

Public Document Pack

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Date: Tuesday, 5 October 2021

Attention is drawn to Update Sheets which include the latest information on a planning application and which may be published on the day of the meeting itself. Please check the council's website on the day of the meeting for any supplementary despatches which will include Update Sheets if available.

Dear Sir or Madam

**Planning and Regulatory Committee – Wednesday, 13 October 2021, 6.00 pm
– New Council Chamber - Town Hall**

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

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

The agenda is set out overleaf.

Yours faithfully

Assistant Director Legal & Governance and Monitoring Officer

Councillors (13):

James Tonkin (Chairman), John Crockford-Hawley (Vice Chairman), Peter Bryant, Caroline Cherry, Peter Crew, Ann Harley, Steve Hogg, Stuart McQuillan, Robert Payne, Timothy Snaden, Mike Solomon, Richard Tucker, 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 Assistant Director Legal and Governance and Monitoring Officer, or to the officer mentioned at the top of this agenda letter, by noon on the day before the meeting and the request must detail the subject matter of the address.

Please ensure that any submissions meet the required time limits and can be read out in five minutes for public participation on non-planning matters (up to a maximum of 30 minutes) and three minutes for applicant/supporter statements and three minutes for objector statements on a planning application (up to a maximum of 30 minutes). Members of the public are advised that 400 words at normal speaking speed equate to a three minute statement.

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

3. **Declaration of Disclosable Pecuniary Interest (Standing Order 37) (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 18 August 2021 (Agenda Item 4) (Pages 5 - 6)**

18 August 2021, to approve as a correct record (attached)

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

6. **21/P/1521/FUL Permanent retention of existing temporary sales office (as originally permitted under application reference 20/P/0412/FUL) at Court Farm together with proposed single storey extension and associated parking to create a new office space (Agenda Item 6)** (Pages 7 - 16)

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

7. **P&R Appeals 13 October 2021 (Agenda Item 7)** (Pages 17 - 26)

Section 3 report of Director of Place Directorate (attached)

8. **Revised delegation arrangements for planning applications (Agenda Item 8)** (Pages 27 - 44)

Section 4 report of Director of Place Directorate (attached)

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

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

Exempt Items

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

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

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

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

Mobile phones and other mobile devices

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

Filming and recording of meetings

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

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

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

Emergency Evacuation Procedure

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

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

Last person out to close the door.

Do not stop to collect personal belongings.

Do not use the lifts.

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

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

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

Minutes

of the Meeting of

The Planning and Regulatory Committee

Wednesday, 18 August 2021

New Council Chamber - Town Hall

Meeting Commenced: 2.30 pm

Meeting Concluded: 2.47 pm

Councillors:

James Tonkin (Chairman)

John Crockford-Hawley (Vice-Chairman)

Peter Bryant

Caroline Cherry

Andy Cole (substitute for Steve Hogg)

Peter Crew

Ann Harley

Stuart McQuillan

Robert Payne

Timothy Snaden

Mike Solomon

Richard Tucker

Apologies: Councillor: Richard Westwood

Officers in attendance: Sue Buck (Solicitor - Litigation Team Leader), Simon Exley (Applications and Consents Service Manager, Place Directorate), Richard Kent (Head of Planning, Place Directorate), Mike Riggall (Information and ICT Security Manager) and James Wigmore (Lead Transport Planner).

PAR 18 Public speaking at planning committees (Standing Order 17 & 17A) (Agenda Item 1)

There were no applications to speak during public participation.

PAR 19 Declaration of Disclosable Pecuniary Interest (Standing Order 37) (Agenda Item 3)

None.

PAR 20 Minutes 21 July 2021 (Agenda Item 4)

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

PAR 21 Matters referred by Council, the Executive, other committees etc (if any)

The Chairman noted that the recommendation of the Planning Peer Review Working Group to reduce the membership of the committee to 13 with politically balanced substitutes had been implemented.

He added that the four independent group members would be himself and Councillors Hogg, Snaden and Solomon. He welcomed new members of the committee.

PAR 22 21/P/0803/FUL Construction of a Scout Headquarters and associated works at land to the west of Wild Country Lane, Long Ashton (Agenda Item 6)

The Director of the Place Directorate's representative presented the report on the application to members and noted that there were five reasons behind the officer's recommendation for refusal. He added that should members be minded to approve the application, that Annex 2 of the officer's report highlighted matters to be resolved before planning permission was granted and a schedule of suggested conditions should permission be granted.

Resolved: that the application be **APPROVED** contrary to the officer's recommendation.

Members considered that there were very special circumstances and benefits for allowing this particular community building in the Green Belt and because of the lack of alternative sites and its location. The application was unanimously approved in accordance with details in the Annex 2 of the officer's report to the committee namely section A - matters to be resolved before the planning permission could be granted including a S106 Agreement and section B - the conditions to be applied subject to the matters in section A being resolved satisfactorily.

Members thanked officers for the work on the outstanding issues and conditions.

PAR 23 P&R Appeals 18 August 2021 (Agenda Item 7)

The Director of Place Directorate's representative reported on appeal decisions and appeals that had been lodged since the date of the last meeting. He noted that enforcement officers had three public inquiries in addition to their usual workload before the end of the year.

Chairman

SECTION 2 – ITEM 6

Application No: 21/P/1521/FUL

Proposal: Permanent retention of existing temporary sales office (as originally permitted under application reference 20/P/0412/FUL) at Court Farm together with proposed single storey extension and associated parking to create a new office space

Site address: Court Farm, All Saints Lane, Clevedon

Applicant: P Yates Ltd

Target date: 16.07.2021

Extended date: 15.10.2021

Case officer: Ellena Fletcher

Parish/Ward: Clevedon/Clevedon East

Ward Councillors: Councillor David Shopland

REFERRED BY COUNCILLOR SHOPLAND

Summary of recommendation

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

The Site

The proposed site is located on the outskirts of Clevedon. The existing site consists of a tarmac hardstanding, a temporary site office and a timber shed. The site is adjoined by the Court Farm residential development to north and Clevedon Court to the east.

The Application

Full permission is sought for:

- the retention, alteration and extension of the existing site office for use as an office.
- The external floor area for the existing temporary building is approximately 78 sq m and adjoins a timber shed.
- The proposed external floorspace is approximately 124 sq m. However, the adjoining timber shed will be removed.
- The existing site has 18 parking spaces. 5 spaces including 1 disabled space will be allocated to the proposed office premises.
- The proposal is likely to provide office accommodation for up to 10 staff, including the creation of 3-4 full time jobs.

Relevant Planning History

Year: 2020

Reference: 20/P/0412/FUL

Proposal: Erection of a single storey office build for a temporary period of three years.

Decision: Temporary permission until 23 April 2023 or when the housing site is completed.

Policy Framework

The site is affected by the following constraints:

- Adjoins the settlement boundary
- Adjoins the Green Belt boundary
- Landscape Character Area *E5 Tickenham Ridges and Combes*
- Flood Zone 3a
- In the setting of Clevedon Court, a Grade II Listed Building

The Development Plan

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

The following policies are particularly relevant to this proposal:

CS2	Delivering sustainable design and construction
CS3	Environmental impacts and flood risk management
CS4	Nature Conservation
CS5	Landscape and the historic environment
CS6	North Somerset's Green Belt
CS11	Parking
CS12	Achieving high quality design and place making
CS20	Supporting a successful economy
CS31	Clevedon, Nailsea and Portishead

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

The following policies are particularly relevant to this proposal:

DM1	Flooding and drainage
DM4	Listed Buildings
DM8	Nature Conservation
DM9	Trees
DM10	Landscape
DM12	Development within the Green Belt
DM28	Parking standards
DM32	High quality design and place making
DM47	Delivering a prosperous economy

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

The following policies are particularly relevant to this proposal:

SA4 Business employment development – allocations/safeguarding

Other material policy guidance

National Planning Policy Framework (NPPF) (2021)

The following sections are particularly relevant to this proposal:

- 4 Decision-making
- 6 Building a strong, competitive economy
- 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)

- Residential Design Guide (RDG1) Section 1: Protecting living conditions of neighbours SPD (adopted January 2013)
- Residential Design Guide (RDG2) Section 2: Appearance and character of house extensions and alterations (adopted April 2014)
- North Somerset Parking Standards SPD (adopted November 2013)
- North Somerset Landscape Character Assessment SPD (adopted September 2018)
- Biodiversity and Trees SPD (adopted December 2005)

Consultations

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

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

- The existing building is temporary and should be removed
- The building could be changed to a different use under amended planning legislation without any regulation from the LPA.
- The proposal would result in an increase in traffic and would harm highway safety.
- Inadequate parking
- Loss of privacy

Clevedon Town Council:

"Clevedon Town Council objects to the application being submitted.

The original application - 20/P/0412/FUL stated the temporary erection of the sales office, to be removed within 3 years, with very strict conditions as stipulated by NSC attached. The whole development was designed to be of a prestige nature due to the locality to the Clevedon Court Estate.

The temporary office space needs to be removed and used as additional parking space for residents and visitors."

Other Comments Received:

Avon Gardens Trust: No objection.

Historic England: No comments.

Principal Planning Issues

The principal planning issues in this case are (1) principle of development, (2) historic environment, character and appearance, (3) neighbour impacts, (4) highway safety and parking, (5) green belt, and (6) flood risk.

Issue 1: Principle of development

The proposed site adjoins the settlement boundary of Clevedon and adjoins Tickenham Road, which is one of the town's main roads and consists of a mix of residential and businesses. It is therefore within a sustainable location which forms part of the north east edge of the town.

The proposal seeks to create an office premises to be used by the applicant. The applicants' existing premises are based in Bristol and they are seeking to create a local office in Clevedon. The applicant has advised that around 5-6 staff are expected to use the office and that they will be seeking to recruit 3-4 further full-time positions from the local area. The proposal would therefore result in 8 to 10 permanent jobs being created in Clevedon. This would reduce out-commuting for jobs in Bristol. The creation of further jobs would also provide more opportunity for employment in the local area, which will benefit the local economy.

Policy DM47 is considered relevant to the proposal. Policy DM47 in the Sites and Policies Plan (Part 1) supports proposals for economic development provided they do not adversely harm the character of the area; adversely harm adjoining neighbours; does not result in detrimental harm to highway safety; the development encourages sustainable travel; and the proposal makes efficient use of its location. These criteria are assessed in more detail below.

There were concerns raised that the planning permission 20/P/0412/FUL was for a temporary building rather than a permanent structure. This was a temporary permission because the building was only going to be used as a sales building for the new houses being built on the adjoining site. However, the existing building can be physically retained permanently. Although the existing permission is only for temporary use we have to consider this application on its individual planning merits and the proposed development for economic proposals is supported in principle by planning policies.

There were also concerns raised that the revision of use classes would prevent the regulating of any future use of the building. However, a condition could be attached which restricts alternative use of the premises.

Policies CS20 in the Core Strategy and DM47 in the Sites and Policies Plan (Part 1) support proposals for economic development within Clevedon. The proposal would be within a sustainable location, would be easily accessible and would be compatible with

surrounding development. The proposal is therefore in accordance with policy CS20 and DM47.

Issue 2: Historic environment, character, and appearance

The proposal falls within the setting of Clevedon Court - a Grade II Listed Building. The proposed plans seek to amend the existing temporary building to create a design that is more sympathetic to the historic surroundings. The natural stone wall and landscaping would somewhat screen the proposal and the proposed size and scale of the building would appear subservient to the new housing development which forms part of Court Farm. Historic England and the Avon Garden's Trust also do not object to the proposal.

The proposal would not unacceptably harm the character of the existing site or the character of its surroundings. The proposal is therefore in accordance with policy CS5 and CS12 of the North Somerset Core Strategy, policy DM4 and DM32 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 3: Neighbour impacts

There were concerns the proposal would result in a loss of privacy. However, the proposed site is at lower ground level to the adjoining houses. The existing dwellings have boundary treatments which are likely to prevent any unacceptable overlooking. The frontage of the adjoining houses is visible from public viewpoints and so it is unlikely the proposal would result in an unacceptable loss of privacy. The proposed windows would be angled away from directly overlooking the existing dwelling. Furthermore, the height differences between ground levels would prevent any unacceptable loss of privacy.

The proposed use for offices is not incompatible with the adjoining houses. In terms of noise disturbance, the proposed use is unlikely to generate more noise than Tickenham Road. Furthermore, the premises would only be used during business hours and so would be unlikely to result in disturbance during unsociable hours.

The proposed development would not result in a significant adverse impact upon the living conditions of neighbouring residents. In this respect, the proposal complies with policies policy CS3 of the Core Strategy and DM32 of the Sites and Policies Plan (Part 1).

Issue 4: Highway safety and parking

Access

The proposed office is accessed via an existing upgraded access (granted planning permission 17/P/2435/O) off All Saints Lane. There are no changes proposed for the access.

The proposed development is likely to lead to a small increase in trip generation from its extant use. This is unlikely to result in a significant impact on local traffic volumes and will not be of detriment to local highway conditions. All Saints Lane is used by children to access schools and there is a narrow footpath adjacent to the access. Both motorists and pedestrians who use this lane on a regular basis will be aware of the highway conditions at

this point. Considering the above, it is unlikely that a small increase in trip generation in this location will be detrimental to highway safety.

Cycle parking

Local cycle parking standards are set out in the North Somerset Parking Standards SPD and outline the minimum required number of cycle parking spaces for non-residential B1 development, specifying 1 cycle parking space per 6 staff (minimum 4 spaces) or 1 space per 100sqm of space (whichever is greater). Furthermore, Policy DM28 of the Sites and Policies Plan states that development proposals should meet the council's standards for the parking of bicycles.

Plans show 10 covered cycle spaces which meets the required standard and is acceptable.

Car parking

Local car parking standards are set out in the North Somerset Parking Standards SPD and outline the minimum required number of car parking spaces for non-residential B1 development, specifying 1 car parking space per 30 sqm of space. Furthermore, Policy CS11 of the Core Strategy states that adequate parking must be provided and managed to meet the needs of anticipated users (residents, workers and visitors) in usable spaces. This development requires 4 parking spaces.

Plans show 5 parking spaces within the car park (1 of which is a disabled bay). The car parking spaces will be repositioned to accommodate the office extension. All spaces meet the Council's required dimensions and therefore meet the parking standard. The two corner spaces in the bottom left of the car park may involve slightly more manoeuvring to access/egress the spaces but are still accessible.

There were also concerns raised by neighbours that the use of car parking spaces for business use would remove parking for nearby residents. However, the new housing at Court Farm complies with the Council's parking standards in their own right. Therefore, the use of some parking spaces for the business premises is unlikely to generate on street parking to an extent it would be detrimental to highway safety.

On-site parking provision is adequate and complies with the standards set out in the North Somerset Parking Standards SPD. The proposal is therefore in accordance with policies DM24, DM28 and DM47 of the Sites and Policies Plan (Part 1).

Issue 5: Green Belt

The proposed site adjoins Green Belt land. However, the existing site is within Clevedon and is already developed. The proposal would not therefore cause unacceptable harm to the openness of the Green Belt. The proposal does not constitute inappropriate development in the Green Belt and is in accordance with policy DM12 of the Sites and Policies Plan (Part 1) and section 13 of the NPPF.

Issue 6: Flood risk

The site is within a flood zone. As the proposal seeks to extend and alter an existing building, it is therefore unlikely to increase the risk of flooding. In this respect, the proposal

is in accordance with policy CS3 of the North Somerset Core Strategy, policy DM1 of the Sites and Policies Plan (Part 1) and section 14 of the NPPF.

Conclusion

Policy CS20 in the Core Strategy and policy DM47 in the Sites and Policies Plan (Part 1) support proposals for employment development provided they do not result in unacceptable harm. The proposals would not result in adverse harm to the character of the area, adjoining neighbours, highway safety, the openness of the Green Belt or increase flood risk. In the absence of unacceptable harm, the proposal is considered sustainable development which would provide employment opportunities and should be approved.

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

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

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

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

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

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any Orders revoking and re-enacting those Orders, with or without modification), the premises shall only be used for class E(g)(i) office use and for no other purpose.

Reason: The Local Planning Authority wishes to retain control over the use of the premises in the interests of preserving employment used in Clevedon and in accordance with policy CS31 of the North Somerset Core Strategy and policy SA4 of the North Somerset Sites and Policies Plan (Part 2).

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 or external alterations to the building shall be carried out other than those expressly authorised by this permission.

Reason: The Local Planning Authority wish to retain control over extensions in order to maintain the integrity and appearance of this development and the living conditions of neighbouring residents and in accordance with policy CS12 of the North Somerset Core Strategy, policies DM32 and DM47 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).

5. The office use hereby permitted shall not take place outside the hours of 0800 hours to 1800 hours Mondays to Saturdays and 1000 hours to 1600 hours on Sundays, Bank and Public Holidays, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In order to minimise noise nuisance in the interests of nearby occupants and in accordance with policy CS3 of the North Somerset Core Strategy.

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

- (a) the parking of vehicles of site operatives and visitors
- (b) loading and unloading of plant and materials
- (c) storage of plant and materials used in constructing the development
- (d) measures to keep access roads clear of vehicles
- (e) routing restrictions

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

7. The office building hereby permitted shall not be brought into use until a parking area for 5 vehicles, including 1 disabled bay, has been provided in accordance with the approved plans and specifications. The approved parking area shall be properly consolidated and surfaced and the parking spaces marked out before the building is occupied/the use commences and thereafter it shall not be used except for the parking of vehicles in connection with the development hereby permitted.

Reason: In order to ensure that adequate parking provision is made in the interests of preserving highway safety and in accordance with policies CS10 and CS11 of the North Somerset Core Strategy, policies DM24 and DM28 of the North Somerset Sites and Policies Plan (Part 1) and the North Somerset Parking Standards SPD.

8. The use hereby permitted shall not be commenced until secure parking facilities for bicycles have been provided in accordance with the approved plans and specifications. The approved facilities shall thereafter be permanently retained and kept available for the parking of bicycles at all times.

Reason: To ensure that secure cycle parking facilities 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, policy DM28 of the North Somerset Sites and Policies Plan (Part 1) and the North Somerset Parking Standards SPD.

9. The office shall not be brought into use until a soft landscape scheme has been submitted to and approved in writing by the Local Planning Authority showing details of all trees, hedgerows and other planting to be retained; finished ground levels; a

planting specification to include numbers, density, size, species and positions of all new trees and shrubs; and a programme of implementation. The landscaping scheme shall be carried out in accordance with the approved details, specifications and programme of implementation. Trees, hedges and plants shown in the landscaping scheme to be retained or planted which, during the development works or a period of ten years following full implementation of the landscaping scheme, are removed without prior written consent from the Local Planning Authority or die, become seriously diseased or are damaged, shall be replaced in the first available planting season with others of such species and size as the Authority may specify.

Reason: To ensure a satisfactory landscaping scheme is implemented and maintained in the interests of the character and biodiversity value of the area, and in accordance with policies CS4, CS5 and CS9 of the North Somerset Core Strategy, policies DM8, DM9, DM10 and DM32 of the North Somerset Sites and Policies Plan (Part 1) and the North Somerset Biodiversity and Trees SPD.

For advice on how to discharge this condition, please refer to www.n-somerset.gov.uk/landscapingconditions

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**PLANNING AND REGULATORY COMMITTEE – 13 OCTOBER 2021
REPORT OF THE DIRECTOR OF PLACE**

A - PLANNING APPEAL DECISIONS

1. Enforcement Notice Number 2017/0490

Site: Land on the east side of Manor Road, Abbots Leigh

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

Recommendation: Enforcement Notice

Appeal Dismissed and notice upheld with variations 27 September 2021

Type of appeal: Public Inquiry

Officer: Chris Nolan

Appellant: Mr & Mrs Johnson

The main issues that were identified by the Planning Inspector were 1) whether or not the development is inappropriate development within the Green Belt for the purposes of the National Planning Policy Framework (the Framework) and development plan policy; 2) the effect of the development on the character and appearance of the area; and 3) if the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

2. Enforcement Notice Number 20/00356/UAW

Site: 1 Kilkenny Place, Portishead, Somerset, BS20 6JD

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

Recommendation: Enforcement Notice

Appeal Dismissed and notice upheld with variations 2021

Type of appeal: Written Representations

Officer: Chris Nolan

Appellant: Kevin Pilgrim And Demolza Pilgrim

The main issue is the effect of the development on the character or appearance of the Portishead West Hill and Welly Bottom Conservation Area.

**PLANNING AND REGULATORY COMMITTEE – 13 OCTOBER 2021
REPORT OF THE DIRECTOR OF PLACE**

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

Site: Old Barton, Chelvey Road, Chelvey, Brockley

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

Recommendation: Refuse

Appeal Dismissed 6 Aug 2021

Type of appeal: Fast Track Appeal

Officer: Ellena Fletcher

Appellant: Mr A Bailey

The main issues that were identified by the Planning Inspector were the effect of the proposed development on 1) the character and appearance of the building and wider area; and 2) the living conditions of the occupiers of Old Field House, with regard to overlooking from the proposed balcony.

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4. 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.

Recommendation: Appeal against non-determination

Appeal Withdrawn 13 Aug 2021

Type of appeal: Written Representation

Officer: Julie Walbridge

Appellant: Mrs Sharon Haskell

**PLANNING AND REGULATORY COMMITTEE – 13 OCTOBER 2021
REPORT OF THE DIRECTOR OF PLACE**

5. Planning Application Number 19/P/3180/FUL

Site: Land to the west of Rowington, Bridgwater Road, Winscombe

Description: Erection of 4 dwellings, associated works including access road, parking, and landscaping

Recommendation: Appeal against non-determination

Appeal Dismissed 31 Aug 2021

Type of appeal: Written Representation

Officer: Simon Exley

Appellant: Crown Developments

The main issues that were identified by the Planning Inspector were 1) the effect of the proposal on biodiversity and likely significant effects on the North Somerset and Mendip Horseshoe Bat SAC; and 2) whether the proposal is in an appropriate location for housing in relation to the settlement strategy for the area including effects on character and appearance.

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

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

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

Recommendation: Refused

Appeal Dismissed 9 Sep 2021

Type of appeal: Written Representation

Officer: Anna Hayes

Appellant: Mr Alan and Christopher Watts

The main issues that were identified by the Planning Inspector were 1) the effect of the development on the character and appearance of the area; 2) the effect of the development on the living conditions of the occupants of Hi Field and the future occupants of the proposed dwelling, with particular regard to noise, disturbance and privacy; and 3) the impact of the development on highway safety.

**PLANNING AND REGULATORY COMMITTEE – 13 OCTOBER 2021
REPORT OF THE DIRECTOR OF PLACE**

7. Planning Application Number 19/P/3076/CQA

Site: Barn 1, Rolstone Manor, West Rolstone Road, Hewish

Description: Prior approval for the change of use of an agricultural building (Sui Generis Use) to 1no. dwelling house (Use class C3) with operational development consisting of replacement of existing clay pantile roof with metal roof; new timber cladding and insertion of windows and doors

Recommendation: Refused

Appeal Allowed 14 Sep 2021

Type of appeal: Written Representation

Officer: Jessica Smith

Appellant: Mr P Jones

The main issues that were identified by the Planning Inspector were 1) whether the proposed development would be granted planning permission by Article 3(1) and Schedule 2, Part 3, Class Q of the GPDO, with particular regard to whether the buildings meet the requirements of paragraph Q.1(a); and 2) whether the location or siting of the buildings make it otherwise impractical or undesirable for the buildings to change from agricultural use to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order in terms of whether or not the proposal would provide satisfactory living conditions for future occupiers with particular regard to noise and disturbance and health and safety.

8. Planning Application Number 19/P/3074/CQA

Site: Barn 2, Rolstone Manor, West Rolstone Road, Hewish

Description: Prior approval for the change of use of an agricultural building (Sui Generis Use) to 1no. dwelling house (Use class C3) with operational development consisting of new rooflights; new render and timber cladding; insertion of windows and doors and re-roofing of lean to

Recommendation: Refused

Appeal Allowed 14 Sep 2021

Type of appeal: Written Representation

Officer: Jessica Smith

Appellant: Mr P Jones

**PLANNING AND REGULATORY COMMITTEE – 13 OCTOBER 2021
REPORT OF THE DIRECTOR OF PLACE**

The main issues that were identified by the Planning Inspector were 1) whether the proposed development would be granted planning permission by Article 3(1) and Schedule 2, Part 3, Class Q of the GPDO, with particular regard to whether the buildings meet the requirements of paragraph Q.1(a); and 2) whether the location or siting of the buildings make it otherwise impractical or undesirable for the buildings to change from agricultural use to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order in terms of whether or not the proposal would provide satisfactory living conditions for future occupiers with particular regard to noise and disturbance and health and safety.

9. 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

Recommendation: Appeal against non-determination.

Appeal Dismissed 14 Sep 2021

Type of appeal: Written Representation

Officer: Julie Walbridge

Appellant: TR Estates (Bristol) Ltd

The main issue that was identified by the Planning Inspector was whether the disputed condition is necessary to protect the living conditions of the occupiers of Fairview and Little Ridge, with particular regard to outlook and noise; the effect on the character and appearance of the area; and the effect on biodiversity.

Appellants application for costs refused.

**PLANNING AND REGULATORY COMMITTEE – 13 OCTOBER 2021
REPORT OF THE DIRECTOR OF PLACE**

B – PLANNING APPEALS RECEIVED SINCE LAST COMMITTEE

1. Planning Application Number 21/P/0597/FUH

Site: 1 Vian End, Weston-super-Mare

Description: Retrospective application for the erection of a replacement fence to boundary.

Date of Appeal: 7 Sep 2021

Type of appeal: Fast Track Appeal

Case Officer: Chris Nolan

Appellant: Mr Johnson

2. Planning Application Number 20/P/2553/OUT

Site: Land adjacent to Barrowfield Cottage, Front Street, Churchill

Description: Outline application for the erection of five dwellings with all matters reserved for subsequent approval.

Date of Appeal: 7 Sep 2021

Type of appeal: Written Representation

Case Officer: Louise Grover

Appellant: Mr & Mrs B & S Vosper

3. Planning Application Number 20/P/3135/FUL

Site: Land to rear of 8 Albert Road, Portishead

Description: Erection of new dwelling with new vehicular access off Victoria Square.

Date of Appeal: 14 Sep 2021

Type of appeal: Written Representation

Case Officer: Ellena Fletcher

Appellant: Ms Kelly Titcomb

**PLANNING AND REGULATORY COMMITTEE – 13 OCTOBER 2021
REPORT OF THE DIRECTOR OF PLACE**

4. Planning Application Number 20/P/2257/OUT

Site: Land at former Western Trade Centre, Knightcott Road, Banwell

Description: Outline planning permission for erection of 20no. dwellings with access, landscaping, layout and scale for approval with appearance reserved for subsequent approval

Date of Appeal: 14 Sep 2021

Type of appeal: Written Representation

Case Officer: Ursula Fay

Appellant: Bourton Ltd

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: Simon Exley

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, New Council Chamber, Town Hall (this is a rescheduled date)

**PLANNING AND REGULATORY COMMITTEE – 13 OCTOBER 2021
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2. Site: The Old Forge, Bristol Road, Felton, Wroughton

Planning Application Number 20/P/0204/LDE

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

Type of appeal: Public Inquiry – 9 Nov 2021 (2 days), New Council Chambers, Town Hall

Case Officer: Chris Nolan

Appellant: Mr Gregory Wedlake

3. 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

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

**PLANNING AND REGULATORY COMMITTEE – 13 OCTOBER 2021
REPORT OF THE DIRECTOR OF PLACE**

Type of appeal: Public Inquiry – 12 Oct 2021 (2 days), The Royal Hotel, Weston-super-Mare
Case Officer: Chris Nolan
Appellant: Mr J Reed

Summary Performance April 21 – March 22

Appeals received 15
Appeals decided 23
Appeals dismissed 19
Percentage dismissed of appeals decided 82.6%

Appeals Allowed April 21 – March 22

Delegated Decision 4
Committee Decision None

Costs awarded against the Council

Delegated Decision: none
Committee decision: none
Total: none

Costs awarded to the Council

Delegated Decision: 1 (partial)

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North Somerset Council

REPORT TO THE PLANNING & REGULATORY COMMITTEE

DATE OF MEETING: 13 OCTOBER 2021

SUBJECT OF REPORT: REVISED DELEGATION ARRANGEMENTS FOR PLANNING APPLICATIONS

TOWN OR PARISH: ALL

OFFICER/MEMBER PRESENTING: HEAD OF PLANNING

KEY DECISION: NO

RECOMMENDATIONS

1) That the changes to the Protocol and Code of Practice agreed by the Planning and Regulatory Committee as set out in appendix 3 to this report be made permanent.

1. SUMMARY OF REPORT

The Protocol for Delegating Planning Decisions to officers approved by Planning & Regulatory Committee on 12th April 2017 was temporarily amended by the Committee on 20th May and extended for a further 6 months on 14th October 2020 and again on 17th March 2021 due to operational constraints arising from the Covid-19 pandemic. The effect of the agreed amendments is to suspend and amend the automatic triggers for referral of certain planning applications to committee. Following the Planning Advisory Service (PAS) Peer Review of Planning it is now proposed to make the amended arrangements permanent.

2. POLICY

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

3. DETAILS

Taking into account relevant guidance, the Committee agreed in May and October 2020 and again in March 2021 to amend temporarily the adopted Protocol for delegating planning applications to officers. This was done to remove some of the automatic triggers which result in applications being reported to the committee for decision in order to streamline decision making during the Covid pandemic. Prior to this there was an automatic referral process for certain Councillor, officer and Council applications as well as major applications which are departures from policy. Whilst such referrals are relatively rare, suspension of the

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

In parallel to this, a Peer Review of Planning was carried out by the Planning Advisory Service (PAS) in January 2021. The aim of the Peer Review of Planning was to assess the operation of the Council's Planning service (the Service) focusing on pre application responses and decision making, structure and workforce, member engagement and Planning & Regulatory Committee (P&R Committee) in the context of becoming a more 'enabling' council.

The Review Team made 12 specific recommendations which were agreed by full Council on 19th July following detailed consideration by a member Working Group chaired by the Chair of the Place Policy and Scrutiny Panel. These are now in the process of being implemented as set out in the report to Council.

In this context, PAS recommendation 10 was to "ensure that the P & R Committee focuses on the most strategically important section 1 decisions in order to optimise time to facilitate enabling and growth agenda and address needs to deliver wider community benefits".

Section 1 of the Committee agenda is used to identify the applications with significant policy implications. The definitions of what applications fall within this category were set out in the report to Council on 17th June 2014 when the current Planning and Regulatory Committee arrangements were established. They are attached for noting as appendix 4 to this report.

The Member Working Group supported this recommendation. In doing so it recommended to Council that the revised delegation arrangements introduced during the Covid lockdown be made permanent. The Working Group was also supportive of the P&R Chairman playing a role in officer discussion with members seeking to refer uncontentious small applications to committee. It also recommended that members wanting to call applications in to committee should speak to the Chairman, Vice Chairman and officers first. It considered call into a committee should be an exception.

In accordance with this recommendation, which was agreed by Council, it is therefore proposed that the temporary changes to the delegation arrangements be made permanent. They have been in operation for 18th months without any significant operational issues arising and their permanent adoption would be consistent with the PAS recommendation.

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

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

4. CONSULTATION

The Peer Review heard views from almost 100 stakeholders on a range of planning matters. The Committee arrangements have since been considered by a member Working Group chaired by the Chair of the Place Policy and Scrutiny Panel and by full Council.

5. FINANCIAL IMPLICATIONS

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

6. LEGAL POWERS AND IMPLICATIONS

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

7. CLIMATE CHANGE AND ENVIRONMENTAL IMPLICATIONS

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

8. RISK MANAGEMENT

As set out in the report.

9. EQUALITY IMPLICATIONS

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

10. CORPORATE IMPLICATIONS

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

11. OPTIONS CONSIDERED

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

AUTHOR

Richard Kent Head of Planning

APPENDICES

Appendix 1 The adopted Protocol for Delegating Planning Decisions to Officers
Approved by planning & regulatory committee 12th April 2017.

Appendix 2 Temporary Protocol agreed on 20 May 2020, 14th October 2020 and 17th March 2021 with agreed additions shown in bold text with agreed deleted text crossed through.

Appendix 3 Clean copy of Proposed Protocol

BACKGROUND PAPERS

Scheme of Delegation set out in the Council's Constitution

Reports to Planning and Regulatory Committee

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

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

Planning Advisory Service Peer Review of Planning January 2020

"Response to Peer Review recommendations on Planning" Report to Council 19th July 2021 and associated minutes

APPENDIX 1

THE PRE-COVID PROTOCOL FOR DELEGATING PLANNING DECISIONS TO OFFICERS

APPROVED BY PLANNING & REGULATORY COMMITTEE 12TH APRIL 2017

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

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

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

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

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

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

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

Notes

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

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

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

- Ward Members are notified weekly in writing by e-mail of all planning applications received in their ward.
- The relevant planning officer will update Ward Members on any individual application as requested.
- All letters of support and objection are displayed on the Council's website until the application has been determined.
- The Case Officer will, by appointment, be available to discuss any current planning application with the relevant Ward Member(s). Members are encouraged to discuss applications with the Case Officer or Service Manager before requesting that an application be referred to the Planning and Regulatory Committee.
- Members may request that any application is referred to the Planning and Regulatory Committee so long as the application site is within the Ward they represent, or the application is in an adjoining Ward and significantly affects the Ward they represent. The request must be made in writing providing reasons for requesting the referral and be received before the Director of Development and Environment's authorised representative has countersigned the case officer's written recommendation.
- The Member's request must be made in writing by letter or e-mail **and sent** to the case officer, Service Manager and team email address dadminrequest@n-somerset.gov.uk
- Members may qualify their request so that the application need only be referred to the Planning and Regulatory Committee if the officer's recommendation is contrary to the Member's view.
- If the application involves an enforcement issue, it will be treated no differently from other planning applications.

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

APPENDIX 2

THE TEMPORARY PROTOCOL FOR DELEGATING PLANNING DECISIONS TO OFFICERS

**Previously Approved By The Planning and Regulatory Committee on 20 May 2020, 14
October 2020 and 17 March 2021**

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

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

- Any application within a Councillor's ward which that Ward Councillor requests be decided by Committee in accordance with the code of practice
- Any application which may have significant impact within a Ward, other than the Ward in which the application is sited, if the Ward councillor for the ward significantly impacted by the development refers the application to the committee in accordance with the code of practice.
- ~~Applications submitted by or on behalf of the Chief Executive, a Director, Assistant Director of any Directorate (or equivalent); or a Head of Service in Development and Environment other than applications (a) made on behalf of the Council or (b) applications for the enlargement, improvement or other alteration of a dwelling house where no objections have been received.~~
- ~~Applications submitted by or on behalf of any elected member of North Somerset Council other than applications for the enlargement, improvement or other alteration of a dwelling house where no objections have been received.~~
- ~~Applications (other than applications for the enlargement, improvement or other alteration of a dwelling house where no objections have been received) submitted by or on behalf of any member of staff who works in either the Development Management Group or who has advised the Development Management Group on planning applications within the 12 months preceding the application~~
- Applications (other than applications for Lawful Development Certificates) submitted by or on behalf of North Somerset Council or on land owned or part owned by the Council **where that application is either more than 1000sq.m in floor area or site area; or where the total number of residential units proposed is 10 or more; or where 40 50 or more letters* raising material planning comments have been received where those comments are contrary to the officer's recommendation; or where a single letter signed by 40 50 or more signatories from different addresses in North Somerset raising material planning comments has been received and those comments are contrary to the officer's recommendation.**
- ~~Any application for major development* where it is recommended that permission be granted contrary to the development plan.~~

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

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

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

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

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

- ~~(a) the winning and working of minerals or the use of land for mineral-working deposits;~~
- ~~(b) waste development;~~
- ~~(c) the provision of dwellinghouses where—~~

- ~~(i) the number of dwellinghouses to be provided is 10 or more; or~~
- ~~(ii) the development is to be carried out on a site having an area of 0.5 hectares or more and it is not known whether the development falls within sub-paragraph (c)(i);~~

- ~~(d) the provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more; or~~

- ~~(e) development carried out on a site having an area of 1 hectare or more;~~

Notes

- ~~1 For the avoidance of doubt, any application for major development where it is recommended that permission be granted contrary to the development plan will be referred to the Planning and Regulatory Committee for decision regardless of the status or nature of the applicant.~~

- 2 Applications submitted by the spouse or partner of a Councillor or staff member to whom the protocol applies will be treated as if they had been made by the Councillor or staff member personally.
- 3 Should there, in any individual case, be a doubt over the interpretation or transparency of these arrangements, the Head of ~~Development Management~~ **Planning** or the relevant Service Manager in the Development Management Group (in consultation with the Chairman of the Planning and Regulatory Committee if appropriate) will decide whether the application ought to be referred to the Committee for decision.
- 4 In the event that a Ward Member is unavailable due to long term illness or the seat on the Council becomes vacant the relevant Party Group Leader may authorise another Councillor to exercise the absent Ward Member's powers to request applications be decided by Committee as set out in the Protocol for the period of their absence.
- 5 Applications where the decision would conflict with an objection received from Historic England, Natural England, the Environment Agency or Highways England will normally be notified by the case officer to the relevant Ward Member before a decision is made to enable the member to decide whether to refer the application to the Committee for decision.
- 6 The powers delegated to the Director are exercised on a day to day basis by the front line managers responsible for the running of the service. These are the Head of Development Management, the Service Managers in the Development Management Group and their nominated deputies.

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- The Case Officer will, by appointment, be available to discuss any current planning application with the relevant Ward Member(s). Members are encouraged to discuss applications with the Case Officer or Service Manager before requesting that an application be referred to the Planning and Regulatory Committee.
- Members may request that any application is referred to the Planning and Regulatory Committee so long as the application site is within the Ward they represent or the application is in an adjoining Ward and significantly affects the Ward they represent. The request must be made in writing providing reasons for requesting the referral and be received before the Director of Development and Environment's authorised representative has countersigned the case officer's written recommendation.
- **Members are requested to limit the call in of minor applications to committee only to cases where they consider it is absolutely essential in the public interest for the decision to be made in public**

- The Member's request must be made in writing by letter or e-mail and sent to the case officer, Service Manager and team email address dadminrequest@n-somerset.gov.uk
- Members may qualify their request so that the application need only be referred to the Planning and Regulatory Committee if the officer's recommendation is contrary to the Member's view.
- If the application involves an enforcement issue, it will be treated no differently from other planning applications.
- Enforcement cases may only be referred to a Committee by the Chairman of the Planning and Regulatory Committee, the Head of Development Management or the Delivery and Enforcement Service Manager.
- All decisions made under delegated powers are circulated monthly to councillors.

APPENDIX 3

THE PROTOCOL FOR DELEGATING PLANNING DECISIONS TO OFFICERS

CLEAN COPY INCORPORATING PROPOSED CHANGES**

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

- Any application within a Councillor's ward which that Ward Councillor requests be decided by Committee in accordance with the code of practice
- Any application which may have significant impact within a Ward, other than the Ward in which the application is sited, if the Ward councillor for the ward significantly impacted by the development refers the application to the committee in accordance with the code of practice.
- Applications (other than applications for Lawful Development Certificates) submitted by or on behalf of North Somerset Council or on land owned or part owned by the Council where 50 or more letters* raising material planning comments have been received where those comments are contrary to the officer's recommendation; or where a single letter signed by 50 or more signatories from different addresses in North Somerset raising material planning comments has been received and those comments are contrary to the officer's recommendation.
- Any application which the Director of Place or the Chairman and Vice Chairman of the Committee consider should be decided by Committee.
- Applications where the Planning and Regulatory Committee has resolved to grant planning permission subject to the applicant entering into a planning obligation (such as a S106 legal agreement) and where the required obligation is not completed either:
 - e) within 24 weeks (168 days) of the date when the application was first received as a valid application; or
 - f) before ten working days prior to any extended target date previously agreed in writing by the applicant

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

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

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

- 1 Applications submitted by the spouse or partner of a Councillor or staff member to whom the protocol applies will be treated as if they had been made by the Councillor or staff member personally.
- 2 Should there, in any individual case, be a doubt over the interpretation or transparency of these arrangements, the Head of Planning or the relevant Service Manager in the Planning service (in consultation with the Chairman of the Planning and Regulatory Committee if appropriate) will decide whether the application ought to be referred to the Committee for decision.
- 3 In the event that a Ward Member is unavailable due to long term illness or the seat on the Council becomes vacant the relevant Party Group Leader may authorise another Councillor to exercise the absent Ward Member’s powers to request applications be decided by Committee as set out in the Protocol for the period of their absence.
- 4 Applications where the decision would conflict with an objection received from Historic England, Natural England, the Environment Agency or Highways England will normally be notified by the case officer to the relevant Ward Member before a decision is made to enable the member to decide whether to refer the application to the Committee for decision.
- 5 The powers delegated to the Director are exercised on a day to day basis by the front line managers responsible for the running of the service. These are the Head of Planning, the Service Managers in the Planning service and their nominated deputies.

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- Ward Members are notified weekly in writing by e-mail of all planning applications received in their ward.
- The relevant planning officer will update Ward Members on any individual application as requested.
- All letters of support and objection are displayed on the Council’s website until the application has been determined.
- The Case Officer will, by appointment, be available to discuss any current planning application with the relevant Ward Member(s). Members are encouraged to discuss applications with the Case Officer or Service Manager before requesting that an application be referred to the Planning and Regulatory Committee.
- Members may request that any application is referred to the Planning and Regulatory Committee so long as the application site is within the Ward they represent, or the application is in an adjoining Ward and significantly affects the Ward they represent. The request must be made in writing providing reasons for requesting the referral and be received before the Director of Place’s authorised representative has countersigned the case officer’s written recommendation.

- Members are requested to limit the call in of minor applications to committee only to cases where they consider it is absolutely essential in the public interest for the decision to be made in public
- The Member's request must be made in writing by letter or e-mail and sent to the case officer, Service Manager and team email address dadminrequest@n-somerset.gov.uk
- Members may qualify their request so that the application need only be referred to the Planning and Regulatory Committee if the officer's recommendation is contrary to the Member's view.
- If the application involves an enforcement issue, it will be treated no differently from other planning applications.
- Enforcement cases may only be referred to a Committee by the Chairman of the Planning and Regulatory Committee, the Head of Planning or the Delivery and Enforcement Service Manager.
- All decisions made under delegated powers are circulated monthly to councillors.

** Officer job titles updated since March report.

APPENDIX 4

Section 1 definitions

Section 1 of the Committee agenda is used to identify the applications with significant policy implications.

The following definitions were set out in the report to Council on 17th June 2014 when the current Planning and Regulatory Committee arrangements were established

Section 1 applications	Rationale
All "Major" applications (which are not reserved matter applications)	"Major applications" are nationally defined and generally will have significant policy implications. Reserved matter applications as a rule will not have significant policy implications as the principle is established at the outline stage.
All Applications in the Green Belt other than house extensions, replacement dwellings or barn conversions	Green Belt is a national policy designation where inappropriate development should be permitted except in very special circumstances. Decisions to approve, other than small scale developments, are likely to have significant policy implications.
All Applications in the AONB other than house extensions, replacement dwellings or barn conversions	AONBs are a national policy designation where tight controls need to be applied. Decisions to approve, other than small scale developments, may have significant policy implications.
All applications where a refusal contrary to officer recommendation may expose the Council to an award of costs or judicial review	Costs may be awarded or judicial review threatened where the council does not follow formal policies or procedures. National planning policy on the award of costs is set out in the National Planning Policy Guidance 2014*. For example, costs would be awarded if the council refuses an application which accords with material policies or proposals in the development plan, and the Council is unable to show that there are any other material considerations supporting such a refusal. Similarly, local opposition to a proposal is not, by itself, a reasonable ground for the refusal of a planning application, unless that opposition is founded on valid planning reasons which are supported by substantial evidence. A decision based solely on local opposition might expose the council to a risk of costs should an appeal be granted

All applications where there has been a recent and relevant appeal decision or case law which gives clear guidance on the policy approach to be taken in a given case.	Planning policies are tested through the appeal and judicial process and the approach inspector's and the courts take to the interpretation of a policy should carry significant weight in future decisions. There can be significant policy implications arising from a decision to disregard such decisions.
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* Superseded by the National Planning Policy Framework (NPPF) and National Planning Policy Guidance (PPG)

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