be responsible for the maintenance of the proposed surface water features.

### **Issue 5: Impact on protected species**

As stated under Issue 1 above, access across the orchard is only acceptable if it is demonstrated that alternative access is not achievable. This has been investigated and there are no deliverable, reasonable alternatives. Natural England does not object in principle to the proposals but has raised issues of impact on bats and a need for mitigation as well as other procedural matters. The concerns raised about impacts on a rare fungus are no longer being raised as a primary issue although measures are in place to protect and rejuvenate the orchard and protect it from the impact of the new development.

The impact of the access on bats results largely from the removal of hedgerows to create visibility splays at the entrance. It might be possible to explore less onerous visibility splays if felt desirable but notwithstanding this, replacement planting, additional landscaping and omission of streetlighting would provide the requisite mitigation. Natural England has indicated that it considers advance planting, ahead of construction works is necessary to maintain continuity of flight routes between the existing and proposed additional roost and the valuable Stowey Rhyne corridor. Confirmation is being sought from the applicant that this can form part of the s106 provisions. A formal Habitats Regulations Assessment will still need to be adopted by the Council and signed off by Natural England before a planning permission can be issued.

### **Issue 6: Design and space standards**

The layout is satisfactory and provides for local open space including a small play area, within the former orchard and accessed by footpaths. This is considered satisfactory, though it is considered that one of the footpath links could beneficially be omitted to reduce visual impact and subdivision of the former orchard area. The submitted layout has enabled some positive effects in terms of passive solar gain, slight loosening of the layout and a better mix of buildings and is similar to that previously recommended for approval on the earlier application but with six fewer dwellings than that scheme. In terms of gross density, it is stated to be 22 dwellings per hectare (dph). In net terms, focusing only on the developable area's density is approximately 41 dwellings per hectare which is a satisfactory density. It meets the Council's requirements regarding facing windows on the private side of dwellings.

The energy report sets out its strategy for meeting necessary standards for greenhouse gas reduction mainly through locational and passive design measures. It considers a variety of different means of generating renewable energy and meeting the requirements of Policy CS2. However, despite the practical potential for using some of these the report discounts their use, including two of the most commonly used methods-solar pv panels and air source heat pumps- on the grounds of viability. However, this does not meet the Council's policy requirements and whilst this may ultimately be achievable it will be necessary to demonstrate more clearly that viability is an issue through a viability study that can be assessed independently. Policy CS2 does allow for the Council to consider viability as an issue but this is normally the case where the developer has made some attempt to achieve this but cannot achieve the *full* 15% of predicted energy requirements being made through

renewables. The applicant has been asked to amend this to meet the policy requirement or provide further justification that this would render the development unviable.

The policy objectives of Policy DM42 are not currently met. The Accessible Housing SPD states 17% of the proposed dwellings should be constructed to the above standards. The standards are applied to all house and tenure types and compliance will either need to be confirmed or amendments made to ensure compliance.

The same policy also seeks compliance with the National Described Space standards. The floor areas of the proposed dwellings are provided and show opportunity for interchange between bedroom and home office working rooms and thus can meet the standards.

The Crime Prevention Design Adviser has drawn attention to access to the former orchard, the need for clear demarcation between public and private space, gates and lighting. These are considered satisfactory, but some matters are more detailed than would normally be covered in the planning application, so it is proposed to draw the developer's attention to these through an advisory note.

### **Issue 7: Loss of playing fields**

The application site was used over a number of playing seasons by the rugby club for youth training but had not been the subject of either formal planning or lease arrangements. That use has now ceased following termination of the informal arrangement with the landowner.

The NPPF (para 97) makes it clear that existing sports facilities (i.e. those which are used for sport, have been in the past or could be used in the future) should be protected unless specific conditions can be met. Fulfilling these conditions requires an understanding of the current and future needs and opportunities for sports facilities. Core Strategy policy CS27, also requires that existing facilities will be safeguarded unless suitable alternative facilities can be made available.

Policy DM68 seeks to protect land last used for sporting facilities whilst enabling development if acceptable alternative provision is made in the vicinity and subject to several other criteria. Sport England (SE) has considered the applicant's response regarding new grass areas at North End Yatton which is currently being used by the rugby club for youth coaching under Permitted Development provisions. There is no toilet, changing or catering at this site. SE's view is that the application site was used more extensively with access to the facilities on the adjacent main ground. Accordingly, SE has taken the stance that replacement playing fields of a suitable standard should be funded. This view is consistent with the Council's Playing Pitch Strategy 2020-2036. There would need to be detailed requirements to ensure this is spent locally on pitches if the rugby club does not proceed with its plans to provide permanent replacement pitches. Subject to the detail of the proposed section 106 agreement for an off-site financial contribution towards sports facilities the objectives of policies CS27 and DM68 will be met.

### **Issue 8: Impact on setting of Listed Building**

The development is within the setting of the Grade II listed building, The Grange. The Grange is a mid-18th century farmhouse including a 19th century rear wing, with

some 20th century alterations. It has historic links with the adjacent orchard site which forms part of the proposed development, as historically, The Grange was a cider-producing farm.

The new site layout has a limited negative effect on the listed building equating to less than substantial harm in accordance with the NPPF paragraph 196. Some harm to the setting will be caused by the addition of extra traffic but no dwellings are proposed within the orchard and thus the wider view of its context and setting may still be appreciated.

The new orchard tree planting will help reinstate this historic feature on this site and bring back the associated historic character and reflect something of the historic role of Grange Farm as a cider-producing farm. The impact of the proposal is further reduced with the omission of the footway on the north-east side of the access road.

The proposal is therefore in accordance with policy CS5 and 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 9: Development Contributions and Community Infrastructure Levy**

Policy CS34 of the Core Strategy and Policy DM71 of the Sites and Policies Plan Part 1 set out the requirement and mechanism to seek developer contributions to mitigate the impacts of a development proposal. This application is for residential development of 60 dwellings and therefore subject to developer contributions.

Contributions have been sought towards: (a) the provision of a Local Landscaped Area for Play (LLAP) (b) drainage works required by the IDB, (c) funding of TRO for parking restrictions and associated works; (d) fire hydrant provision and maintenance; (e) replacement sports pitches; (f) home to school transport for secondary school pupils and (g) travel information packs, public transport taster tickets and cycle vouchers for each residential unit.

#### Community Infrastructure Levy

The Council's Community Infrastructure Levy (CIL) Charging Schedule took effect on 18 January 2018. This means that the development may be liable to pay the CIL. The Charging Schedule and supporting information can be viewed on the website at [www.n-somerset.gov.uk/cil](http://www.n-somerset.gov.uk/cil).

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

### **Natural Environment and Rural Communities (NERC) Act 2006**

The impact of the proposal on European protected species is referred to within Issue 5.

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

The proposed development has been screened under the above Regulations and has been found not to constitute 'EIA development'. An Environmental Statement is not, therefore, required.

### **Crime and Disorder**

The proposed development will not have a material detrimental impact upon crime and disorder. This issue is considered above.

### **Local Financial Considerations**

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

### **Conclusion**

This is an allocated site for housing. Recognising the criteria stated in the Site Allocations Plan the options for an alternative access to the allocated site avoiding the orchard has been thoroughly investigated and there are none that are reasonable and deliverable. In addition, the Council is currently unable to demonstrate more than 4.2 years supply of house building land and therefore unless the harm of approving the development outweighs the benefits of doing so, the development should be approved. In this case, if the matters identified above are addressed, together with the measures proposed, then the adverse impacts will have been properly mitigated.

**RECOMMENDATION:** Subject to –

- (a) clarification regarding renewable energy provision;
- (b) confirmation concerning compliance with Policy DM42;
- (c) the completion of a section 106 legal agreement securing:
  - V. the provision of 30% Affordable Housing,
  - VI. the provision of neighbourhood open space and the transfer of the orchard to the Parish Council for future management as local green space with ecological features,
  - VII. agreement to a detailed phasing plan to enable planting important to maintaining continuity of bat flight corridors to the existing and additional roosts to be carried out and established ahead of commencement on the construction works, together with
  - VIII. financial contributions towards (i) replacement sports pitches (ii) the provision of a Local Landscaped Area for Play (LLAP), including associated commuted sums (iii) drainage works required by the NSIDB, (iv) funding of TRO for

parking restriction on Kenn Moor Road in the vicinity of the junction with Moor Road and within the section of new road crossing the orchard; (v) fire hydrant maintenance; (vi) travel information packs, public transport taster tickets and cycle vouchers for each residential unit and (vii) home to School transport for secondary school pupils

the application be **APPROVED** (for the reasons stated in the report above) subject to the following conditions and any other additional or amended conditions as may be required in consultation with the Chairman and Vice Chairman and local members:

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. No plant, vehicles, machinery, or materials associated with or required for the construction of the development hereby approved shall be stored, used, or parked within the existing and retained orchard land unless the location has otherwise been submitted to and approved in writing by the local planning authority. The Orchard shall thereafter be retained as open space in accordance with a management plan to be submitted to and approved by the local planning authority prior to the occupation of the first dwelling. No means of external illumination shall be installed within the Orchard land and the proposed access road passing through the Orchard.

Reason: To protect and maintain the biodiversity and ecological importance of the site in accordance with policies DM7 and DM8 of the North Somerset Council Sites and Policies Plan Part 1 and in accordance with Schedule 1 of the Sites and Policies Plan, Part 2 Site Allocations Plan.

4. No site clearance, preparatory work or development shall take place until a plan for the protection of the Orchard and the retained trees (the tree protection plan) including those outside the site boundary that may be affected by the development and the site specific statements for working methods in relation to demolition, construction, landscaping in accordance with Sections 5 to 8 of British Standard BS5837: 2012 - 'Trees in relation to design, demolition and construction - recommendations' (the arboricultural method statement) has been agreed in writing by the local planning authority. These measures shall be carried out as described and approved.

Reason: To ensure that no excavation, tipping, burning, storing of materials or any other activity takes place within this protective zone and in accordance with policies CS4 and CS9 of the North Somerset Core Strategy and the Biodiversity and Trees Supplementary Planning Document and policies DM8 and DM9 of the North Somerset Sites and Policies Plan Part 1.

5. No development shall commence until a plan showing the location and design of tree and hedge protection fencing has been submitted to and agreed in writing by the Local Planning Authority and the agreed protection measures has been erected around existing trees and hedges to be retained. The Authority shall be informed at least seven days before works start on site so that barrier position can be established. The agreed fencing shall remain in place during site works. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, including compaction of the ground by any other means, without the written consent of the Local Planning Authority.

Reason: To ensure that trees and hedges to be retained are not adversely affected by the development, in the interests of the character and biodiversity value of the area, and in accordance with policies CS4, CS5 and CS9 of the North Somerset Core Strategy, policies DM8, DM9, DM10 and DM32 of the North Somerset Sites and Policies Plan (Part 1) Development Management Policies and the North Somerset Biodiversity and Trees SPD.

6. No development shall take place until a Construction Environmental Management Plan and 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 and any changes shall be submitted to and approved in writing by the Local Planning Authority before they are carried out. The Statement shall provide for:
- a. hours of construction;
  - b. routing of vehicles;
  - c. details of site enabling works; method of works, including: siting and installation of services such as drainage;
  - d. the parking of vehicles of site operatives and visitors;
  - e. loading and unloading of plant and materials;
  - f. storage of plant and materials used in constructing the development;
  - g. the erection and maintenance of security fencing, where appropriate;
  - h. wheel washing facilities;
  - i. measures to control the emission of dust and dirt during construction;
  - j. a scheme for recycling/disposing of waste resulting from demolition and construction works;
  - k. measures for prevention of pollution;
  - l. measures to control noise from works on the site and;
  - m. measures for avoidance of harm to ecological features and trees. Works shall be implemented in strict accordance to the approved methodology.

Reason: In order to protect the living conditions of nearby residents, highway safety and to safeguard protected species and biodiversity - in accordance with the Wildlife and Countryside Act 1981 (as amended), policies CS3 and CS4 of the North Somerset Core Strategy, and policies DM8, DM55 and DM58 of the North Somerset Sites and Policies Plan (Part 1). The details are required prior to commencement in order to ensure that the construction activities do not cause harm to neighbours, highway safety or protected species/biodiversity.

7. Details of the finished floor and ridge height levels for each dwelling in context to the existing ground levels and the ridge height of neighbouring properties, shall be submitted to and approved by the Local Planning Authority before any foundations are excavated. The development shall thereafter be carried out in accordance with the agreed finished ground, floor and roof height levels.

Reason: In the interests of the character and appearance of the area and in accordance with policies CS5 and CS12 of the North Somerset Core Strategy and policy DM32 of the Sites and Policies Plan (Part 1).

8. Notwithstanding the approved external materials plan, Drg. No. 102 Rev. L, no development above foundation slab level shall take place until sample panels of the roofing and external wall materials, including colour of render, and surface materials to be used in the construction of the access road, driveways and parking areas, respectively have each been submitted to and approved, in writing, by the Local Planning Authority for each part of the development. Construction shall be only in accordance with the approved sample panel in terms of colour of stone, mortar mix, jointing and means of laying. The development shall be carried out in the approved materials unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that the materials area acceptable in the interests of the appearance of the area and in accordance with section 7 and paragraph 17 of the National Planning Policy Framework, policy CS12 of the North Somerset Core Strategy and policy DM32 of the North Somerset Sites and Policies Plan Part 1.

9. The cycle storage facility for each dwelling, including the cycle storage for the proposed apartments, as shown and referred to on drawing No. 110 & 102 Rev. L shall be provided in a secure lockable form prior to the occupation of each respective dwelling and shall thereafter be maintained by the future occupiers at all times.

Reason: To promote the use of a sustainable mode of transport and in accordance with policy CS12 of the North Somerset Core Strategy policy DM28 of the North Somerset Sites and Policies Plan Part 1 and the North Somerset Parking Standards SPD.

10. No development shall commence until details of a Landscape Ecological Management Plan (LEMP) is submitted to and approved in writing by the Local Planning Authority. This shall include: a location plan, planting schedule and

workplan, detailing management objectives, timings and details of management prescriptions. The submitted detail shall also incorporate a monitoring schedule to cover bat activity during construction and in years 1, 3 and 5 post construction together with light levels within retained dark corridors. The approved detail shall thereafter be implemented in full in accordance with the recommendations and mitigation requirements of the LEMP.

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

11. No development shall commence until a landscape 'phasing' planting plan for the overall site, together with details and phasing of the pond construction, has been submitted to and approved in writing by the Local Planning Authority. The initial phase of the landscape planting scheme shall relate to the planting within the Orchard area and alongside Stowey Rhyne which, subject to the submission and approval of the landscape planting scheme referred to in condition 12, shall, together with the erection of protective fencing and construction of the pond, be carried out prior to the commencement of any other works on site, including the removal and breach of the existing hedgerow and the construction of the approved site access road.

Reason: To ensure that new and additional planting, together with the pond, and the benefits that it will provide to the ecology of the area, is established at the earliest opportunity in mitigation for the proposed removal of the sections of existing hedgerow, and to maintain and enhance the future habitat for bats in accordance with policy CS of the North Somerset Core Strategy and policy DM8 of the North Somerset Development Management Sites and Policies Plan Part 1.

12. Notwithstanding the submitted landscape planting plan Drg. No. Y13 and the planting schedule Drg. No. Y14, no development shall commence until further details of a landscaping scheme, including full details of the size, species and spacing of plants and trees, have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that a satisfactory landscaping scheme is prepared and in accordance with policy CS9 of the North Somerset Core Strategy and policies DM10 and DM32 of the North Somerset Development Management Sites and Policies Plan Part 1.

13. All works comprised in the approved details of landscaping shall be carried out during the months of October to March inclusive with the initial phase of planting within the Orchard taking place in accordance with the requirements of condition 11, and thereafter all other details of landscaping to be implemented following occupation of the dwellings or completion of the development, whichever is the sooner.

Reason: To ensure that a satisfactory landscaping scheme is implemented in accordance with policy CS9 of the North Somerset Core Strategy and



policies DM10 and DM32 of the North Somerset Sites and Policies Plan Part 1.

14. Trees, hedges and plants in any development phase shown in the landscaping scheme to be retained or planted, which during the development works or during a period of ten years following implementation of the landscaping scheme in that development parcel, which are removed without prior written approval from the Local Planning Authority or which die, become seriously diseased or damaged, shall be replaced in the first available planting season with other such species and size as are to be agreed with the Local Planning Authority.

Reason: To ensure as far as possible that the landscaping scheme is fully effective and in accordance with policy CS9 of the North Somerset Core Strategy and policies DM10 and DM32 of the North Somerset Sites and Policies Plan Part 1.

15. No culverting of watercourses on the site will take place except for access points without the agreement of the LPA.

Reason: To ensure that there is no restriction in the conveyance of the flow or volume of water. To preserve the biodiversity and habitats in the water corridor and ensure that clear access to watercourses for maintenance is allowed in accordance with the National Planning Policy Framework and policy CS3 of the North Somerset Core Strategy policy and policy DM1 of the North Somerset Sites and Policies Plan (Part 1- Development Management Policies).

16. No development shall commence until surface water drainage works have been implemented in accordance with details that have first been submitted to and approved in writing by the local planning authority. Before these details are submitted, an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in the National Planning Policy Framework, associated Planning Practice Guidance and the non-statutory technical standards for sustainable drainage systems. The results of this assessment shall be provided to the local planning authority with the submitted details. The system shall be designed such that there is no flooding for a 1 in 30-year event and no internal property flooding for a 1 in 100-year event + 40% allowance for climate change. The submitted details shall:
  - a) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharge rate and volume from the site in accordance with the approved FRA and the measures taken to prevent pollution of the receiving groundwater and/or surface waters; and, taking into account long-term storage, and urban creep
  - b) provide a plan indicating flood exceedance routes, both on and off site in the event of a blockage or rainfall event that exceeds the designed capacity of the system. This should contain spot levels, finished floor levels and contours.

Reason: To reduce the risk of flooding to the development from surface water/watercourses, and in accordance with the National Planning Policy Framework (notably paragraphs 17, 103 and sections 10 and 11), policy CS3 of the North Somerset Core Strategy policy and policy DM1 of the North Somerset Sites and Policies Plan Part 1 (Development Management Policies). The information is required before works start on site because it is necessary to understand whether the discharge rates and volumes are appropriate prior to any initial construction works which may prejudice the surface water drainage strategy.

17. No development shall take place until details of the implementation, maintenance and management of the approved sustainable drainage scheme have been submitted to and approved, in writing, by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. The details to be submitted shall include:
- a) a timetable for its implementation and maintenance during construction and handover; and
  - b) a management and maintenance plan for the lifetime of the development which shall include details of land ownership; maintenance responsibilities/arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable urban drainage scheme throughout its lifetime; together with a description of the system, the identification of individual assets, services and access requirements and details of routine and periodic maintenance activities.

Reason: To reduce the risk of flooding and to ensure that maintenance of the SUDs system is secured for the lifetime of the development, and in accordance with the National Planning Policy Framework (notably paragraphs 17, 103 and sections 10 and 11), policy CS3 of the North Somerset Core Strategy policy and policy DM1 of the North Somerset Sites and Policies Plan (Part 1- Development Management Policies). The information is required before works start on site because it is necessary to understand how the system will be maintained during construction works and before the hand over to a management company to prevent flooding downstream of the system.

18. No development shall be commenced until satisfactory details have been submitted to, and approved in writing, by the Local Planning Authority to show how the road drainage in the existing highway along the frontage of the site secures functionality and effective drainage of the highway and site access to the rhyne. The approved detail shall be implemented in accordance with the submitted and approved detail.

Reason: To allow safe access onto the development from the main highway for emergency services and residents and to reduce the risk of flooding to the development from surface water/watercourses, and in accordance with the National Planning Policy Framework and policy CS3 of the North Somerset Core Strategy policy and policy DM1 of the North

Somerset Sites and Policies Plan (Part 1- Development Management Policies).

19. No development, including planting, shall take place within 6 metres of the top of the bank of the watercourse (Stowey Rhyne) located at the north east of the site.

Reason: To ensure that sufficient width of land is available to accommodate the future maintenance of the existing watercourse and to mitigate the risk of flooding in accordance with the National Planning Policy Framework (notably paragraphs 17, 103 and sections 10 and 11), policy CS3 of the North Somerset Core Strategy policy and policy DM1 of the North Somerset Sites and Policies Plan (Part 1- Development Management Policies) and SPD Biodiversity and Trees Section 8.4.

20. The dwellings hereby approved shall not be occupied until measures to generate 15% (less if agreed with the local planning authority) of the energy required by the use of the development (measured in kilowatt hours - kWh) 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 first submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved technologies shall be permanently retained unless otherwise first agreed in writing by the Local Planning Authority.

Reason: In order to secure a high level of energy saving by reducing carbon emissions generated by the use of the building(s) in accordance with policies CS1 and CS2 of the North Somerset Core Strategy.

21. The dwellings hereby approved shall not be occupied until the space and facilities provided on site for the storage and collection of waste have been constructed and implemented in accordance with the approved plans, Drg. Nos. 110 Rev. A and 102 Rev. L. Thereafter, the approved space and facilities for the storage and collection of waste shall be permanently retained unless otherwise agreed in writing with the Local Planning Authority.

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

22. No development shall take place until a scheme for the provision and location of fire hydrants to serve the development to a standard recommended by the Avon Fire Service has been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the approved scheme has been implemented.

Reason: To ensure that the necessary water reliant infrastructure is installed in the interests of public safety and in accordance with policy

CS34 of the North Somerset Core Strategy and policy DM71 of the North Somerset Sites and Policies Plan Part 1.

23. No development shall commence until a bird nesting and bat roosting strategy has been submitted to and approved in writing by the Local Planning Authority. The submitted strategy shall include the specification and locations of proposed bird nesting places and bat roosting places. The development shall thereafter be carried out in full accordance with the approved details.

Reason: To put in place the necessary measures to protect nesting birds and roosting bats in accordance with policy CS4 of the North Somerset Core Strategy and policy DM8 of the North Somerset Sites and Policies Plan Part 1.

24. There shall be no planting within the proposed visibility splays located to either side of the proposed site access which shall be kept clear and free of obstruction at all times.

Reason: In the interests of road and pedestrian safety and in accordance with policy CS10 North Somerset Core Strategy and policy DM24 of the North Somerset Sites and Policies Plan Part 1.

25. The existing Travel Plan shall be updated and resubmitted for consideration and approval by the Local Planning Authority prior to first occupation.

Reason: The existing Travel Plan is several years old and requires a review to ensure compliance with policy DM26 of the North Somerset Sites and Policies Plan Part 1.

26. The areas of Orchard that will be located to either side of the proposed access road shall either prior to, or immediately following the removal of the hedge and formation of the vehicle access, be enclosed with temporary fencing which shall remain in place until such time as details of a permanent fence, to be erected on the south west side of the access road, and a knee rail on the north east side of the access road, has been submitted to and agreed by the Local Planning Authority in writing. The agreed fencing and knee rail shall thereafter be erected prior to first occupation and shall at all times be kept in good decorative condition in accordance with a management plan that shall oversee the Orchard and other parts of the site that are not located within the private ownership control of the individual plots.

Reason: To protect the future Orchard environment and the ecological benefits that the Orchard provides to the wildlife habitat in accordance with policy CS4 of the North Somerset Core Strategy and policy DM8 of the North Somerset Sites and Policies Plan Part 1.

27. Details of the proposed play area shall be submitted to the Local Planning Authority for approval on, or before the access to the development site is provided. The submitted details shall be designed using materials appropriate to the Orchard setting. The agreed plans shall thereafter be

implemented, and the play are made available for use on or before occupation of the sixth dwelling.

Reason: To ensure that an acceptable play provision appropriate to the scale of the development is provided and that the detailing is visually sympathetic to the setting of the Orchard and in accordance with policy CS27 of the North Somerset Core Strategy and policy DM32 of the North Somerset Sites and Policies Plan Part 1.

### **Informatives**

1. The applicant/developer is advised that the works within the highway in association with this development will require the developer to enter into a S278 Agreement (Highways Act 1980). The developer is advised to make early contact with the highways officer (Tel: 01934 426707) so that the processing of the order does not impede the implementation of planning consent. The developer will be required to agree to the specification of the works, meet the Council's costs in the drawing up of the order, provide a bond or cash equivalent and meet the Council's inspection charges.
2. The applicant/developer is advised that under section 184 (Highways Act 1980), any new works within the highway boundary must be to the Council's specification and prior to any works the developer must arrange with the Council's Streets & Open Spaces Highway Maintenance Team (01275 888802) for the approval of the works within the highway.
3. The applicant / developer is advised that since 2016 Natural England have introduced target levels for pollution in the SSSI therefore a treatment train needs to be added to the design English Nature's states - 'Overall the system proposed should aim to achieve a quality of the surface water run-off with total phosphate levels below 0.1mg/l or as close to this as possible, and with other pollutants such as hydrocarbons below relevant EQSs, (environmental quality standards) before entering the SSSI'.

### **Appendix 1**

#### **Comments of Yatton and Claverham Parish Council**

**“RESOLVED:** that councillors recommended NOT supporting application 19/P/3197/FUL for the following reasons:

**Reason for Recommendation.** The Parish Council cannot see any merit in this new application and conclude that the long term future of the village cannot be compromised for the short term benefit of the developer. The principle objections made under the previous application remain unaddressed and therefore are still applicable to this new proposal.

The proposal would cause significant and irreversible harm to the rural countryside setting at the entrance gateway to the village along Moor Road, to the setting of the Grade 2 listed building 'The Grange' and to the biodiversity and ecology of the Orchard and nearby Bat Conservation Area/Kenn Moor SSSI, for all of which no satisfactory mitigation has or can be found.

The access on to Moor Road was unacceptable and this application should not be allowed to proceed unless access can be secured through the development of the Rugby Club site which it's understood is progressing towards the planning application stage.

The Environment Agency continue to object to this application because the proposal includes residential dwellings within Flood Zone 3; in light of many parts of the country currently suffering very serious flooding this element of the site must not be compromised.

Many of the evidence documents submitted have not been updated since 2015 (including Flood, Archaeology, Travel & Transport, Energy), some of which acknowledge the negative impacts the development will have and others, in particular the Travel and Transport Plans, are no longer accurate. In five years, vehicle movement has significantly increased and this can be evidenced by recent data gathered by PACT (Police & Communities Together) which is current and very relevant to the sustainability of this site.

The site layout design will create unbroken stretches of parking with no footway, this is unsafe for pedestrians and cyclists and visually unattractive.

**The Parish Council also wish to re-iterate all the previous comments they have made for development on this site as they are considered to be just as relevant and applicable to this new application.**

**16/P/0888/F – Persimmon Homes, Land off Moor Road, Yatton.**

**The following comments were approved by the Planning Committee at a meeting held 17<sup>th</sup> December 2018.**

**16/P/0888/F – Amended Plans Land off Moor Rd - Residential development of 83 new dwellings (Use Class 3) with supporting infrastructure and enabling works including: new vehicular access with Moor Road, public open space, landscaping and drainage infrastructure.**

**RESOLVED:** that councillors recommend NOT supporting application 18/P/4585/FUH for the following reasons.

**Reasons for Recommendation.** The Parish Council wished to re-iterate all the previous comments they have made on this application because the fundamental issues that have been raised have not been addressed or amended. Councillors also wish to make a further point regarding the roads within the proposed plans. They are measured at 5.5 metres wide and have no suitable turning points within the design. This same specification has been a cause for considerable concern

within the proposed development of the former Titan Ladders site and it is therefore very unsatisfactory to be presented with the same design specification again. This presumably will require amendment.

**Previous comments on this development site**

**The following comments were approved by the Planning Committee at a meeting held 30<sup>th</sup> July 2018**

**i) 16/P/0888/F - Land Off Moor Road, Yatton - AMENDED PLANS - Residential development of 69no.dwellings with supporting infrastructure and enabling works including new vehicular access with Moor Road, public open space, landscaping and drainage infrastructure on land off Moor Road, Yatton.**

**RESOLVED:** that councillors recommend NOT supporting applications 18/P/0888/F for the following reasons.

**Reasons for Recommendation.** The Parish Council cannot support plans for this development site in any form. They strongly re-iterate all their previous comments which still fully apply. In addition, it is clear that Yatton Rugby Club are now in negotiations for the development of their site and this has a significant impact on these proposals for Moor Road.

The site as a whole is outside the settlement boundary and of a size that is contrary to CS32 which only allows for development adjacent to settlement boundaries up to 25 dwellings.

In particular the Parish Council cannot condone any development of or access road through the orchard next to the Grange and this is supported within the newly adopted Site Allocations Plan April 2018 Schedule 1 and by the Natural England consultation comments. The development of the Rugby Club would provide alternative access arrangements, and this must be pursued, however the development of the Rugby Club would also provide a far more preferable development site within Yatton over the Moor Road site which would blight the beauty of the landscape entrance to the village and the setting of the listed Grange so significantly and permanently.

**The following comments were approved by the Planning Committee at a meeting held 7<sup>th</sup> June 2016.**

**i) 16/P/0888/F – Persimmon Homes, Land off Moor Road, Yatton.** Residential development of 83no.dwellings with supporting infrastructure and enabling works including new vehicular access with Moor Road, public open space, landscaping and drainage infrastructure.

**RESOLVED:** to strongly recommend NOT supporting application 16/P/0888/F.

**Reasons for Recommendation** The Parish Council have very serious concerns regarding this proposed development as of all the recent deluge of speculative planning applications this has the greatest and broadest of negative impacts. Firstly it is, as far as we are aware, the last in a series of development proposals to target Yatton and therefore in light of over 500 dwellings already approved by North Somerset Council an unsustainable, unnecessary, overdevelopment outside the settlement boundary.

As the number of developments North Somerset Council has seen fit to approve in Yatton has increased it is our view that the S106 that accompanies them will not provide the necessary mitigation for the negative impact they will cause to the infrastructure of our highways, education and health services.

Although it is not as large as the others at North End its position is of far greater significance. It is sited at an exceptional gateway to the village which as you

approach its outskirts sees the settlement of Yatton on a ridge and the inclusion of this housing will cause a damaging alteration to this rural pastoral landscape.

The proposal is very similar in terms of size and location to the refused application on Brinsea Road in Congresbury and can be easily correlated to a judgement in the Forest of Dean for a proposed site of 85 dwellings adjacent to a listed building which was refused in the High Court.

The more specific reasons for objection to this particular site are principally on issues of the damaging effect to the adjacent listed building, its setting and ecology, the detrimental impact on the landscape and entrance to the village, the highways and access, drainage and the loss of amenity of rugby club training pitches.

### **The Listed Building and Surrounding Ecological, Environmental and Social Impacts.**

The Parish Council strongly urge North Somerset Council to examine the case of the Forest of Dean District Council v Secretary of State for Communities and Local Government & Anr. Case No: CO/4852/2015 as there are very similar parallels to be drawn between it and the proposed Persimmon site. It was for the same number of dwellings and was also set adjacent to a Grade II Listed Building. The High Court Judge concluded that the damage to the Heritage Asset outweighed other factors including the lack of five year supply and quashed the planning inspector's decision to approve it, siding with the Forest of Dean District Council's refusal decision. This should give North Somerset Council the confidence to turn down this application by Persimmon on the same grounds especially as it has other additional constraints.

The Grade II Listed Building 'The Grange' and its present setting beside an ancient orchard is part of a wider wildlife corridor including an area of SSSI is ecologically rich. The orchard has a rare 'Orchard Tooth' (*Sarcodontia Crocea*) fungus only found in very old apple trees and there are less than 20 cases of it nationwide. The wildlife corridor is an important habitat for Greater Horseshoe bats and the submission by Yatton and Congresbury Wildlife Action Group gives a comprehensive and knowledgeable view of the importance and impact building will have on the wildlife and ecology of the site and its surroundings.

The Parish Council in their submission comments on the Site Allocation plan have requested that the orchard be removed from the plan and deemed as green open space.

The Parish Council consider its protection vital and North Somerset Council should observe the significance and adhere to its own policies and those within the National Planning Policy Framework (NPPF). It is considered that the proposed development is contrary to National Planning Policy 12, 126, 129, 131, 132, 133. Any attempts by the developers to argue that the substantial public benefit outweighs the harm to the heritage asset and its setting should be resisted. Yatton has substantially contributed already to the public benefit of housing with the 500 dwellings that have been agreed.

On a local policy level the proposed development is also contrary to CS4 Nature Conservation and CS5 Historic Environment of the Adopted Core Strategy 2012 and as these policies were unaffected by the subsequent Core Strategy challenges therefore carry full weight.



They are also linked and are contrary to DM8 Nature Conservation within Development Management Policies (DMP) February 2015 and Replacement Local Plan Policies (RLPP) ECH/11 and 13.

In addition DMP February 2015 DM4 Listed Buildings and its links to RLPP - ECH/4 Listed Buildings clearly state that development is expected to enhance the character, appearance and special interest of a listed building and its setting. It is inconceivable that building a housing estate within in its setting can be deemed an enhancement.

The Parish Council were very concerned that the Rugby Club were facing the loss of their training pitches as a result of this application. If they cannot be accommodated on an alternative site in the village it could mean the loss of a thriving sports club that provides a much valued sport and recreation facility which would especially impact on young people. This would be contrary to Adopted Core Strategy 2012 CS27 and DMP February 2015 DM68 Protection of sporting, cultural and community facilities and the NPPF paragraph 74.

### Highways and Access

Since 2002 Yatton Parish Council and partnership groups have undertaken several consultations relating to the management of transport through the village and the impact on the quality of life for residents.

In 2002 the Village Character Statement identified *'the volume and speed of traffic, the number of heavy lorries and poor facilities for pedestrians and cyclists as major issues.'* Locations of concerns were the *'High Street and North End Road up to North End roundabout. The railway bridge, as there is poor visibility for accessing the main road from the station inclines both for vehicles and pedestrians.'*

North Somerset Local Plan also supported the evidence and concerns expressed within the Character Statement *'There is an urgent need for traffic calming in Yatton High Street where the pavements and road are narrow in places and the increasing heavy traffic endangers pedestrians' Cycling to school is discouraged because the roads are seen as hostile to cyclists and too dangerous i.e. the B3133 running from Congresbury to Clevedon and linking to the M5 motorway'*

Similar views were expressed in: 2014 following a Partners and Communities Together (PACT) Road Safety Review; 2015 Yatton Federation of Schools Parents Consultation; 2015 the precinct 100 residents survey; and in 2016 the Yatton Neighbourhood Plan Consultation.

Following a traffic survey commissioned in 2014 by the Parish Council and PACT, the data showed that over the last 10 years there had been a 28% increase in the volume of traffic through the village and the cumulative effect of housing development in North End would result in that figure being almost 50%. There have been no highways infrastructure improvements made since 2002 and as one North Somerset Council transport officer stated "Congestion is the major problem for Yatton"

In February 2015, North Somerset Council published the Sites and Policies Plan Part 1- Development Management Policies. In the Transport Section, Policy DM24: Safety, traffic and provision of infrastructure etc. associated with development, the

aim states: *To ensure that new development will not prejudice highway safety or the operation of the highway network and that the impacts of new developments are adequately mitigated.* TC 10 also states: *Development will only be permitted if it is not likely to lead to an unacceptable degree of traffic congestion or to generate traffic that cannot be accommodated without seriously affecting the character of the surrounding area and can be readily integrated with public transport, cycleway and footpath links and bridleways where appropriate.*

Persimmon homes are proposing that 83 dwellings be added to Yatton village at North End on land at Moor Road. A Travel Plan has been produced that relates to the footpaths and roads within the development but has very little bearing on the transport, cycle and pedestrian infrastructures outside the development.

The access to the site itself is on Moor Road which is a very narrow lane with no footpaths, cycleway or street lighting. It is also a cul-de-sac where residents of the terraced houses on the High Street who have no parking facilities, leave vehicles parked on this narrow highway.

**For these reasons we would consider that Moor Road has little capacity and is inappropriate as a vehicular access for 83 properties.**



The Moor Road junction with Kenn Moor Road to the north has no footpaths or defined cycleway. It is a narrow road and observing the traffic movement over a period of one hour, drivers travelling both north and south positioned their vehicles in the centre of the road. Approaching the village, there is a bend on the road which restricts visibility of vehicles exiting from Moor Road.

The speed limit on Kenn Moor Road is 60 mph and the 30 mph limit is almost at the junction of Moor Road with Kenn Moor Lane. It has been observed by Yatton Speedwatch that vehicles travelling into a 30 mph speed zone do not reduce their speed until they are well into the zone. This would mean that vehicles travelling at 60 mph into the village along Kenn Moor Road would be travelling at significantly more than 30 mph at the junction with Moor Road.

**For reasons of pedestrian, cyclist and driver safety along this stretch of road we do not support this planning application.**



To the south of the junction of Moor Road and Kenn Moor Road, the highway is congested due to the parked cars left by commuters who do not wish to pay the parking fee at the railway station.

**A combination of parked vehicles, vehicles approaching the junction at speed with potentially an increase in the volume of traffic, including cyclists makes this planning application unacceptable.**

#### **Drainage and Flooding.**

The report submitted by North Somerset Council Flood Risk Management Team are objecting to the proposed developments sustainable drainage systems in their present form. It is imperative that ALL the recommendations made by the team are carried out and conditioned as described. It is also notable that the Environment Agency have highlighted that the balancing tank is located in Flood Zone 3 and this would compromise its effect during a flood event due to tide lock. This together with the findings of the Internal Drainage Board when their consultation response is received should also be complied with due to the sites close proximity to Flood Zones 2 and 3.

Finally the Parish Council would like to point out to North Somerset Council P&R committee members that this site is one of those identified in North Somerset Council's Site Allocation Plan 2016, which has been described by the applicants, Persimmon, as having "absolutely no correlation between the sustainability assessment of villages, sites and the allocations made in the plan, therefore the plan is unsound".

They are clearly very critical of the entire Sustainability Appraisal process which underpins how the site allocations have been made and which heavily and unfairly overburdens Yatton, in comparison with other service villages such as Long Ashton and Backwell <http://bit.ly/21hP6E3>.

Surely if even the applicants are questioning the basis on which this site has been identified then it behoves North Somerset Council to refuse permission, particularly given the very similar situation, and successful recent refusal in the Forest of Dean."

## ANNEX 2

### EXTRACT FROM UPDATE SHEET 21 APRIL 2021

#### Item 7 – 19/P/3197/FUL - Land off Moor Road, Yatton

##### **Additional information from the applicant**

The applicant considers they have demonstrated that alternative access is not available and given that the HRA with mitigation addresses Natural England's (NE) requirements then the application accords with policy. The applicant contends that as the orchard is currently in private ownership and used for grazing horses the submitted scheme represents an enhancement in the long term. The applicant has confirmed agreement to the proposed condition 20(energy generation) and so part(a) of the recommendation is no longer needed.

The early mitigation required by NE should include trees and hedgerow planting at the site entrance and adjacent to Stowey Rhyne taking place and submission of the Landscape Ecological Management Plan (LEMP) for approval *prior to commencement of development*, and the new bat roost feature being available for use *prior to removal of any hedgerow for the new access road*. It is proposed that amended conditions 5 and 11 would meet this need. (see amended recommendation below).

##### Officer comments:

*It is considered that the amendments to 5 and 11 will strengthen the ability to protect both existing vegetation and any trees and replacement hedgerow planted as boundary treatment and orchard regeneration. In conjunction with the provisions of the s106 agreement these are intended to secure well-managed and husbanded structural landscaping to support biodiversity objectives to ensure Natural England's requirements have been met. The Council's solicitor has recommended that conditions 20 and 27 be amended slightly as below to avoid any ambiguity.*

##### **Additional Third-Party comments**

Four additional letters of objection/neutral comment have been received. The principal planning points made are as follows:

- Concern about impact on structural integrity of owner's garage and neighbouring land ownership on Kenn Moor Road
- There are realistic opportunities to provide an alternative (eg through the rugby club) and it would be better and have fewer adverse impacts than proposed access;

##### Officer comments:

*The works to achieve the pavement will fall within the highway and or development site and therefore do not encroach on adjoining private land. The matter concerning the Listed Building has been fully considered on its individual merits and the assessment of impact on the setting of The Grange has is set out in the report.*

**AMENDMENT TO RECOMMENDATION** (amendments shown in bold and strikethrough):

**RECOMMENDATION:**

As set out in the report with amended conditions as follows:

Amended condition 5:

“No development shall commence until a **phasing** plan showing the location and design of tree and hedge protection fencing for **existing and proposed trees and hedges** has been submitted to and agreed in writing by the Local Planning Authority. ~~and the~~ **The** agreed protection measures **shall be carried out in accordance with the approved phasing plan.** ~~has been erected around existing trees and hedges to be retained.~~ The Authority shall be informed at least seven days before works start on site so that barrier position can be established. The agreed fencing shall remain in place during site works. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, including compaction of the ground by any other means, without the written consent of the Local Planning Authority.”

Amended condition 11:

“No development shall commence until a landscape ‘phasing’ planting plan for the overall site, together with details and phasing of the pond construction, has been submitted to and approved in writing by the Local Planning Authority. The initial phase of the landscape planting scheme shall relate to the planting within the Orchard area, **at the site entrance** and alongside Stowey Rhyne which, subject to the submission and approval of the landscape planting scheme referred to in condition 12, shall, together with the erection of protective fencing and construction of the pond, be carried out prior to the commencement of any other works on site, including the removal and breach of the existing hedgerow and the construction of the approved site access road.”

Amended condition 20:

20. The dwellings hereby approved shall not be occupied until measures to generate 15% (less if agreed **in writing** with the local planning authority] of the energy required by the use of the development (measured in kilowatt hours - kWh) 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 first submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved technologies shall be permanently retained unless otherwise first agreed in writing by the Local Planning Authority.

Amended condition 27

27. Details of the proposed play area shall be submitted to the Local Planning Authority for approval on, or before the access to the development site ~~is provided~~ **is laid out and available for use by construction traffic.** The submitted details shall be designed using materials appropriate to the Orchard setting. The agreed plans shall thereafter be implemented, and the play area made available for use on or before occupation of the sixth dwelling.

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**A - PLANNING APPEAL DECISIONS**

1. Planning Application Number 20/P/1781/FUL

**Site: Land To The South Of, 6 Harmony Drive, Portishead**

Description: Erection of 2no. dwellinghouses including creation of a vehicular access.

Recommendation: Refuse

**Appeal Dismissed 7 Apr 2021**

Type of appeal: Written Representation

Officer: Jessica Smith

Appellant: Mr N Hakim

The main issues that were identified by the Planning Inspector were the effect of the proposed development on 1) the character and appearance of the surrounding area, with particular regard to trees; and 2) wildlife.

2. Planning Application Number 20/P/1286/OUT

**Site: Land Accessed From, Nye Road, Sandford**

Description: Outline application for the erection of a single storey detached dwelling including approval for access (Appearance, landscaping, layout and scale reserved for subsequent approval).

Recommendation: Refuse

**Appeal Dismissed 15 Apr 2021**

Type of appeal: Written Representation

Officer: Jessica Smith

Appellant: Mr and Mrs Dodd

The main issues that were identified by the Planning Inspector were 1) whether the development plan would support the proposed dwelling in this location; and 2) the effect of the proposal on the character and appearance of the area.

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3. 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

Recommendation: Refuse

**Appeal Dismissed 15 Apr 2021**

Type of appeal: Written Representation

Officer: Lee Bowering

Appellant: Mr D Abruzzo

The main issues that were identified by the Planning Inspector were 1) whether the development plan would support the proposed residential development in this location; and 2) the effect of the proposal on the character and appearance of the area.

4. 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

Recommendation: Refuse

**Appeal Dismissed 15 Apr 2021**

Type of appeal: Written Representation

Officer: Mike Cole

Appellant: Mr Stuart Ings and Ms Jackie Manning

The main issues that were identified by the Planning Inspector were 1) whether the development plan would support the proposal in this location; 2) whether the proposal represents an acceptable form of development having regard to its flood zone location and the provisions of the National Planning Policy Framework (the Framework); and 3) the effect of the development on the character and appearance of the area, including any impact on trees.



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5. Planning Application Number 20/P/2359/FUH

**Site: 5 Kenn Moor Road, Yatton**

Description: Proposed detached garage extension to create a first floor office

Recommendation: Refuse

**Appeal Dismissed 22 Apr 2021**

Type of appeal: Fast Track Appeal

Officer: Ellena Fletcher

Appellant: Nicholas Ogborne

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

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6. Planning Application Number 20/P/0994/FUL

**Site: 5 Claremont Crescent, Weston-super-Mare**

Description: Retrospective application to change the use of 5 Claremont Crescent from C3 dwelling houses to a sui generis House of Multiple Occupancy (HMO).

Recommendation: Refuse

**Appeal Allowed 22 Apr 2021**

Type of appeal: Written Representation

Officer: Mike Cole

Appellant: Legion House Developments Ltd

The main issue that was identified by the Planning Inspector was whether the proposed development would harm the character of the surrounding area and compromise its regeneration.

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7. Enforcement Notice Number 2017/0176

**Site: Worships Farm, Row Of Ashes Lane, Redhill**

Description: Without Planning Permission, (1) The creation of a new access (labelled A on the attached plan), (2) Without planning permission the conversion of the barn to holiday accommodation not in accordance with planning approval 14/P/0012/F

Recommendation: Enforcement Notice

**The Enforcement Notice was invalid and was quashed on Appeal 26 Apr 2021**

Type of appeal: Written Representation

Officer: Julie Walbridge

Appellant: Mr and Mrs Lane

The main issues that were identified by the Planning Inspector were that the enforcement notice did not specify with reasonable certainty the alleged breach of planning control and what must be done to remedy it.

Appellants application for costs refused.

8. Planning Application Number 19/P/2766/FUL

**Site: Ruslin Farm, Rusling Lane, Butcombe**

Description: Demolition of hay store, conversion of barn and erection of a two storey extension to form 1no. dwelling and conversion of barn to self-contained annexe/ home office (all Unit 1). Demolition of farmhouse, removal of ancillary farm buildings and erection of 1no. replacement dwelling and detached two storey garage/office (all Unit 2)

Recommendation: Refuse

**Appeal Dismissed 14 May 2021**

Type of appeal: Written Representation

Officer: Angela Norris

Appellant: Mr Graham Aldridge

The main issues that were identified by the Planning Inspector were 1) whether the proposed development would be inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (the 'Framework') and development plan policy; 2) the effect of the proposal on the openness and purpose of the Green Belt; 3) the effect of the design of the proposed

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development on the character and appearance of the area; and 4) if the development would be inappropriate, whether the harm to the Green Belt by way of inappropriateness and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.

9. Planning Application Number 20/P/1282/FUH

**Site: The Forge, Hillend, Locking**

Description: Raise roof and extend to rear elevation to create first floor. Alteration to exterior including new doors and windows (Resubmission of application ref. 19/P/2179/FUH)

Recommendation: Refuse

**Appeal Allowed 20 May 2021**

Type of appeal: Fast Track Appeal

Officer: Janet Jones

Appellant: Mr Neil Crispin

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

10. 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

Recommendation: Enforcement Notice

**Appeal Dismissed and notice upheld 27 May 2021**

Type of appeal: Public Inquiry

Officer: Karen Bartlett

Appellant: Mr P Bateman

The main issues were 1) the time the enforcement notice was issued, it was too late to take enforcement action against the matters stated in the notice and 2) the notice was not properly served on everyone with an interest in the land.

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Appellants application for costs refused.

11. 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

**Appeal Withdrawn prior to Inquiry**

Case Officer: Karen Bartlett

Appellant: Mr P Bateman

Council's application for costs allowed in part

12. Planning Application Number 20/P/2606/PIP

**Site: Land at Cherry Orchard, Caswell Lane, Clapton-in-Gordano**

Description: Permission in Principle for the erection of between 2no. and 3no. dwellings

Recommendation: Refuse

**Appeal Dismissed 28 May 2021**

Type of appeal: Written Representation

Officer: Jessica Smith

Appellant: Estate of May James

The main issues that were identified by the Planning Inspector were whether the site is suitable for residential development, having regard to its location, land use and amount of development, with particular regard to a) whether 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; b) the effect of the proposal on the openness of the Green Belt; c) the effect of the proposal on the character and appearance of the area; d) whether the site would be suitably located for the development proposed having regard to local and national planning policies and its proximity to local services and facilities; e) whether the harm by reason of inappropriateness, and any other

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harm, would be clearly outweighed by other considerations. If so, whether these would amount to the very special circumstances necessary to justify the proposal.

Council's application for costs dismissed

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

1. Planning Application Number 20/P/3068/PIP

Site: Star Inn, Clevedon Road, Tickenham

Description: Permission in Principle for the erection of minimum/maximum of 7 dwellings following demolition of Star Inn.

Date of Appeal: 21 Apr 2021

Type of appeal: Written Representation

Case Officer: Judith Porter

Appellant: Mr S Williams

2. Planning Application Number 20/P/3223/OUT

Site: 28 Queens Road, Banwell

Description: Outline application for the demolition of a side extension of existing dwelling and erection of a 2 bedroom dwelling to the side including access and parking to the rear of the site (all other matters reserved for subsequent approval).

Date of Appeal: 23 Apr 2021

Type of appeal: Written Representation

Case Officer: Jessica Smith

Appellant: Mr Haines

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3. Planning Application Number 20/P/2367/FUL

Site: Hi Field Lodge, Hi Field, School Road, Wrington

Description: Proposed conversion of existing annex into a separate 2no bed self-contained dwelling; reconfiguration of existing access to provide separate entry and exit points

Date of Appeal: 28 Apr 2021

Type of appeal: Written Representation

Case Officer: Anna Hayes

Appellant: Mr Alan and Christopher Watts

4. Planning Application Number 20/P/3205/FUH

Site: Leaze Cottage, Christon Hill, Christon Road

Description: Proposed erection of a replacement front porch

Date of Appeal: 19 May 2021

Type of appeal: Fast Track Appeal

Case Officer: Janet Jones

Appellant: Mr C Bone

5. Enforcement Notice Number 20/00356/UAW

Site: 1 Kilkenny Place, Portishead, Bristol

Description: Without planning permission the erection of a rear and side balcony

Date of Appeal: 3 Jun 2021

Type of appeal: Written Representation

Case Officer: Gwen Lloyd

Appellant: Kevin Pilgrim and Demolza Pilgrim

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

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

Enforcement Notice Number 19/00095/UAW

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

Case Officer: Chris Joannou

Planning Application Number 19/P/0314/FUL

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

Case Officer: Judith Porter

Enforcement Notice Number 20/00186/COU

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

Case Officer: Chris Joannou

Appellant: Ms Kathleen Kiely

Type of Appeal: Hearing – 2 Nov 2021, venue to be confirmed (this is a rescheduled date)

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

Planning Application Number 18/P/5118/OUT

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

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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

**Page 104** 4. Site: **The Old Forge, Bristol Road, Felton, Wrington**

Planning Application Number 20/P/0204/LDE

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 Silverridge 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 Silverridge 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

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

Planning Application Number 19/P/1520/LDE

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.



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Enforcement Notice Number 20/00063/COU (1)

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

Enforcement Notice Number 20/00063/COU (2)

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

Enforcement Notice Number 20/00063/COU (3)

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

Type of appeal: Public Inquiry – date to be confirmed

Case Officer: Karen Bartlett

Appellant: Mr J Reed

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**Summary Performance April 21 – March 22**

Appeals received 5

Appeals decided 11

Appeals dismissed 9

Percentage dismissed of appeals decided 81.8%

**Appeals Allowed April 21 – March 22**

Delegated Decision 2

Committee Decision None

**Costs awarded against the Council**

Delegated Decision: none

Committee decision: none

Total: none

**Costs awarded to the Council**

Delegated Decision: 1 (partial)

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