

Public Document Pack

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Date: Tuesday, 13 July 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). In line with ongoing public health advice, members of the public and media are encouraged to watch the meeting online and not to attend in person. Should you wish to attend in person we ask that you notify the Contact Officer above at least 24 hours before the meeting as this will help us to manage the meeting safely.

Dear Sir or Madam

Planning and Regulatory Committee – Wednesday, 21 July 2021, 6.00 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/ZszJ46JBQK8>

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), John Crockford-Hawley (Vice Chairman), Steve Bridger, Peter Bryant, Caroline Cherry, Andy Cole, Peter Crew, 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), John Crockford-Hawley (Vice-Chairman), Mike Bell, Mike Bird, Steve Bridger, Peter Bryant, Gill Bute, Ashley Cartman, Caroline Cherry, Andy Cole, Peter Crew, 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. **Public speaking at planning committees (Standing Order 17 & 17A) (Agenda Item 1)**

To receive and hear any person who wishes to address the Committee. The Chairman will select the order of the matters to be heard. Each speaker will be limited to a period of five minutes for public participation on non-planning matters (up to a maximum of 30 minutes) and three minutes for the applicant/supporters and three minutes for objectors on a planning application (up to a maximum of 30 minutes).

If there is more than one person wishing to object to an application, the Chairman will invite those persons to agree a spokesperson among themselves. In default of agreement the Chairman may select one person to speak.

Requests to speak 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 on the day before the meeting and the request must detail the subject matter of the address.

Given the limited space in the council chamber due to ongoing management of the space in a safe manner, those wishing to speak on an application are 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 approximately 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 24 hours before the meeting with the committee clerk named above.**

2. **Apologies for absence and notification of substitutes**

3. **Declaration of Disclosable Pecuniary Interest (Standing Order 37) (Agenda Item 3)**

A Member must declare any disclosable pecuniary interest where it relates to any matter being considered at the meeting. A declaration of a disclosable pecuniary interest should indicate the interest and the agenda item to which it relates. A Member is not permitted to participate in this agenda item by law and should immediately leave the meeting before the start of any debate.

If the Member leaves the meeting in respect of a declaration, he or she should

ensure that the Chairman is aware of this before he or she leaves to enable their exit from the meeting to be recorded in the minutes in accordance with Standing Order 37.

4. Minutes 24 June 2021 (Agenda Item 4) (Pages 5 - 8)

24 June 2021 to approve as a correct record (attached)

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

6. Planning Application No. 21/P/0803/FUL Construction of a Scout Headquarters and associated works. Land to the west of Wild Country Lane, Long Ashton (Agenda Item 6) (Pages 9 - 22)

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

7. Planning Application 20/P/0861/FUL Full application for the erection of 14no. dwellings, provision of access, public open space, drainage, landscaping and ancillary works at land to east of Youngwood Lane, Nailsea (Agenda Item 7) (Pages 23 - 46)

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

8. Planning Appeals 21 07 21 (Agenda Item 8) (Pages 47 - 52)

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

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

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

Exempt Items

Should the Council 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."

Mobile phones and other mobile devices

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

Filming and recording of meetings

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

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

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

Emergency Evacuation Procedure

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

Leave the room by the nearest exit door. Ensure that windows are closed.
Last person out to close the door.

Do not stop to collect personal belongings.

Do not use the lifts.

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

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

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



Minutes

of the Meeting of

The Planning and Regulatory Committee

Thursday, 24 June 2021

New Council Chamber, Town Hall

Meeting Commenced: 2.30 pm

Meeting Concluded: 4.47 pm

Councillors:

James Tonkin (Chairman)

John Crockford-Hawley (Vice Chairman)

Steve Bridger

Peter Bryant

Caroline Cherry

Andy Cole

Peter Crew

Mark Crosby (substitute for Cllr Payne)

Ann Harley

Stuart McQuillan

David Shopland (replacement for Cllr Tucker)

Mike Solomon

Richard Westwood

Apologies: Councillors: Mike Bell, Mike Bird, Gill Bute, Ashley Cartman, Catherine Gibbons, Sandra Hearne, David Hitchins, Steve Hogg, Ruth Jacobs, Patrick Keating, Robert Payne, Bridget Petty, Terry Porter, Timothy Snaden and Richard Tucker.

Officers in attendance: 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) and Sally Evans (Principal Planning Officer).

PAR Election of Vice Chairman for Municipal Year 2021/22 (Agenda Item 1)

1

At its Annual Meeting, the Council had elected Councillor James Tonkin as Chairman of the Planning and Regulatory Committee for the forthcoming municipal year.

Councillor Bridger nominated Councillor Crockford-Hawley for the vacant position of Vice Chairman.

Resolved: that Councillor Crockford-Hawley be elected as Vice Chairman of the Planning and Regulatory Committee for the Municipal Year 2021-22.

PAR 2 Public speaking at planning committees (Standing Order 17A) (Agenda Item 2) Planning Application No 20/P/0861/FUL

At the invitation of the Chairman, local resident Dr David Martin addressed the Committee speaking against the application for planning permission at land to the east of Youngwood Lane, Nailsea.

The agent for the applicant then spoke in support of the application.

PAR 3 Public speaking at planning committees (Standing Order 17A) (Agenda Item 2) Planning Application No. 20/P/1673/FUL

At the request of the Chairman, the representative of the Assistant Director Legal and Governance read out a statement from Alder King, agent for the applicant for planning permission at B&M Bargains, The Triangle, Clevedon. Full details had been published on the council's website in advance of the meeting.

PAR 4 Public speaking at planning committees (Standing Order 17A) (Agenda Item 2) Planning Application No 19/P/3197/FUL

At the invitation of the Chairman, local resident John Cockram addressed the Committee speaking against an application for planning permission at land off Moor Lane, Yatton.

At the request of the Chairman, the representative of the Assistant Director Legal and Governance read out a statement on behalf of the applicant, Persimmon Homes. Full details had been published on the council's website in advance of the meeting.

PAR 5 Declaration of Disclosable Pecuniary Interest (Standing Order 37) (Agenda Item 4)

None.

PAR 6 Minutes 21 April 2021 (Agenda Item 5)

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

PAR 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 (Agenda Item 7)

The Director of the Place Directorate's representative drew members' attention to the update sheet which included additional comments from Natural England on the Habitats Regulations Assessment and an amended site layout plan submitted by the applicant. He reported that an additional 17 letters of objection had been received and that Nailsea Town Council reiterated its objection. He further noted an amendment to part (a) of the officer's recommendation.

Resolved: to **REFUSE** the application contrary to officers' recommendation for the following reason:

1. The proposed development lies within a Strategic Gap where the proposed development would harm the open and undeveloped character of the area, result in incremental erosion of the gap separating Nailsea and Backwell and the landscape setting of Nailsea contrary to Policy CS19 of the Core Strategy and Policy SA7 of the Site Allocations Plan.

As the application fell within Section 1 of the agenda it is held over to the next meeting for the final decision to be made.

PAR 8 Planning Application No. 20/P/1673/FUL Reconfiguration and two storey extension to the existing retail unit to include a gym (1,054m²) (use class D2) and additional ground floor retail space to create two units (534m²); and erection of a food retail unit (195 m²) (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 & M Bargains Limited, The Triangle, Clevedon, BS21 6HX (Agenda Item 8)

The Director of the Place Directorate's representative drew members' attention to the update sheet which included additional information supplied by the applicant in respect of car parking spaces and the retention of trees and the location of the residential building. He noted additional comments from the council's Arboricultural Officer and the receipt of amended plans from the applicant. He further noted additional third-party comments including those from The Trustees of Curzon Clevedon Community Centre for Arts and Clevedon BID and the officers' consideration of the application of Listed Building and Conservation Area legislation.

Resolved: that the application be **DEFERRED** for a Committee Site Inspection and for further consideration of the application and issues.

PAR 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 (Agenda Item 9)

The Director of the Place Directorate's representative drew members' attention to the update sheet which included additional information from the applicant on the Nationally Described Space Standards and the 15% carbon reduction target. He noted the requirement for mitigation measures under the Habitat's Regulation Assessment and the consideration given by officers to biodiversity aspects of the application.

Resolved: that the application be **REFUSED** contrary to recommendation 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 and CS5 of the Core Strategy, policies DM9, DM10 and DM32 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.

PAR 10 Planning Appeals 24.06.2021 (Agenda Item 10)

The Director of Place Directorate's representatives reported on appeal decisions and appeals that had been lodged since the date of the last meeting. He noted the pressure on the service as a result of the number of appeals and enforcement requests.

He further noted the arrangements for the Bristol Airport Planning Inquiry.

Resolved: that the report be noted.

Chairman

SECTION 1 – ITEM 6

Application No: 21/P/0803/FUL

Proposal: Construction of a Scout Headquarters and associated works

Site address: Land to the west of Wild Country Lane, Long Ashton

Applicant: Long Ashton Scout Group

Target date: 17.06.2021

Extended date: 23.07.2021

Case officer: Jessica Smith

Parish/Ward: Long Ashton Long Ashton

Ward Councillors: Councillor Stuart McQuillan Councillor Ash Cartman

REFERRED BY COUNCILLOR CARTMAN

Summary of recommendation

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

The Site

The application site is located off Wild Country Lane which is at the western end of Long Ashton. The site is approximately 300 metres to the south of the main Weston Road in Wild Country Lane and approximately 130 metres to the south of the mainline railway bridge. It is currently an agricultural field of 0.3ha in size on the west side of Wild Country Lane and is accessed by a field gate from Wild Country Lane. The site is bordered to the north by hedging and a number of established trees and a grassed bank some 5 metres high.

The Application

Full permission is sought for:

- the erection of a single storey timber cladded Scout HQ building measuring approximately 22.6m in length, 14.5m in width and 7.12m in height.
- the proposed building would include a hall and hall storage room, meeting/activities room, kitchen, kit store room and wc facilities
- the proposed building would be finished in vertical timber cladding and an insulated sinusoidal metal cladding
- the building would be designed to incorporate rainwater harvesting, use air source heat pump and have a living wall incorporating bug and bird boxes on the west side elevation

- the relocation of existing access and creation of a tarmac access and parking area for 13 vehicles with an additional 4 overflow parking spaces on grasscrete

The site would also include land for outdoor activity space and would be landscaped. The application includes supporting information including several appeal decisions and details of alternative sites

Relevant Planning History

No relevant planning history

Policy Framework

The site is affected by the following constraints:

- Within the Green Belt
- Outside the settlement boundary for Long Ashton
- Within Landscape Character Area B1 Land Yeo and Kenn River Flood Plain
- Within Zone C of the NS and Mendips Bats SAC

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
CS27	Sport, recreation and community facilities
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:

DM2	Renewable and low carbon energy
DM6	Archaeology
DM8	Nature Conservation
DM9	Trees
DM10	Landscape
DM12	Development within the Green Belt
DM19	Green infrastructure
DM24	Safety, traffic and provision of infrastructure etc associated with development

DM28	Parking standards
DM32	High quality design and place making
DM33	Inclusive access into non-residential buildings and spaces
DM69	Location of sporting, cultural and community facilities
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
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The Long Ashton Neighbourhood Plan

The Long Ashton Neighbourhood Plan was formally 'made' by the council on 10 November 2015, at which point it became part of the statutory development plan.

The following policies are particularly relevant to this proposal:

LC1	Support and make improvements to the Community Centre and sports facilities
LC2	Retain and improve sporting and recreational facilities
LC5	Protection of Assets of Community Value
T1	Encouraging sustainable modes of transport
LHN1	Providing well designed energy efficient buildings and places
LHN2	Securing sympathetic village design in compliance with Village Design Statement

Other material policy guidance

National Planning Policy Framework (NPPF) (February 2019)

The following sections are particularly relevant to this proposal:

- 2 Achieving Sustainable Development
- 8 Promoting healthy and safe communities
- 9 Promoting sustainable transport
- 11 Making effective use of land
- 12 Achieving well designed places
- 13 Protecting Green Belt Land
- 14 Meeting the challenge of climate change, flooding and coastal change
- 15 Conserving and enhancing the natural environment
- 16 Conserving and enhancing the historic environment

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

- North Somerset 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 March 2021)
- North Somerset and Mendip Bats Special Area of Conservation (SAC) Guidance on Development: SPD (Adopted January 2018)

Consultations

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

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

- Danger to pedestrians due to no appropriate pavement
- No street lighting increasing pedestrian danger from vehicles at night
- Increase in traffic to A38
- Unacceptable in the Green Belt allowing for future development of the greenfield site
- Better location would be next to the existing Guide Hut allowing the Scouts and Guides to be more aligned on the same site which has good well lit access route including pavement and cycle path

134 letters of support have been received. The principal planning points made are as follows:

- New Scout HQ is overdue and a much needed youth facility in Long Ashton
- A much needed resource providing activities that support young people's physical, social and emotional health
- Waiting list of almost 100 children
- This location is close to the village without affecting residential properties providing safe outdoor space
- Despite searches in the village for alternative sites none could be found due to price of sites
- Many children already walk/cycle within the village and it will be accessible just off the Festival Way
- Well designed and sympathetic building to area and Green Belt
- Should be an exception to Green Belt restrictions
- Proposal will help enhance ecology

Long Ashton Parish Council: "We feel this proposal is exceptional and represents a justifiable development within the green belt - it's also support by Long Ashton's NDP which recognises the need for a new local Scout facility".

Other Comments Received:

Girl Guiding Group – Long Ashton:

Due to existing Guiding activities, Scouts could not be accommodated for within the existing Guide HQ. Not enough space or car parking within Guide HQ site to accommodate another building.

Principal Planning Issues

The principal planning issues in this case are (1) Green Belt (2) the principle of community use development in this location, (3) landscape impact, (4) highway safety, (5) parking (6) protected species (7) non-designated heritage assets and archaeology and (8) drainage.

Issue 1: Inappropriate development in the Green Belt

This site is located outside the settlement boundary for Long Ashton within the Bristol & Bath Green Belt. Development within the Green Belt is assessed in two stages namely: 1) whether the proposed development constitutes inappropriate development, and if so 2) the harm to the openness of the Green Belt.

The National Planning Policy Framework (NPPF) states that development in the Green Belt is 'inappropriate' unless for a limited number of purposes (these are listed in paragraphs 145 - 147 of the Framework). Policy DM12 of the Sites and Policies Plan (Part 1) echoes the NPPF and also sets out types of development that are not regarded as being 'inappropriate' in the Green Belt.

Although the proposed development would be for a Scout HQ building with some associated outdoor activity, the proposed development is not considered to fall within any of the categories of development listed in the National Planning Policy Framework or Policy DM12 and therefore constitutes 'inappropriate development' in the Green Belt.

Given that the proposed development does constitute inappropriate development within the Green Belt, the harm to the openness of the Green Belt from the proposed development is considered. Policy DM12 states that a material change of use which maintains the openness of the Green Belt is not considered to be inappropriate development provided that it does not conflict with the purposes of including land in the Green Belt (for example agricultural or equestrian use). Paragraph 133 of the NPPF indicates that openness is an essential characteristic of the Green Belt referring to both the spatial and visual effect of the proposal.

It is noted that the proposed development may be of a sustainable design to be finished in timber cladding to appear more rural with some limited additional hedge and tree planting proposed with ecological benefits, however the proposed building would be large and visually intrusive within the Green Belt given that the existing site is a greenfield agricultural land with limited screening. The proposed hedge boundaries and additional trees would only be maintained at 1.2m in height and take some time to become established, resulting in an highly visible feature from wide reaching views across the Green Belt and open countryside. Moreover, the large scale of the proposed building with the associated parking area would result in the loss of openness and encroachment into an undeveloped area in the countryside reducing the spatial character and the purpose for including land within the Green Belt. The visual and spatial harm caused by the proposed development within the Green Belt is not considered to be overcome by the design of the building and ecological enhancements proposed.

It is therefore concluded that the proposed development constitutes inappropriate development that would be harmful to the openness of the Green Belt and the purpose of including land within it. In doing so, it should be noted that all the information submitted

with the application, including the appeal decisions have been taken into account in the determination of this application.

Paragraph 143 of the National Planning Policy Framework states that: “inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances”. Paragraph 144 states that: “When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ (VSC) will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

In this particular case, the details submitted with this application suggest that the proposed development does constitute VSC for the following reasons:

- The Long Ashton Scout Group are a well-established scout group who have been operating within the village for 90 years. The Scouting Association is highly regarded and considered to be an important part of the community, providing an invaluable experience for local children and through the charitable role it provides to the community and the proposal is supported by the Long Ashton Parish Council
- Form Scout HQ in Providence Lane was insufficient to meet the needs of the organisation
- Use of other existing venues is unfeasible due to restricted availability
- Outgrown former Scout HQ in Providence Lane with a waiting list of 97 children
- The proposed development is supported by the Long Ashton Neighbourhood Plan and Policy LC1 in particular
- No other suitable sites outside the Green Belt have been found during the search for a new site
- The proposal would provide a fit-for-purpose building that would be truly inclusive and accessible to all. The new building will be designed to support the needs of young people regardless of disability, through the provision of suitable access and facilities which allow more to benefit through being involved in scouting.

As set out below, while the Long Ashton Neighbourhood Plan is supportive of youth facilities in principle, the application site is not considered to be a sustainable or suitable location for such a facility. In addition, it is not considered that sufficient alternative sites have been assessed that would be within the settlement boundary or on previously development land more accessible to a variety of modes of transport. Although it is noted that the purpose of the proposed development is to have a fit-for-purpose building that is accessible to all, it is considered that a more sustainable option would be for the new Scout HQ building to be within the curtilage of the existing Guides HQ, which would be substantially more sustainable in its location and provide a multi-use, fit-for-purpose site to both Guides and Scouts.

Given the above, it is considered that the proposed development constitutes inappropriate development that is harmful to the openness of the Green Belt and the purposes for including land within it. While details of VSC have been submitted with this application, for the reasons set out above, the details of VSC are not considered to outweigh the substantial harm of the proposed development to the Green Belt. In this respect the proposed development is contrary to Policy CS6 of the Core Strategy and Policy DM12 of the Sites and Policies Plan Part 1.

Issue 2: The principle of community use development in this location

Policy CS33 of the Core Strategy states that community facilities outside settlement boundaries will be considered only where such a need cannot be met within or adjacent to settlement boundaries and that they are well related to the community which they are intended to serve.

Policy DM69 of the Sites and Policies Plan Part 1 permits such facilities outside settlement boundaries only where the site is well related to the community it is intended to serve, is accessible by a wide range of transport modes and to disabled people.

The application site is located within the Long Ashton Neighbourhood Plan area where Policy *LC1: Support and make improvements to the Community Centre and sports facilities* identifies a need for and supports development for purpose built facilities for young people up to 19 years in order to provide essential support for youth activities if sufficient funds and suitable locations could be found.

Comments received have suggested that the new Scout HQ should be located within the curtilage of the Guides HQ as a more sustainable option for the proposed development. This would provide the opportunity to have both organisations utilising the same facilities within a sustainable location that is accessible by a variety of modes of transport as required by Policy DM69. While it is likely that there is sufficient space within the Guides HQ to accommodate an additional building or extend the existing building to accommodate the Scouts, the Guiding Group has confirmed that it would not allow for such development within their site and there would be insufficient space for a building and associated car parking.

From the information submitted with this application, it is understood that there are no other available sites within the wider area that would be a suitable and in a more sustainable location for the new Scout HQ building. It should be noted, however, that the former Scout HQ at 60 Providence Lane has not yet had planning permission for the redevelopment of the site following its sale by the Scout Group. Given that this current application has demonstrated a need for a community facility with Long Ashton, any future removal of the community facility at the former Scout HQ site in Providence Lane may be refused.

Whilst being close to the village (approximately 250m from Pear Tree Avenue or 300m to Weston Road), the site is outside of the built up area of Long Ashton and on the west side of Wild Country Lane which is separated from the rest of the village. In addition, the site is not very accessible as a result of only having a single footway on the eastern side of the road where there is limited street lighting located on the western side of Wild Country Lane only with gaps of approximately 50m between each street light. Given the distance from the settlement boundary and poor pedestrian and cycle access, it is considered that the site is not well related to the community which it intends to serve in Long Ashton where anyone using the site would likely be reliant of vehicular transport rather than other more sustainable modes of transport contrary to Policies CS33 and DM69.

In conclusion, although the proposed Scout HQ building is supported in principle by the Long Ashton Neighbourhood Plan if a suitable location can be found, it is considered that the erection of a single storey Scout HQ building and associated works in this location

some distance from the settlement boundary with limited access to more sustainable modes of transport is not a suitable location for such a use and is therefore unacceptable.

In this respect, the proposed development is therefore unacceptable in principle and conflicts with policy CS33 of the North Somerset Core Strategy and DM69 of the Sites and Policies Plan (Part 1).

Issue 3: Landscape Impact

The site falls within the open countryside, outside the settlement boundary for Long Ashton. Policy CS33 of the North Somerset Council Core Strategy states that development outside settlement boundaries and service villages will be strictly controlled in order to protect the character of the rural area and prevent unsuitable development.

Policies CS5 and CS12 of the Core Strategy and policies DM10 and DM32 of the North Somerset Sites and Policies Plan (Part 1) require a high standard of design in all new developments. These policies require that development is sensitively designed to respect the character of the site and its surroundings, taking the opportunity to enhance an area where relevant. In particular, consideration will be given to the siting, soft and hard landscaping, levels, density, form, scale, height, massing, detailing, colour and materials of a development and whether these characteristics respect those of the existing building and the surrounding area.

Policy DM69 of the North Somerset Sites and Policies Plan (Part 1) states that outside settlement boundaries facilities will only be permitted where it is demonstrated that the scale, character or potential impact of the facility would be appropriate in its location and relating to the community it is intended to serve.

In addition to the above, the application site falls within the B1: Land Yeo and Kenn River Flood Plain Landscape Character Area and is predominantly characterised as an open grassland landscape with cattle grazing with a peaceful, rural ambience. The overall character of the area is considered to be moderate where the overall landscape condition is declining. The landscape strategy for the B1 area is to conserve the rural pastoral landscape and enhance the declining elements and areas such as the hedgerows and pastoral character of the area.

The application site is a relatively large parcel of open agricultural land approximately 0.3ha in size, located to the west of Wild Country Lane. The norther site boundary consists of mature trees and hedges where the eastern site boundary is made up of a lower hedge boundary and gated access. The western and southern site boundary has no existing boundary treatment, however there is an existing public Right of Way (LA12/4/10) adjoining the southern boundary of the application site which is accessed from the existing gate to the agricultural field. The site is very open when viewed from Wild Country Lane and the Public Right of Way to the south where the limited screening from trees located to the north and east of the site gives it a strong open and rural character.

Although the proposed development includes some soft landscaping features , the scale of the proposed development, the large area of tarmac surface and the creation of the new site boundaries to the west and south of the application site, means that the proposed development would be a visually intrusive feature within the current open agricultural field when viewed from Wild Country Lane, the Public Right of Way to the south and wider

views across the open countryside. The proposed development would therefore appear out of character with the open rural setting, thereby resulting in an encroachment of development into the countryside and the complete loss of the pastoral appearance of the site which forms an integral part of characterisation of the B1 Landscape Character Assessment Area.

In addition, although some additional planting has been included within the proposed development, given the scale of the proposed development and time required for planting to mature enough to assist in screening, this would not overcome the landscape harm caused. The proposed 1.8m high mesh boundary fences to the west and south of the application site would appear incongruous within the setting for a substantial length of time for the proposed hedges to mature enough to reduce the visual appearance of the fence boundaries.

Taking the above into account, it is considered that due to the openness of the landscape surrounding the proposed site, the proposal would appear disruptive to the rural setting, and harmful to the existing pastoral landscape of the application site thereby resulting in a further decline in the character of the B1 Landscape Character Assessment Area. In this respect, the proposed development is contrary to Policies CS5 and CS33 of the Core Strategy, Policies DM32 and DM69 of the Sites and Policies Plan (Part 1) and the advice within the Landscape Character Assessment SPD.

Issue 4: Highway Safety

The application site is on the western side of Wild Country Lane. The current access to this site, through a field gate has restricted visibility onto Wild Country lane due to its position on the inside of a bend and heavy roadside vegetation.

It is proposed to relocate the site entrance around 200m south of the road bridge over the railway. This relocation, while improving visibility in both directions, moves the access out of the 30mph zone and into the rural de-restricted national speed limit of 60mph. While this would improve visibility onto Wild Country Lane when compared with the existing access, the Design Manual for Roads and Bridges (DMRB) requires visibility splays onto roads with a 60mph speed limit to be 2.4m by 215m. Due to the sinuous alignment of the road, and vergeside vegetation, a visibility splay of only 2.4m by 43m can be achieved. This would be an appropriate visibility splay dimension for an access onto a road with a 30mph speed limit (Manual for Streets) and falls short of the required 215m visibility distance for an access on a 60mph Road. Although the supporting information suggests that the sinuous alignment of Wild Country Lane is likely to reduce vehicle speeds to 30mph or below, making a visibility splay of 2.4m by 43m appropriate, no evidence in the form of vehicle speed surveys has been submitted to demonstrate this.

The supporting information submitted with this application suggests that the 30mph speed limit terminus on Wild Country Lane could be extended southwards to include the access to the development. This would then ensure that the claimed visibility splay from the access would comply with the speed limit. However, in order for the 30mph speed limit to be extended, the road would need to be subject to a vehicle speeds survey to determine whether the current speeds are close enough to 30mph for the change to be effective; and compliant with the council's speed limit policy. The current traffic regulation order would need to be amended before any change can take place.

Concern has been raised over the access to the site being dangerous for pedestrians and cyclists where there is no lighting. From the submitted plans, it appears that cycle and pedestrian access to site would be via the footway on the eastern side of Wild Country Lane, however no details of a safe and appropriate crossing point have been submitted with this application. In this respect, in order to demonstrate safe pedestrian access, if pedestrian access is proposed from the footpath on the eastern side of Wild Country Lane into the site, details of a safe and appropriate crossing point, with visibility splays for pedestrians is required. Moreover, given the limited existing street lighting on the western side of Wild Country Lane, details to the enhancement of the street lighting is required. In the absence of the details of the crossing point and enhanced street lighting, the application fails to demonstrate safe pedestrian access into the site.

Given the above and in the absence of a safe pedestrian and cycle access crossing into the application site and no vehicle speed surveys that demonstrate that the 43m visibility splay would be acceptable in this location or that there would be an improved visibility, the proposed relocation of the access and limited visibility is therefore considered to result in a detrimental impact to highway safety and is therefore contrary to Policy CS10 of the Core Strategy, Policy DM24 of the Sites and Policies Plan (Part 1) and the advice in The Design Manual for Roads and Bridges.

Issue 5: Parking

The applicant proposes to provide 17 car parking spaces including 3 disabled spaces. Spaces for 2 mini-buses is also shown. The site plan also shows that an area of overflow parking which would be surfaced in grasscrete. The layout of the site would enable all these vehicles to safely park and turn clear of the highway. This accords with the North Somerset Parking Standards SPD. It is therefore considered that the proposed development would provide sufficient onsite parking provision. The proposal is therefore in accordance with policies DM24, DM28 and DM69 of the Sites and Policies Plan (Part 1).

Issue 6: Protected Species

The site offers potential to support a variety of protected species such as badger, bats, reptiles, dormouse and nesting birds. While no impacts are anticipated on any statutory or non-statutory designated sites from the proposed development, in order to ensure that the proposal would maintain and enhance biodiversity onsite, a number of measures would be required. This would include suitable planting, lighting controls, sensitive construction management including badger and bat activity surveys.

Although it is noted that some of the above requirements forming part of the submitted Preliminary Ecological Appraisal could be conditioned, many of the additional requirements are needed to be submitted to and approved prior to the determination of this application in order to ensure that there would be no harm to protected and un-protected species as a result of this proposed development.

In the absence of the submission of the required details as set out above, it has not been demonstrated that nature conservation and ecological enhancements to the area can be achieved, and that protected species will not be harmed. The development is therefore contrary to the requirements of the Conservation of Habitats and Species Regulations 2017 and the Natural Environment and Rural Communities Act 2006, and to policy CS4 of

the North Somerset Core Strategy, policy DM8 of the Sites and Policies Plan (Part 1) and the council's Biodiversity and Trees SPD.

Issue 7: Non-designated Heritage Assets and archaeology

The proposed development is in an area historically characterised as 'late medieval enclosed open fields created by local arrangement and exchange'.

Policy CS5 of the North Somerset Core Strategy states that the council will conserve the historic environment of North Somerset, having regard to the significance of heritage assets. Policy DM6 of the North Somerset Sites and Policies Plan (Part 1) requires that archaeological interests be fully taken into account when determining application. Policy DM7 of the North Somerset Sites and Policies Plan (Part 1) states that when considering proposals involving non-designated heritage assets the council will take into account their local significance and whether they warrant protection where possible from removal or inappropriate change including harm to their setting.

There are no designated nor non-designated heritage assets within the application site, but it lies within close proximity to the Scheduled Monument of the Small Roman town at Gatcombe (less than 250m to the north). The Scheduled Monument comprises a small Roman town, part of an associated field system and earlier Iron Age remains. The Scheduled Monument has been subject to extensive surveys, evaluations and excavations over a number of decades.

Surveys to the south of the railway line (west of the proposed development) have revealed potential evidence that the small town extends considerably further south than previously anticipated. It is possible that remains of the wider field systems or associated remains may extend south into the proposed development area.

In addition, there are numerous find spots in the vicinity including Bronze Age flints and part of a polished stone axe (c. 280m to the east), a medieval finger ring and a 17th century pottery scatter c. 300m to the south east.

No previous archaeological investigations are recorded at this location, but geophysical surveys, evaluations and excavations have been undertaken to the north of the proposed development, as detailed above.

Given that the proposed development has the potential to result in the loss of any archaeological remains present, a condition is required for the details of a programme of archaeological monitoring and recording to be submitted to the LPA and thereafter implemented in accordance with the approved details. This is to ensure that any archaeological remains are preserved by record, in accordance with paragraph 199 of the NPPF and Policies DC5 of the Core Strategy and Policies DM6 and DM7 of the North Somerset Sites and Policies Plan.

Issue 8 Drainage

Details of foul and surface water drainage have been submitted with the application and a condition can be attached to any permission granted to secure their implementation. In this respect, the proposal is in accordance with policy DM1 of the Sites and Policies Plan (Part 1) and section 10 of the NPPF.

Natural Environment and Rural Communities (NERC) Act 2006

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

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

The proposed development does not fall within Schedule 1 or 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. A formal EIA screening opinion is not, therefore, required.

The Crime and Disorder Act 1998

The proposed development will not have a material detrimental impact upon crime and disorder.

Conclusion

The proposed development constitutes inappropriate development that is harmful to the openness of the Green Belt and the purposes for including land within it. While very special circumstances (VSC) have been suggested, they do not overcome the harm to the Green Belt caused by reason of inappropriateness and the other substantial visual and physical harm caused to the Green Belt. In this respect the proposed development is contrary to Policy CS6 of the Core Strategy and Policy DM12 of the Sites and Policies Plan Part 1.

The location of the site some distance from the settlement boundary with limited access to more sustainable modes of transport means it is an unsustainable location for a community facility. Although alternative sites have been assessed prior to the submission of this application, it is considered that insufficient information has been submitted to sufficiently demonstrate that there are no other more sustainable located sites within the settlement boundary of Long Ashton that would be suitable for the proposed Scout HQ building. In this respect, the proposed development is therefore unacceptable in principle and conflicts with policy CS33 of the North Somerset Core Strategy and DM69 of the Sites and Policies Plan (Part 1).

In addition to harm to the Green Belt and due to scale of the proposed development in a site characterised as being a visual open and rural pastoral landscape, the proposal would harm the rural setting, out of keeping with the existing pastoral landscape of the application site thereby resulting in a further decline in the character of the B1 Landscape Character Assessment Area. In this respect, the proposed development is contrary to Policies CS5 and CS33 of the Core Strategy, Policies DM32 and DM69 of the Sites and Policies Plan (Part 1) and the advice within the Landscape Character Assessment SPD.

In the absence of a safe pedestrian and cycle access crossing into the application site and of vehicle speed surveys that demonstrate that there would be an acceptable visibility at the site entrance, the proposed relocation of the access is considered to result in a detrimental impact to highway safety and is therefore contrary to Policy CS10 of the Core Strategy, Policy DM24 of the Sites and Policies Plan (Part 1) and the advice in The Design Manual for Roads and Bridges.

Finally, in the absence of additional ecological surveys, plans and details as required by the submitted Preliminary Ecological Appraisal it cannot be concluded that protected species will not be harmed. The development is contrary to the requirements of the

Conservation of Habitats and Species Regulations 2017 and the Natural Environment and Rural Communities Act 2006, and to policy CS4 of the North Somerset Core Strategy, policy DM8 of the Sites and Policies Plan (Part 1) and the council's Biodiversity and Trees SPD.

RECOMMENDATION: REFUSE for the following reasons:

1. The proposal constitutes inappropriate development within the Green Belt that would be harmful to the openness of the Green Belt and conflict with the purposes of including land within it. No very special circumstances outweigh the harm caused and the proposal is therefore contrary to policy CS6 of the North Somerset Core Strategy, policy DM12 of the North Somerset Sites and Policies Plan (Part 1) and section 13 the National Planning Policy Framework, notably paragraphs 143-147.
2. The proposed development in this location some distance from the settlement boundary with limited access to more sustainable modes of transport is not a suitable location for a community facility use where insufficient information has been submitted to sufficiently demonstrate that there are no other more sustainable located sites within the settlement boundary of Long Ashton that would be suitable for the proposed Scout HQ building contrary to policy CS33 of the North Somerset Core Strategy and DM69 of the Sites and Policies Plan (Part 1).
3. The proposed development for a Scout building and associated works within a rural setting within the open countryside, with an open and pastoral character, would encroach upon the surrounding countryside and erode the rural landscape and as such would be contrary to policies CS5 and CS12 of the North Somerset Core Strategy, policies DM10, DM32 and DM69 of the North Somerset Sites and Policies Plan - Part 1 and the guidance in the adopted North Somerset Landscape Character Assessment Supplementary Planning Document.
4. In the absence of a safe pedestrian and cycle access crossing into the application site and no vehicle speed surveys submitted to demonstrate that the achievable visibility splay is acceptable in this location, the proposed development will result in a detrimental impact to highway safety contrary to Policy CS10 of the Core Strategy, Policy DM24 of the Sites and Policies Plan (Part 1) and the advice in The Design Manual for Roads and Bridges.
5. Insufficient evidence has been submitted with the application to enable the Local Planning Authority to determine that the site does not accommodate protected species and/ or nature conservation interest, or that any harm caused by the development could be avoided, or mitigated to an acceptable level. In the absence of details to the contrary, the proposed development is likely to result in harm to nature conservation including protected species and their habitats, contrary to section 15 of the National Planning Policy Framework, policy CS4 of North Somerset Core Strategy, policy DM8 of the North Somerset Sites and Policies Plan (Part 1), the North Somerset 'Biodiversity and Trees' SPD and the North Somerset and Mendip Bats SAC SPD. The proposals may also contravene the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2010 (as amended).

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Section 2

North Somerset Council

ITEM 7

REPORT TO THE PLANNING AND REGULATORY COMMITTEE

DATE OF MEETING: 21 July 2021

SUBJECT OF REPORT: Planning application 20/P/0861/FUL

Full application for the erection of 14no. dwellings, provision of access, public open space, drainage, landscaping and ancillary works at land to east of Youngwood Lane, Nailsea

TOWN OR PARISH: Nailsea

OFFICER/MEMBER PRESENTING: HEAD OF PLANNING

KEY DECISION: NO

RECOMMENDATIONS

Subject to:

(a) In consultation with Natural England, the completion of the Habitat Regulations Assessment and Appropriate Assessment if required, and provision for necessary on site mitigation from new tree and hedge planting and off-site mitigation (if required);

(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** subject to the conditions referred to in the 24 June committee report attached as Annex 1, as amended by recommendation referred to within the 24 June 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 24 June 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 24 June attached as Annex 1.

3. DETAILS

The application was considered by the Committee on 24 June when it was resolved that the application should be refused for the following reason:

1. The proposed development lies within a Strategic Gap where the proposed development would harm the open and undeveloped character of the area, result in incremental erosion of the gap separating Nailsea and Backwell and the landscape setting of Nailsea contrary to Policy CS19 of the Core Strategy and Policy SA7 of the 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 about various issues. The most significant points are set out below followed by further explanation from officers.

(i) The site is outside the settlement boundary for Nailsea

The committee's attention is directed to policy CS31: Clevedon, Nailsea and Portishead and associated para 4.78 of the adopted Core Strategy which states that

“New residential development within the settlement boundaries and residential development for up to about 50 dwellings adjoining the settlement boundaries, will be supported provided it does not harm the objectives of the plan.”

The site adjoins the settlement boundary of Nailsea at its northern side therefore the principle of residential development complies with this policy.

(ii) The site is within the Strategic Gap and any new residential development should only be permitted if there are exceptional circumstances.

Strategic Gaps are a local designation defined in the Local Plan with the aim of preventing the coalescence of settlements and generally include areas of urban fringe land not protected by Green Belt or nationally recognised landscape designations (such as AONB.) It is not a national designation, unlike the Green Belt, and does not carry the same status or planning tests as Green Belt policy. The supporting text to CS19 sets out that Strategic Gap designations will help prevent against their erosion by incremental development, which is particularly important where it could cause coalescence of settlements. Policy SA7 sets out the three circumstances where development within a Strategic Gap would be acceptable. These are listed and the proposals assessed against them in Issue 1 of the previous committee report attached as Annex 1.

There is no requirement for development proposals in Strategic Gaps to pass an exceptional circumstances test equivalent to para 143 in the NPPF which relates to Green Belts. The only test for development proposals in Strategic Gaps is that it should comply with policies CS19 and SA7 and the Officer report conclusion was that this development complied with these policies.

(iii) The development would result in the incremental erosion of the Strategic Gap and such cumulative loss if contrary to policy CS19.

Policy SA7 sets out the three circumstances where development within the Gap may be acceptable. This application would result in development of a very small part of the Strategic Gap but this is not a reason for refusal in itself. Should any further applications for development in the Gap be submitted, they will be assessed on their own merits against policies in adopted plans.

(iv) The access road turning head is designed to permit further development expansion into the Strategic Gap south of this application site.

The access road is not designed to suitable standards to accommodate further development and any application for additional residential development would be considered on its merits as explained above.

(v) The new road access is unsafe and will increase traffic hazards at junction with The Perrings.

This has been addressed in the previous report in Annex 1 which confirms the access complies with adopted safety standards.

Conclusion

The Council currently does not have a five-year supply of deliverable housing sites, therefore applications for housing should 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.

Although policies CS19 and SA7 are considered consistent with the NPPF they also allow for small scale development within Strategic Gaps where it complies with the three criteria in SA7. The benefits of providing 14 well designed houses in a sustainable location are a considerable benefit which should be given significant weight in deciding the application.

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

4. CONSULTATION

Details of consultation responses are in the Committee report in Annex 1. An additional 16 letters of objection have been received and the points raised are as set out in Annex 1.

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 24 June, update sheet and draft minutes.

ANNEX 1

REPORT TO PLANNING & REGULATORY COMMITTEE 24 JUNE 2021

SECTION 1 – ITEM 6

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 9th 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 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. 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.

ANNEX 2

EXTRACT FROM UPDATE SHEET 24 JUNE 2021

Item 6 - 20/P/0861/FUL Land to east of Youngwood Lane, Nailsea

Additional comments from Natural England.

Additional planting at the south and west boundaries is required particularly with mature native hedgerow plants to reinforce a dark buffer for horseshoe bats.

Additional information from the applicant

To enable the HRA to be completed the applicant has agreed to provide additional tree and hedge planting at the southern and western boundaries to reinforce the southern dark corridor for bats.

Officer comments:

An amended landscaping plan is awaited.

Amended plans

The applicant has submitted a revised site layout plan in May ref no 13129/002 Rev. H, which:

- Amends house type D at plot 6 to remove the only north facing dormer window and replace it with a high level roof light;
- Reorientates the house at plot 6 marginally so the rear elevation is facing further away from neighbours;
- Proposes a 3m wide blended crossing at the junction of the access road with The Perrings;
- Includes a 1.2m wide footpath with a curb at the northern side of the site access road;
- Confirms the access road is 5m wide with a 0.5m service strip at the south.

Officer comments:

Neighbours immediately adjacent to the site were notified of these amendments. The 14-day period for comment lapsed 11th June. These proposals are acceptable. This design results in the site access road being unsuitable to serve any additional residential development. The minimum distance between rear facing elevations of proposed to existing dwellings is 22.5m which complies with the adopted distances in the SPD.

Additional Third Party comments

17 additional letters of objection have been received. The principal planning points made are as set out in the report with an additional query relating to the Local Wildlife Site south of this site.

Officer comments:

The land to the south of the site is designed under the adopted Development Management Sites and Policies Plan as a Local Wildlife site (policy DM8.) A plan with the designated area has been added to the committee presentation. No adverse impacts will result to this designated site from the proposals.

Nailsea Town Council

At the meeting on 9th June the previous objections were reiterated.

AMENDMENT TO RECOMMENDATION:

The recommendation remains unaltered with the exception of part (a) which is reworded as follows:

“(a) In consultation with Natural England, the completion of the Habitat Regulations Assessment and Appropriate Assessment if required, and provision for necessary on site mitigation from new tree and hedge planting and off site mitigation (if required);”

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**PLANNING AND REGULATORY COMMITTEE – 21 JULY 2021
REPORT OF THE DIRECTOR OF PLACE**

A - PLANNING APPEAL DECISIONS

1. Enforcement Notice Number 18/00585/OTH

Site: Former Coles Garage, Red Hill, Redhill

Description: Without planning permission, the material change of use of the land for the parking of vehicles for airport customers.

Recommendation: Enforcement Notice

Appeal Dismissed 17 Jun 2021

Type of appeal: Public Inquiry

Officer: Karen Bartlett

Appellant: Martin Alford

The main issues that were identified by the Planning Inspector were: Breach of Planning Control

B – PLANNING APPEALS RECEIVED SINCE LAST COMMITTEE

1. Planning Application Number 20/P/1316/LDE

Site: Land to the rear of Homelea/The Gables, Downside Road, Backwell

Description: Lawful development certificate in respect of the use of the land to the rear of Homelea and The Gables for non-agricultural purposes.

Date of Appeal: 14 Jun 2021

Type of appeal: Written Representation

Case Officer: Julie Walbridge

Appellant: Mrs Sharon Haskell

2. Planning Application Number 20/P/2988/FUH

Site: Old Barton, Chelvey Road, Chelvey, Brockley

Description: First floor side extension and single storey rear extension.

**PLANNING AND REGULATORY COMMITTEE – 21 JULY 2021
REPORT OF THE DIRECTOR OF PLACE**

Date of Appeal: 15 Jun 2021
Type of appeal: Fast Track Appeal
Case Officer: Ellena Fletcher
Appellant: Mr A Bailey

3. Planning Application Number 20/P/2791/FUH

Site: 7 Hillview Avenue, Clevedon
Description: Retrospective application for the erection of a shed in garden to front of the property.
Date of Appeal: 24 Jun 2021
Type of appeal: Fast Track Appeal
Case Officer: John Grierson
Appellant: Mr R Madzelewski

4. Planning Application Number 20/P/1075/FUL

Site: P J Hare Ltd, Havyatt Road Trading Estate, Havyatt Road, Wrington
Description: Application to vary condition 8 (landscaping) and remove condition 7 (retention of railway embankment) attached to planning permission 97517 (development of land for light industrial purposes) to allow for replacement landscaping scheme along the eastern boundary of the site
Date of Appeal: 5 Jul 2021
Type of appeal: Written Representation
Case Officer: Julie Walbridge
Appellant: TR Estates (Bristol) Ltd

**PLANNING AND REGULATORY COMMITTEE – 21 JULY 2021
REPORT OF THE DIRECTOR OF PLACE**

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)

2. Site: Bristol Airport, North Side Road, Felton, Wroughton

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 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)

PLANNING AND REGULATORY COMMITTEE – 21 JULY 2021
REPORT OF THE DIRECTOR OF PLACE

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

3. 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 Silveridge area of the Site for the placement of 2 static caravans used for holiday accommodation and the retention of the building to the rear of the former Silveridge area of the Site as holiday accommodation, d) the use of the land across the Site for the parking of vehicles in association with the uses on the site, namely; holiday accommodation, office, car repair garage and car hire

Type of appeal: Public Inquiry – 9 Nov 2021 (2 days)

Case Officer: Chris Nolan

Appellant: Mr Gregory Wedlake

4. 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.

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

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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 – 12 Oct 2021

Case Officer: Chris Nolan

Appellant: Mr J Reed

5. Site: **Woodlands Farm, Mearcombe Lane, Bleadon**

Planning Application Number 20/P/0195/LDE

Description: Certificate of Lawful Development to establish lawfulness of the dwelling, agricultural building, residential curtilage, and mixed storage.

Enforcement Number 2017/0455 (A)

Description: Without planning permission, the material change of use of the land from former residential and agricultural use to residential use.

Enforcement Number 2017/0455 (B)

Description: Without planning permission, the erection of buildings

Enforcement Number 2017/0455 (C)

Description: Without planning permission, the erection of a building

Type of appeal: Public Inquiry – 21 Sep 2021 (4 days)

Case Officer: Julie Walbridge

Appellant: Mr Keith Perrett, Mrs K Perrett, Mr Mark Perrett

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Summary Performance April 21 – March 22

Appeals received 9
Appeals decided 12
Appeals dismissed 10
Percentage dismissed of appeals decided 83.3%

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)