

# Public Document Pack

**Contact:** Sue Efford  
**Direct Dial:** 01275 884244  
**E-mail:** Sue.efford@n-somerset.gov.uk  
**Date:** Tuesday, 9 November 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, 17 November 2021, 2.30 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)**

**Please note** that following changes to SO17A, public speaking about applications for planning permission will be at the start of relevant agenda items rather than at the start of the meeting. Time limits and notification deadlines remain unchanged, as set out below.

To receive and hear any person who wishes to address the Committee. The 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 of the meeting held on 13 October 2021 (Agenda Item 4) (Pages 5 - 8)**

13 October 2021 to approve as a correct record (attached)

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

**6. Planning Application No 20/P/1673/FUL Reconfiguration and two storey extension to existing retail unit to include a gym (D2) and additional ground floor retail space to create two units; and erection of a food retail unit (A3/A5) and 39no. senior living apartments (C3); reconfiguration of car park, public realm and landscaping works, B and M Bargains Ltd, The Triangle, Clevedon, BS21 6HX (Agenda item 6) (Pages 9 - 50)**

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

**7. Quarter 2 Performance Report (Agenda item 7) (Pages 51 - 56)**

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

**8. Planning Appeals 17 11 21 (Agenda item 8) (Pages 57 - 60)**

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 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, 13 October 2021

New Council Chamber - Town Hall

Meeting Commenced: 6.00 pm

Meeting Concluded: 7.03 pm

### Councillors:

James Tonkin (Chairman)

John Crockford-Hawley (Vice-Chairman)

Peter Bryant

Caroline Cherry

Peter Crew

Steve Hogg

Phil Neve

Robert Payne

Mike Solomon

Richard Tucker

Richard Westwood

**Absent:** Councillors Ann Harley and Timothy Snaden.

**Also in attendance:** Councillor David Shopland

**Officers in attendance:** Hazel Brinton (Democratic and Electoral Services Officer, Corporate Services), Simon Exley (Applications and Consents Service Manager, Place Directorate), Richard Kent (Head of Planning, Place Directorate), and James Wigmore (Lead Transport Planner).

### **PAR 24 Public speaking at planning committees (Standing Order 17 & 17A) (Agenda Item 1)**

At the invitation of the Chairman, Jack Ellis, agent for the applicant, addressed the Committee speaking in support of the application 21/P/1521/FUL, Court Farm, Clevedon.

### **PAR 25 Public speaking at planning committees (Standing Order 17 & 17A) (Agenda Item 1)**

At the invitation of the Chairman, local resident, Ann Pratten, spoke against the application 21/P/1521/FUL, Court Farm, Clevedon.

**PAR 26 Declaration of Disclosable Pecuniary Interest (Standing Order 37) (Agenda Item 3)**

None.

**PAR 27 Minutes 18 August 2021 (Agenda Item 4)**

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

**PAR 28 Revised Delegation arrangements for planning applications (Agenda Item 8)**

With the agreement of the Chairman, Agenda Item 8 was brought forward.

The Director of Place Directorate's representative presented his report on the revised delegation arrangements for planning applications. He noted that the proposed arrangements were the same as those that had been operating for the previous 18 months during the pandemic and were supported by the Planning Advisory Service's Peer Review of Planning. He added that the revisions did not prevent members, the Chairman and Director from calling in applications as they felt necessary.

**Resolved:** that the changes to the Protocol and Code of Practice agreed by the Planning and Regulatory Committee as set out in appendix 3 to the report "Revised Delegation Arrangements for Planning Applications" be made permanent.

**PAR 29 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)**

The Director of the Place Directorate's representative presented the report on the application to members and noted that whilst the application was for the permanent retention of a structure which had been given temporary permission under the original application, this application had to be treated on its own merits.

At the invitation of the Chairman, the ward member, Councillor Shopland, spoke on the application.

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

1. The development hereby permitted shall be begun before the expiry of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the approved plans and documents to be listed on the decision notice.
3. 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.

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.

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.

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

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.

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.

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.

**PAR 30 P&R Appeals 13 October 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 82% of appeals had been dismissed.

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

The Chairman proposed a vote of thanks to the Head of Planning and his team for their work on the Bristol International Airport appeal hearing which had recently concluded.

---

Chairman

---



## SECTION 1 – ITEM 6

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

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

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

**Applicant:** Ever (Cleveland) Ltd

**Target date:** 4.11.2020

**Extended date:**

**Case officer:** Sally Evans

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

**Ward Councillors:** Councillor David Shopland

### **REFERRED BY COUNCILLOR CROSBY**

#### **Summary of recommendation**

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

#### **Background and update**

This application was deferred at the June meeting for a Committee site inspection and for further consideration of the application and issues. The site inspection attended by nine members took place on 15<sup>th</sup> July and viewed the site from Great Western Road, Lower Queens Road and Queen Square.

Officers have further considered the application and issues as requested at the June Committee including meetings with Clevedon members, one of which was attended by the chairman and vice-chairman of the P&R Committee. Officers have also undertaken further investigations and have provided updated information and explanation of various aspects of the application that were of particular interest locally.

The application is therefore being reported back to committee so this further information and explanation can be considered. This has resulted in updated sections in this report and in particular on Planning Issues 1 to 5, 7,10 and 11. A full list of recommended planning conditions has also been included.

## The Site

The application site incorporates the current B&M store, the associated car park, rear service yard and the separate vehicle access and egress from Great Western Road and is located at the western end of the Clevedon Triangle Town Centre. The current B&M store, formerly Morrison's supermarket, is a large two storey height building with a shallow peripheral pitched roof and a 2,250 sqm approximately square footprint. The building abuts the smaller retail stores at its north and forms one side of the buildings enclosing Queens Square. The goods yard lies at the eastern side and the car park to the north and west. The application site is 1.33 ha in area and the boundary extends to the Great Western Road at the south west side; to Melbourne Terrace at the south east; Queens Square as far as the raised planters at the north east; Lower Queens Road and associated properties including the Veterinary surgery car park at the north and north west. There are four mature White Poplar trees and a number of smaller trees including Scots Pine, Ash and Cherry within the site forming a landscaped buffer to Great Western Road. Individual semi mature trees including Cherry and Rowen are located at the north eastern side of the site. The car park is tarmac with interspersed with raised planting beds. At the north west on the opposite side of Great Western Road is the Curzon Cinema (Grade II Listed) and Lidl store. There is a traffic light-controlled crossing in Great Western Way sited between the site access and egress, linking to the pedestrian route near Churchill Avenue to Clevedon Rugby Football Club. The culverted Land Yeo rhyne crosses the site at the north until it becomes above ground at Station Road.

## The Application(including amended details published 18/10/2021)

Full permission is sought to:

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

- Zebra crossing over Great Western Road
- Improved pedestrian crossing facilities at main entrance to site

The application has been amended since originally submitted. The amendments are referred to in the report below as appropriate.

### **Relevant Planning History**

**Year:** 1983

**Reference:** 1838/83

**Proposal:** Erection of a supermarket, twelve two storey shop units with offices at first and second floors, 441 space car parking spaces comprising the main car park and two car parks on the opposite side of Great Western Road, which are unaffected by the current application, and the construction of a primary link road.

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

#### **Comment.**

*The Legal Agreement for this development related to road and infrastructure delivery and did not include specific requirements relating to car parking provision. The consent for 441 parking spaces is split between 3 car parks, the B&M car park currently containing 266 spaces, with the majority of the residue accommodated in two other car parks on the west side of Great Western Road, which were originally provided as part of the planning permission for the development of the supermarket unit and twelve shop units with offices over. The two other car parks are (i) Great Western Road East which is now operated by the Council and provides 100 spaces and (ii) Great Western Road West which provides 44 spaces. The current total provision therefore being 410 spaces. The reduction in car parking facilities resulting from the development under consideration would result in 289 spaces divided between the three car parks.*

**Year:** 1983

**Reference:** LB2779/83

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

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

### **Policy Framework**

The site is affected by the following constraints:

- Inside the settlement boundary for Clevedon, the Clevedon Town Centre and Primary Shopping Area as designated in the adopted Development Management Plan (Part 1.)
- Within Zone C Horseshoe Bats
- Within the Clevedon Conservation Area which has an Article 4 direction relating to existing dwellings.
- TPO trees in the Triangle Centre.
- SFRA Tidal flood zone 3a
- Internal drainage board interest.
- Environment Agency interest – Culverted sealed main river under the site at the north (Land Yeo).

- Listed building (The Curzon) adjacent at the north west corner.
- Access is to the Great Western Way (Class B highway).
- Public Right of Way crossing the site at the current car park exit, following the northern side of the building through the Triangle.
- Sites and policies plan part 1: Development Management Policies specific site town centre and primary shopping area allocation.

## **The Development Plan**

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

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

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

The following policies are particularly relevant to this proposal:

DM1	Flooding and drainage
DM2	Renewable and low carbon energy
DM3	Conservation Areas
DM4	Listed Buildings
DM6	Archaeology
DM7	Non-designated heritage assets
DM8	Nature Conservation
DM9	Trees
DM10	Landscape
DM19	Green infrastructure
DM24	Safety, traffic and provision of infrastructure etc associated with development
DM25	Public rights of way, pedestrian and cycle access
DM26	Travel plans
DM27	Bus accessibility criteria

DM28	Parking standards
DM29	Car parks
DM32	High quality design and place making
DM33	Inclusive access into non-residential buildings and spaces
DM34	Housing type and mix
DM36	Residential densities
DM40	Retirement accommodation and supported independent living for older and vulnerable people
DM42	Accessible and adaptable housing and housing space standards
DM47	Proposals for economic development within towns and defined settlements
DM60	Town centres
DM63	Primary Shopping Areas
DM64	Primary Shopping Frontages
DM65	Development at the retail parks
DM66	The sequential approach for retail development
DM68	Protection of sporting, cultural and community facilities
DM69	Location of sporting, cultural and community facilities
DM70	Development infrastructure
DM71	Development contributions, Community Infrastructure Levy and viability

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

The following policies are particularly relevant to this proposal:

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

**Other material policy guidance**

National Planning Policy Framework (NPPF 2021)

The following sections are particularly relevant to this proposal:

- 1 Introduction
- 2 Achieving Sustainable Development
- 3 Plan-making
- 4 Decision-taking
- 5 Delivering a sufficient supply of homes
- 6 Building a strong, competitive economy
- 7 Ensuring vitality of town centres
- 8 Promoting healthy and safe communities
- 9 Promoting sustainable transport
- 10 Supporting high quality communications
- 11 Making effective use of land
- 12 Achieving well designed places
- 14 Meeting the challenge of climate change, flooding and coastal change
- 15 Conserving and enhancing the natural environment
- 16 Conserving and enhancing the historic environment

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

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

**Consultations**

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

**Third Parties:** 908 letters in total have been received, 434 in response to the initial notification and 429 in response to the second when neighbours were notified of amended plans in February 2021. Since the last report a further 43 letters of objection have been received and 2 of support.

The principal planning points of objection made are as follows:

- Loss of town centre car parking and detrimental impact on health of town centre particularly on market days;
- Current over provision of senior living apartments/retirement homes in Clevedon.
- No demand for a gymnasium nor a café in this location.
- Out of keeping with the character of the area.
- Adverse impacts on local ecology and wildlife..
- Adverse impacts on culverted river and floodplain.
- Need for unrestricted age accommodation suitable for young people.
- Overdevelopment of site, the development is too high and too close to existing properties.
- Poor quality design, retirement flats have insufficient gardens, no high-quality public realm; no overall landscape or public realm masterplanning.
- Increase in traffic, inadequate public transport.
- Impacts on Lower Queens Road parking availability for residents.
- Insufficient existing community facilities.
- Loss of mature trees and adverse impacts on townscape.
- Loss of light, privacy and overlooking to neighbouring properties.
- Loss of town centre retail offer, existing well used and valued B&M shop.
- The town centre needs more quality retail and not residential development.
- Increase in pollution from additional traffic.

- Development should be completed as a whole and not allow the flats to be built with no additional retail or café facilities.
- Increase flood risk to existing properties.
- Likely land contamination from former railway related uses.
- Adverse impacts to historic Curzon and conservation area.
- Requirement and need for additional affordable housing units.
- Insufficient sustainable energy proposals.

15 of the letters supported or made neutral comments about the proposals have been received. The principal planning points made are as follows:

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

### Clevedon Civic Society

Objects for the following reasons:

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

### Clevedon BID (Amenity Group)

Reconfirmed support of this application on condition it includes the landscaping improvements to Queens Square (which must equate to a financial commitment of at least £100k excluding canopy repairs). In summary the BID see the pros outweighing the cons as follows. The principal “pros” include a newly landscaped Queens Square creating a real heart for the town, demolition of the blank ugly B&M elevation onto Queens Square with much improved new buildings; two large retailers plus a gym instead of one retailer; an

enhanced carpark, Great Western Road and 'gateway' for the town; occupiers of the new residential units contributing to long term 'resilience' of the town centre and a possible second phase with family living and/or hotel. The principal "cons" are loss of some car parking spaces and lack of family housing. The BID represents 250 businesses in the town and has concluded this is a major improvement on the current town centre and with reinvented Queens Square in particular and new events expertise in the town has great potential for businesses, residents and visitors."

Officer comment.

*The applicants have submitted a development viability appraisal which is currently being assessed by consultants on behalf of the council. This is reflected in the recommendation below.*

The Trustees of Curzon Clevedon Community Centre for Arts.

Whilst the proposals will affect visual linkage between The Curzon and Queens Square these currently are not particularly attractive or strong. The greatest barrier to the effective linkage of the development site to The Curzon and wider Cultural Quarter is the use and design of Great Western Road. The revised access arrangements and removal of the existing car park exit provides the opportunity to significantly improve pedestrian priority within the highway at this location and create a more effective linkage between the development and The Curzon. This issue has not been acknowledged in the Committee report. The creation of additional living accommodation will enhance the town centre in terms of activity will support town centre businesses including The Curzon. The applicants offer of funding towards the upgrading of Queens Square is welcomed and a material consideration in respect of further strengthening the applications role in improving the vitality and viability of the central area. The BID's representation is supported. The benefits of the proposals to the town centre retail offer and the overall vitality of the town centre as a whole outweigh the dis-benefits and the support for the application is reiterated

Officer comment.

*The applicant has been asked to improve the existing pedestrian/cycle crossing located south of the access to Lidl from an island refuge to a Zebra crossing. Also to improve the landscape design of the southern end of Lower Queens Road, retaining all the trees except from where the new access will be formed and utilising designs and materials which reflect the railway heritage of the area. This is addressed in the recommended conditions below.*

**Clevedon Town Council:**

Initial comments dated 14 Sept 2020:

"Planning Committee Members agreed that improvements are required to the B and M building and car park area. However, Committee members agreed that the planning application should be refused as the proposals are an overdevelopment of the site. The proposed senior living accommodation will remove a large number of the much-needed carparking spaces in the town centre for residents and visitors. With recent developments either those that have been agreed or as with Poets Mews, now built, this comes with an age restriction on those residents moving in. This is creating an age imbalance in the town along which is starting to see an ageing population. Affordable housing to keep the age balance stable and to support younger people looking for homes in Clevedon, is very much needed in the town. The Engine Shed proposal was viewed as another food outlet in the town, whereby Clevedon already has several coffee shops and cafes in the town



centre. The redundant building in the car park could be used for something else to support and encourage more footfall into the town centre. The senior living accommodation proposal will impact on the surrounding area due to loss of light and privacy to neighbouring residents, due to the scale and height of the proposed building. The senior living accommodation is cutting off the Curzon cinema and Clevedon Library with the rest of the town. Amendments to the pathways need to be considered to bring people through the whole town.”

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

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

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

The Council can challenge the planning application on this, as the proposed development does not support this policy. Although there is no evidence, it is anticipated that the development will bring more elderly into the town, rather than existing elderly residents moving into the complex, freeing up homes in the town. Committee members raised again, that the size, height, and visual look of the proposed senior living accommodation is not very attractive and not appropriate for the immediate locality given neighbouring buildings: it would both overpower the small Victorian terraces and being practically the same size as the Curzon Cinema, produce a ‘canyoning effect’. The traffic flow in the area will be affected and concern was raised with access to and from the site. The proposal will decrease the number of car parking spaces available to visitors and residents to the retail outlets and therefore reduce footfall, impacting on local businesses to bring further decline to the town centre.

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

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

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

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

Officer comment/clarification.

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

Additional comments dated 3<sup>rd</sup> November 2021 following the submission of amended plans:

"The amended plans received have very small writing and is difficult to read. Concerns were raised with the proposed alterations to the existing island refuge to become a zebra crossing is hazardous due to being on a bend and the Committee agreed is an accident waiting to happen.

The Committee are opposed to the car park design and the loss of a vast amount of car parking spaces to the proposed flats design. Access to Lower Queens Road will worsen due to the increase in traffic in/out of the road with the proposed access route to the flats being via this route, which is currently.

Also the removal of the existing taxi rank, will have an impact to the residents in Lower Queens Road. There are already a reduced number of car parking spaces currently available to the existing residents in Lower Queens Road and removal of the taxi rank, coupled with the proposed new entrance to the flats will accumulate to an increase of traffic flow in this road.

Officer response.

*The highways safety implications at Lower Queens Road and Great Western Road arising from the amended plans have been assessed and are acceptable. Visibility approaching the upgraded pedestrian crossing in Great Western Road has been assessed and is acceptable. At Lower Queens Road the two existing taxi bays are not being lost. They are to be replaced by one new bay at the opposite side of the road which is considered sufficient. Comments from neighbouring households are being assessed and the final placing of the bay will be subject to their requirements.*

**Other Comments Received:**

Environment Agency

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

On the original plan, EA had no objection in principle provided the sequential test requirements as set out in the NPPF are addressed and conditions are attached requiring that the later living building floor levels are as high as practical; a permanent safe refuge is provided on an upper floor accessible using a staircase which is sufficiently large to accommodate those within the units, with lighting and electricity, and a flood warning and evacuation plan is submitted and approved. Due to the close proximity of the development to a main river (Land Yeo rhyne) an Environmental Permit may be required for the development from the Agency and the applicant has been advised to contact the Agency to discuss this.

Historic England (HE)

*(Comments on amended plans received in August)*

HE refer to their previous comments highlighting a gap in the townscape created by the existing development, expanding on this by stating that the existing supermarket buildings and large expanse of car parking fail to respond to the grain, character, and appearance of the Clevedon Conservation Area. HE again acknowledges that the proposed alterations would bring about some modest improvements but that certain aspects of the design would benefit from further revision in response to the surrounding historic context.

While welcoming any attempt to better animate this building's facades, it regrets that the opportunity has not been taken to improve the design of the proposed elderly persons' accommodation at the West of the site. The building would be set back from the prevailing building line of Lower Queen's Road, behind an area of car parking. The opportunity to reinforce the intimate and attractive townscape of Lower Queen's Road is missed.

HE refer to paragraph 206 of the NPPF which advises that "Local planning authorities should look for opportunities for new development within Conservation Areas... to enhance or better reveal their significance" but is not convinced that the proposals conform with this policy. It recommends that in determining the application the Council should bear in mind its statutory duty of section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas. It advises seeking amendments, safeguards or further information.

In its original comments HE observed that Lower Queen's Road tapers out into an ill-defined area of turning heads, service yards, and car parking and suggests that the position of the proposed retirement housing could be adjusted to provide a street frontage to Lower Queen's Road, drawing the viewer towards the newly animated façade of the supermarket retail units. It also remarked that there is an opportunity to link Queen's Square with Lower Queen's Road. It supported the idea of the proposed "engine shed" coffee shop, but the reference to the site's past could be strengthened with some contextual hard landscaping to reference the historic linear grain of the former railway alignment.

*Officer comment: The applicant has been approached about improving the linkages between the site and Queens Square, improving the appearance of the area at the head of Lower Queens Road and celebrating the heritage of the site in a more positive manner. This has been accepted by the applicant and detailed proposals will be required by condition 20.*

Somerset Drainage Board

No comments.

Avon and Somerset Police Crime Reduction Officer

Paragraphs 91, 95 and 127 of the National Planning Policy Framework July 2018 require crime and disorder and fear of crime to be considered in the design stage of a development. Other paragraphs such as 8, 104, 106, 110, 117, and 127 also require the creation of safe environments within the context of the appropriate section. The amended plans in part address concerns, particularly with lack of defensible spaces issues remain relating to natural surveillance and secure boundaries.

Avon Fire and Rescue

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

**Principal Planning Issues**

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

**Issue 1: Principle of development.**

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

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

- *Make a positive contribution to the centre’s identity and heritage.*
- *Increase job, education and training opportunities.*
- *Enhance the mix or quality of uses at the centre.*

- *Create additional community benefits and activities.*
- *Increase the activity and footfall in the centre, including supporting the evening economy.*
- *Secure the redevelopment or improvement of buildings, features or areas which detract from the quality or appearance of the centre.*
- *Enhance the built environment and public realm.*
- *Do not adversely impact on the role and function of the centre.*
- *Do not prejudice the delivery of proposed redevelopment schemes.*
- *Retain or increase the amount and quality of public car parking spaces available”*

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

It should be noted that the application is for residential dwellings falling within Use Class C3 and these should be regarded in the same way as other forms of housing development as contributing to the supply of housing in North Somerset.

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

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

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

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

#### Town centre commercial uses.

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

applicants also propose to make a financial contribution to the Council to pay for enhancements of the public realm at Queens Square (Council owned land), This is addressed below.

Concern has been raised that the loss of car parking within the centre will result in damage to the viability and vitality of the centre, and the car park is essential as it is regularly fully occupied on market days in Queens Square and on Saturdays. It should be noted however, that the proposals are likely to result in the demand for use of the car park being spread out such that the car park which is currently under-used in evenings and possibly Sundays may increase with the proposed improvements to leisure facilities.

Officers have considered the potential for a future phase of town centre redevelopment e.g. involving additional residential development or other uses such as an hotel. In this case the Council has no published plans for a future development on the town centre. Although it is possible that a wider scheme involving wholesale demolition would realise a more flexible 'blank canvas', the layout, access and design of the current proposal is not considered to be prejudicial to securing a suitable development scheme on the remainder of the centre. Thus, although the aspirations expressed in some of the representations received are considered to embody sound principles it is nevertheless difficult to point to harm arising from the current application which must be determined on the basis of the current development plan. Notwithstanding this, the Two Towns project involving Design West, North Somerset Council, Clevedon BID, the Town Council and other stakeholders offers an appropriate way in which this can be taken forward positively within a wider framework. The applicant's public commitments to carry out improvements to its own holdings in the centre is seen as an opportunity to strengthen this partnership that could be an effective agency to achieve change, regeneration, and place-making aspirations.

### Apartments (Class C3).

The Council cannot 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, the policies which are most important for determining the application are deemed to be out of date and the application should be considered favourably unless the proposal conflicts with specified NPPF policies or the adverse impacts would significantly and demonstrably outweigh the benefits (NPPF paragraph 11).

The proposals are for 39 senior living apartments where the main occupier is restricted to be aged 60+ and a partner to be aged 55+. There is no care to be provided and the accommodation therefore constitute "conventional" dwellings falling within Use Class C3 (dwellinghouses). Development Management plan policy DM40 states that the Council will support retirement accommodation provided that it is within the settlement boundary, within easy reach of shops, public transport, community facilities and medical services without access to a car and an appropriate standard of facilities are provided. The site is within the Town Centre and complies with these requirements.

The justification for the policy advises that it is likely that demand will increase for a range of types of housing aimed at providing independent living for older people and that the Council will support this, including accommodation aimed at the active 65+ age group. This type of housing provides opportunities for people to downsize and for family houses

to become available, although planning practice does not permit this to be restricted to the local area or town.

The applicant has provided additional supporting information concerning the increase in national investment in seniors housing and the projected increase in the 65+ age group in the UK (22% over the next 30 years, to 15.1 million over 65's). This is also reflected in a large recent award of funds to Homes England for this purpose as well. This information draws attention to the need for a step change in new delivery if the imbalance between need and supply is to be addressed. The applicant has also drawn attention to the social, economic, and environmental benefits they consider the scheme offers in this context, aside from generating more return to facilitate the retail and leisure development. These include increased spend in Clevedon; job creation in property maintenance, management and care and in retail establishments; health and social benefits to occupants; freeing up family housing; contribution to charitable and volunteering activity locally; enabling residents to move closer to families who live locally and can provide care; lower energy use from purpose built senior living schemes and due to its location, likely lower car ownership and usage.

There has been criticism that the proposal will attract more elderly people into Clevedon thereby causing a future imbalance in the age structure in the town with possible implications for the future viability of schools and the pressure on support services.

Officers have sought information to clarify whether this is the case. The most recent Census data is 2011. Given there have been no significant developments in the town since this base date it is regarded as reliable data and comparisons have been undertaken using parish level data. Areas compared were Clevedon, Nailsea, Portishead and Weston and North Somerset as a whole.

The headline conclusions of this are as that:

- The proportion of residents aged 65+ in Clevedon at 22.4% is slightly lower than in Nailsea (23.4%), higher than in Portishead (19.2%) and Weston-super-Mare (20.1%), and not significantly different to the district average (21.1%).
- Household sizes don't vary significantly between the comparators, with no abnormally high proportions of 1 or 2-person households.
- Clevedon has similar proportions of houses and flats as Portishead and the district as a whole. Nailsea has more houses, Weston has more flats.
- Clevedon does have a higher proportion of residents living in communal establishments, although this is still a relatively low figure at 2.5% of the total population.
- Clevedon is not statistically significantly different to the other towns or the district average in terms of the number of households where the only, or all, residents are aged 65+.
- 67% of households in Clevedon contain dependent children. This is higher than Weston, lower than Nailsea and Portishead, but similar to the district average.
- The proportion of residents who are retired is slightly lower in Clevedon than across the district as a whole and similar to the other towns with the exception of Nailsea where this figure is 4% higher. There are no marked differences in the health of the population between the settlements and the district as whole, which might be expected to show if there is a disproportionate number of elderly.

- Clevedon has similar proportions of people who have long-term limiting illnesses to the district average.
- Since the 2011 Census 325 dwellings have been completed, all of which are general housing (class C3.)

In terms of further updates, the earliest publication of the most recent Census findings (2021) is scheduled for March 2022 and for *all census data outputs*, March 2023.

Officers however have considered population estimates published through the Council's Business Intelligence Unit for the years 2012-2020:

Recognising that the figures provided by ONS are estimates rather than actual figures, conclusions based on the estimates do not have the same weight as full Census material the estimates suggest:

- The 65 years + age group in Clevedon has risen from 22.9% of the population of the following wards( Clevedon East, South, Walton, West and Yeo), between 2012 and 2020 to 26.42%. This compares with North Somerset as a whole where it also rose, from 21.91% to 24.12%. (having fallen in 2019)
- The 54-64 year age group in Clevedon has risen slightly, from 15.03% to 15.72% over the same period. For NS this rose from 14.34% to 14.78%
- 16-53s have fallen from 45.53% to 41.31%. NS figures are 45.65% down to 42.95%.
- 0-15 year age group has remained almost the same, as is the case in NS as a whole.

It should be noted that these conclusions are based on the wards set out in Appendix 1 to this report. Based on these estimates, the population growth seen in Clevedon between 2016 and 2020 of the 65 years and over age group is more than the average growth seen across the whole of North Somerset, though Nailsea shows a larger comparable growth over this period.

As indicated above, since the 2011 Census, 325 dwellings have been completed in Clevedon, but these were all C3 "conventional" dwellings rather than specialist age restricted or elderly person's accommodation. One possible conclusion from this is that any ageing of the population is not in the main a result of increased capacity for suitable accommodation for the elderly and consequential in-migration, but rather the original population ageing within the existing housing stock and which will, in time require suitable smaller dwellings to meet their future needs and to enable them to stay in the area.

The Town Council's comments on the effects of this application are noted. However, the evidence of housing completions in recent years does not support the Town Council's comments. In addition, it is clear that whilst the Town Council advocates challenging the planning application on grounds that the development does not comply with policy CS15, it acknowledges that 'there is no evidence' to support its anticipation that the development will bring more elderly into the town, rather than existing elderly residents moving into the complex, freeing up homes in the town.



Objections on the grounds of need for more family accommodation to support schools in Clevedon have also been assessed by the Council's Education Service Planning and Governance team, which advise that all schools have viable pupil rolls.

Overall, therefore, there is no clear evidence that the proposed development would cause a significant imbalance in population. It is a matter for the forthcoming replacement local plan process to determine whether a different policy approach should be applied.

### Development Viability and Affordable Housing (AH).

Core Strategy policy CS16 requires a minimum of 30% on-site affordable housing provision to meet local needs. The Council's adopted Affordable Housing Supplementary Planning Document makes it clear that the proposed form of housing is subject to these policies and is expected to deliver affordable housing. This equates to 11 units, on site with a tenure split of 77% social rent and 23% shared ownership although the policies allow for this requirement to be subject to viability assessment. In this respect, the applicants do not currently propose to provide any on-site or off-site affordable housing and in line with policy CS16 and the associated Affordable Housing SPD, and Development Management policies DM70 and DM71, have submitted a development viability appraisal with the aim of demonstrating that there is insufficient profit generated by the development to provide this. Paragraph 6.1 of the SPD sets out how the Council will review development costs and projected sales values to determine the level of provision that may be sought from a development and whether inability to deliver is likely to be the result of short-term market conditions that might be expected to change during the duration of a planning permission.

In order to create mixed and balanced communities, affordable housing (AH) should normally be provided on the application site. However, the SPD explains in paragraph 6.2 that in exceptional circumstances where it can be robustly justified, off-site provision or a financial contribution in lieu of on-site provision may be accepted. In such cases, the developer will need to provide sound and detailed reasons why the affordable housing cannot be incorporated into the original site. If such payments are made, they will be held by the council to ensure they are used to enable the provision or improvement of affordable housing in the District. Whilst it is understood that there is often a strong desire for this to be spent within the town or village where the development occurs it is neither normal or possible to make such a limitation and it risks the potential to lose the contribution if it cannot be spent on deliverable site within a reasonable period.

The applicants proposed a contribution of £100,000 for town centre enhancements to the hard landscaping on Council owned land at Queens Square. Whilst in certain respects enhancement of Queen Square would be welcome, no clear policy requirement exists for this, there is no agreed and costed scheme, and it is unclear what could be funded by the level of contribution. It is therefore considered it would not meet the tests for S106 contributions set out in the Community Infrastructure Levy Regulations 2012 Regulation 122. The Council's Regulation 123 list indicates which projects will be covered by CIL and which projects by S106 agreements and states that public realm improvements, including heritage-related schemes and parking schemes, should be covered by CIL *except where part of a development site*. In this case Queens Square is not part of the application site. The applicant has been advised of this but remains eager to support such an enhancement and will discuss how such a project involving public engagement might be facilitated and potentially other resources leveraged to deliver a wider place-making

exercise. This will take place outside the realm of this application and S106 agreement. It might be possible through the emerging Two Towns Project for Clevedon and Nailsea which will focus on the future of the towns, their centres and place-making in them. This project involves North Somerset Council, Design West, the Clevedon BID, Town Council and potentially other parties which could include the applicant.

Currently the viability assessment submitted to the Council by the applicant shows the scheme does not generate sufficient return to allow a suitable profit for the developer and provide affordable housing regardless of whether the retail and leisure elements proceed alone, or with the apartment block as a total package. It is suggested only the age-restricted housing that generates sufficient return. The appraisal and the underlying policy assumptions, interpretations and implications have been assessed by an independent valuation expert on the Council's behalf, who confirmed that the apartment block on its own could viably support on-site affordable housing provision or an affordable housing contribution. However, the Council has to consider the application as submitted which is for the entire development and which is considered unable to support policy compliant affordable housing. The benefits of the town centre commercial redevelopment are also important and are supported by policies DM60 and DM63 as they would make a positive contribution to the vitality, viability and diversity of the town, support the evening economy with a café and gym, and contribute to local distinctiveness with the architecture and landscape designs

Officers have sought assurances on the phasing of development and raised concerns with the applicant as to whether the Council could rely on the retail and leisure elements of the scheme proceeding. These are welcomed as part of helping regenerate and widen the appeal of the centre. The applicant has verbally confirmed that it is their intention to undertake the retail/leisure and residential in a single phase to avoid later disruption to occupants of the apartments if retail/leisure development *followed occupation* of the block.

The applicant accepts the concern of officers that if, for whatever reason there was a significant delay in providing the retail/leisure elements or it were never to take place, but *the apartments were to be constructed*, then the viable part of the development would potentially have escaped meeting all or some of its affordable housing obligations under policy. The applicant has indicated agreement to being bound through the legal agreement to pay an agreed figure towards off-site affordable housing in the event that the retail/leisure development were not to be completed within a set period of time. They have raised the matter of being able to request further review of viability at that stage if market conditions and/or development costs were to alter significantly in the period between planning permission and commencement of development, given recent cost escalation of steelwork and building materials. This would be reinforced by a phasing condition and the S106 agreement if required. In addition, the developer has been requested to consider giving a priority window to people considering a move to the apartments to enable local people an opportunity to downsize and assist in freeing up larger family houses (a benefit advanced by the applicant). The outcome of these further discussions with the applicant will be available by the date of the committee.

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

The most relevant adopted development plan policies are Core strategy policy CS11 (requiring adequate parking and a balance between good urban design, highway safety, residential amenity and promoting town centre attractiveness and vitality); Development

Management Plan policy DM24 (new development should not prejudice highway safety); DM25 (provision to be made for cyclists, pedestrians etc); DM26 (travel plans); DM28 (parking standards should be met and functional parking accommodated); DM29 (protection of car parks) and DM60 which requires that in town centres the amount and quality of public car parking spaces available are retained or increased.

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

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

It is recognised that this issue has resulted in a large number of objections. However, the car park is owned and operated by the applicants and the original planning consent does not include a requirement by legal agreement or planning condition that it be available for public use. Planning condition 5 states that it shall not be used other than for the parking of cars in connection with "the permitted development", which could be interpreted to exclude general use by the public if they are not visiting the B&M store, or the smaller shops and offices included in the consent. Policy DM29 advises on proposals to develop and reduce the number of off-street parking spaces. As the proposals are not considered to harm the character of the area; will not be detrimental to highway safety or the road network; have good access to other means of travel to private car and will provide community benefits from improved shopping facilities and living accommodation (subject to the proposed planning conditions) it is concluded that the application conforms with this policy.

It has been suggested that a presumption in favour of dedication to the public to pass and re-pass through the site and to park within the main car park may exist. The applicant has provided legal advice that disputes any such rights having been acquired, because there is clear signage stating that it is a private car park for use by customers only and for a maximum of three hours. The Council's solicitors confirm their agreement with this advice.

(ii) Compliance with parking standards.

*Commercial development.* Assessment of the parking required to serve the two retail units, café and gym using the TRICS database forecasts parking demand on a 24-hour basis and indicates there will be peak levels on weekdays of 74 vehicles and at weekend of 97 vehicles. An uplift of 10% is applied for unplanned demand, which results in a maximum need of 107 spaces. As the original 1983 consent also included 12 shop units with office space over at the east of Queens Square, sufficient parking should be retained to serve these buildings as well as the proposed development. The original consent also included 144 parking spaces in two car parks at the western side of Great Road as well as the 266 spaces in the B&M car park. It is confirmed that the two car parks at the western side of Great Western Road, as well as those remaining at the B&M car park, will provide sufficient spaces to serve all uses. In recognition of the fact that as the parking provision closest to Queens Square is proposed to be reduced and use of the two public car parks at the western side will increase, improvements to the existing crossing point near the Lidl store will be required under a planning condition. The existing pedestrian refuge and bollards and dropped kerbs should be upgraded to a zebra crossing.

*Senior living residential development.* The provision of 20 spaces is 10 spaces less than required by the Council's adopted standards. The Council's Parking Discount tool however can be applied because the site is sustainably located within a town centre and is well

served by buses with stops within 500m of the site although these are not easily linked to the rail network. This reduces the shortfall to 5 spaces, which will be increased to 7 or 8 spaces by the retention of the north western Poplar tree which the applicants have confirmed. This shortfall will be addressed through the implementation of two car club spaces, which will be a public utility, with a minimum of two electric cars with free membership for the residents for a minimum three-year period enforced by planning condition and a residential Travel Plan.

Car clubs are commonly used in Bristol and Bath, where there are a number of club operators making available around 120 short-term vehicles in the form of cars and vans, often booked online and operated with the use of smartcards for access. They are most popular where parking is at a premium and designated spaces are accessible, and offer low-cost motoring, that is particularly good for short distance trips, and are seen as a way of enabling people to relinquish permanent ownership and motoring costs for convenient access to suitable means of occasional travel. Many councils regard car clubs as a positive way of being able to reduce usage of valuable accessible town centre land for 'dead' parking space and as a way of reducing carbon emissions as people with access to a car club tend to make fewer trips by car than if owning one.

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

A road safety audit (stage 1) has assessed the proposals to remove the current site egress and change the site entrance to two-way traffic. Potential concerns about visibility at the junction have been addressed with 25m visibility splays, a suitable revised signage strategy and delivery vehicles will be restricted to out of peak hours by a planning condition. Amended plans now show the existing dropped kerbs being replaced at this point by a blended crossing that will give crossing priority to pedestrians, providing enhanced access to and around the centre.

There is currently an unofficial pedestrian route at the northern extremity of the site to Great Western Road. This is said to be a well-used route, but there is no public right of way and the applicant does not consider any rights have been acquired by usage. The Council's legal view on acquisition of rights confirms this view. Whilst popular it is clear it is not intended to function as one, emerging as it does to a point where it could be blocked by cars parked in clearly demarked spaces. If retained, it will compromise security at the apartment block with members of the public passing through the car park. It is therefore not required to be retained.

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

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

(v) New access to Lower Queens Road.

The revised plan details the new vehicle access onto Lower Queens Road for the senior living apartments, the relocation of one taxi bay and the general arrangements for the shared turning head area. These plans are acceptable but are likely to be subject to a commuted sum for non-standard materials. The proposed access to the senior living apartments from Lower Queens Road has been assessed through Road Safety Audit and is considered acceptable. Refuse lorry access has been designed for and bin storage

provided. One existing taxi bay will be relocated through Highways Act agreements which may require the developer to fund a Traffic regulation Order (TRO).

(vi) Sustainable travel improvements.

The main cycle route through the site is relocated to be between the apartments and the B&M car park and the path has been widened to 3m to accommodate this and the improvements to the existing crossing in Great Western Road to a Zebra crossing will link with this. The S106 will also be required to provide contributions of £120 per apartment as part of the travel plan taster ticket scheme.

The applicant has considered a slight widening of the footway on Great Western Road to accommodate the provision of a shared path for cyclists and pedestrians but it is now considered that this is not essential and adds significantly to the costs of the development for a marginal benefit. However future consideration of such an option will not be precluded by the scheme. Access to the centre will nevertheless be enhanced by upgrading the existing central unraised refuge to a zebra crossing with markings and beacons.

A total 39 Sheffield cycle stands are proposed which will provide 78 cycle parking spaces, (29 for shoppers, 49 for staff and 14 for the later living apartments). Electric vehicle charging points will be conditioned in the car park for the later living site. However, in general the proposals are acceptable as they facilitate improvements to sustainable travel patterns in the neighbourhood.

(vii) Construction traffic.

A construction environmental management plan will be required by condition and will include requirements for on-site materials storage, traffic parking, wheel washing etc. On this basis it is concluded the application will deliver a sustainable development, in accordance with the previously referenced local plan policies.

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

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

The proposals to redevelop this site were the subject of the pre-application enquiry process when the applicants consulted the Design Review Panel (DRP). At that stage the

apartment block and the commercial development were significantly larger and related poorly to adopted plan policies and the National Design Guide. The DRP advice was essentially that the proposals needed a clearer vision and links to the heritage strategy, stronger green and blue infrastructure, contributions to biodiversity and to make the senior living element more sensitive to the conservation area and clarify proposals for how Queens Square and Great Western Road can be improved.

### B&M, Gym and café.

The submitted application addressed some of the DRP points, and following negotiations, amended plans were submitted in January which further improved the external appearance and designs of the café and B&M building significantly. The designs took inspiration from the railway heritage which gave them a clearer identity, with raised coped verges and feature gables. The unbalanced, overhanging first floor extension to the B&M building was redesigned and now has a more conventional double pitch roof better suited to the Conservation Area. External materials include red brick finish to the most prominent ground floor elevations and clay vertical 'Terrart' Baguette structures above, which subject to approval of detailed design and colouring, can provide a high-quality finish with articulation, grain and shadowing.

The retail unit at the B&M building east elevation facing Queens Square has evolved to address the DRP's suggestions for improving the relationship with the public square by including a doorway and shop windows to retail unit no 2, replacing the B&M blank wall and improving the signage. The current B&M building is not an exceptional design of building and does not contribute positively to the character and appearance of the Conservation Area and the proposals are considered to improve it. The design hints at railway architecture as inspiration for the retail and café units, in terms of external bricks, terracotta Baguettes and the form of the gables. In conclusion the redesigned B&M building and the café are considered not to cause harm to and subject to high quality design details and external materials, to enhance the conservation area and are acceptable.

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

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

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

### Apartments.

The proposals for the senior living building have been amended and reduced in scale since the pre-application enquiry and during consideration of this application and is on balance considered acceptable given this is a town centre location where higher buildings are expected and are evident elsewhere (e.g. The Curzon), albeit not in great numbers and where modest architectural mass is the overall character. The building is three stories

in height with large dormers resulting in four stories at the southern section overlooking the car park and furthest from the neighbouring residents at Lower Queens Road. In addition to the apartments there is residents' lounge/meeting room, reception and management office at the ground floor, three staircases, a lift and a flood evacuation room at the fourth floor. The apartments are single aspect and those at the south west elevation overlooking the car park have balconies. There are no windows in the north east elevation which faces towards the nearest neighbouring properties in Lower Queens Road and Great Western Road (north).

In terms of the exterior design treatment, it is considered that the design reflects the sometimes-piecemeal way that buildings in changing town centre environments evolve with use of different materials and ultimately the acceptability will be influenced by the quality of materials approved through discharge of planning conditions.

There is very little proposed private open space for the residents. However, the development is located within a town centre where residents would not necessarily expect to have access to private gardens. There are concerns that the garden space between the ground floor apartments and the foot/cyclepath is only between 2.7m and 2.9m wide and is delineated by 1.0m high railings but this is backed by a proposed hedge. This results in some limited privacy and demarcation of private from public space for the occupants of the ground floor flats, though this is typical of many nearby dwellings in the town centre close to the site and is less achievable in higher density town centre situations. It is considered that any minor enhancements to this can be secured through a planning condition.

#### Sustainable energy.

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

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

Impacts on the nearby Listed Buildings and the Conservation Area have been assessed. The Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) requires that Local Authorities have a general duty under Section 66 to respect listed buildings in the exercise of planning functions and under section 72 a general duty to respect Conservation Areas in the exercise of planning functions. This includes the requirement to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses, and special attention paid to the desirability of preserving or enhancing the character or appearance of that area.

The heritage assets are the Conservation Area (CA) and the site is within the setting of the listed Curzon Cinema (Grade II) and St Johns Church (Grade II\*). The Conservation Area includes the whole of the site but excludes the Curzon, though its setting must also be considered. There are views of the rear and side elevation of the Curzon obtainable from within the CA, particularly Great Western Road and these provide a connection to the town centre and main part of the CA. Views of the listed building are not widely available from within the Triangle car park or Queen's Square, certainly in summertime, when trees mask these views and therefore the proposal to create an intervening building in the form of the apartment block does not markedly change this situation. A substantial area of the CA

comprises the car park which is the site of this application. This is considered to be unattractive and has a harmful impact on the CA by reason of the open views of the car park, albeit softened by existing vegetation, and the lack of enclosure and identifiable sense of place. So too, do the blank elevations of the 1980s supermarket and its service area.

There are, however, important views out of the CA towards the roof of St Johns Church which is a local landmark and as a Grade II\* listed building is a particularly important building of more than special interest. These views will remain possible from several publicly accessible locations within the centre of Clevedon and any loss from limited vantage points is not thought to be of such importance and thus it is assessed as having less than substantial harm.

Views into the core of the CA's commercial centre are restricted. There is a group of poplar trees alongside Great Western Road which are important, highly visible in the CA and are valuable to the street scene on Great Western Road. They contribute significantly to the CA, providing the most obvious green features on this side of the road by reason of their size and maturity. Though individually not specimen trees, as a group they are a positive and prominent feature of the CA and are therefore of significant amenity value. They will help to minimise the apparent mass of the apartment block.

The applicant has proposed to retain those trees nearest to the proposed apartment block in amended plans and has now agreed to retain the northernmost poplar at the Great Western Road frontage and trees at the Lower Queens Road frontage.

Overall, the scheme is considered acceptable. Enhancements to the area at the end of Lower Queens Road are now proposed and will be detailed at reserved matters stage. This is supported by a proposed condition. These will provide a better termination to the views along the road and create a welcoming feel close to the shop entrances. The Design Review Panel did not feel strongly about this, but it will also offer opportunities to embrace the heritage of the site. Whilst not going as far as Historic England might have wished for, it will go some way to meeting their aspirations.

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

NPPF para 202 requires that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

It is considered that the application will have some harmful effects on the significance of these assets: the proposed apartments do have a significant mass and will present a somewhat dominating effect to Great Western Road though it is considered both sufficiently distant from the Curzon for this not to have a severe impact on pedestrians'



appreciation and enjoyment of the Conservation Area and to be situated within a wide space created by Great Western Road, set apart from other tall buildings so that a visual canyon will not result.

The apartment block will be visible along Great Western Road where currently the Curzon is the primary building in the street scene. The setting of the Curzon will be affected but these are relatively brief views. The development will also obscure distant views of the landmark tower and nave roof of the Grade II\* listed St Johns Church and characteristic Clevedon hillside skyline from further east on Great Western Road but similar views will remain obtainable from Lower Queens Road. The harm is limited and will be mitigated in part by the retention of the four large poplar trees.

As the application site is within a Conservation Area the existing trees are protected by the provisions of section 211 of the 1990 Town and Country Planning Act. Development management policies CS4, CS5, CS9 and DM3 are relevant and require that the Council seeks to secure the retention of features, hard and soft landscaping (including trees) that contribute to the special character of the CA. Additionally, policy DM9 of the Development Management Plan require that proposals affecting trees should demonstrate that they are protected where appropriate. The Residential Design Guide – Section 2 paragraph 3.6.2 outlines the council's guidance on trees. The British Standard BS5837:2012 which relates to the Design, Demolition and Construction in proximity to trees, provides guidance on design. Paragraph 5.2 and 5.3 advise works should allow adequate space for long term retention of trees and consider future maintenance. Whilst now showing four poplars to be retained, and, as stated above further information and measures have been requested to address concerns and ensure their retention is feasible. A suitably worded condition will be applied if necessary.

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

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

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

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

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

Another requirement of policy DM42 is that all new dwellings should conform with the minimum space standards set out in the nationally described space standards where practical and viable. Additional plans and information have been submitted to demonstrate compliance with the nationally described space standards and policy DM42 requirements for disabled access.

Policy DM32 requires that new development conforms with the standards to protect neighbouring residents from overlooking, overshadowing and overbearing effects as set out in the Council's Residential Design Guide Part 1. It is considered that the apartment block will not have such impacts with windows not directly facing the rear windows of dwellings in Lower Queens Road and distances being adequate. It is confirmed that the proposals comply with these standards. It should be noted that pedestrians can already pass by close to front windows to these properties on the footways.

Issues have been raised concerning potential inequalities created by the form of age-restricted accommodation. This form of accommodation is explicitly recognised in government advice on preparing planning policies on housing for older and disabled people, even describing such housing in a way that is almost identical to that proposed here. The advice draws attention on a national context to the critical need to provide housing for older people. In the next 20 years the population aged over 85 years is expected to double. The government considers that offering older people a better choice of accommodation to suit their changing needs can help them live independently for longer, feel more connected to their communities and help reduce costs to the social care and health systems.

In a local context additional research into the local situation has not revealed any significant imbalance in the age structure of the Clevedon population in comparison to the other main towns. Nor has the most recently available data provided any confirmation of suggested dangers of schools having inadequate pupils of school age in future.

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

Development Management policies DM1 and CS2 require that the potential for site flooding and drainage requirements are properly addressed. The site is within flood zone 3 and the culverted Main River (the Land Yeo rhyne) passes under the north of the site. Surface water runoff is proposed to drain to this rhyne. The additional drainage details submitted with the application have enabled the Council's Flood Risk Team to withdraw

their objections subject to planning conditions (as set out in this report). The Environment Agency may require the applicants to obtain approval for an Environmental Permit from that Authority for the development due to the proximity to the Main river. This is the applicant's responsibility to address and is unlikely to impact on the physical development and a note will be added to the planning decision notice to this affect.

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

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

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

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

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

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

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

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

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

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

Policy CS34 of the Core Strategy and Policy DM71 of the Sites and Policies Plan Part 1 set out the requirement and mechanism to seek developer contributions to mitigate the impacts of a development proposal, should the application be approved. This application is for 39 no new dwellings and Use class E town centre commercial development (1,008 sqm gym; retail extension 456 sqm net and a food unit 195 sqm). Under the terms of adopted planning policies and SPD's, the development should provide for affordable housing and potentially contributions for Highway Act requirements; firefighting infrastructure and town centre enhancement. The applicants have submitted a development viability appraisal with the aim of demonstrating that the development cannot meet the costs of all these contributions. It is accepted that the development as submitted cannot viably deliver on-site affordable housing or an off-site contribution, but a legally binding commitment to provide financial contributions for off-site Affordable Housing is required to cover the eventuality of the residential part of the development preceding long before the retail/leisure element or the latter not being developed within a specific time period following the apartment block. The development will also be liable for community infrastructure levy.

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

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

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

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

### **Local Financial Considerations**

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

### **Conclusion**

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

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

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

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

## RECOMMENDATION:

Subject to the completion a section 106 legal agreement securing suitable financial contributions towards (i) affordable housing provision, in the event that retail and leisure development is not commenced and completed within a set period of time following commencement of development of any residential apartment within the apartment block (ii) highways and transportation requirements including upgrading the crossing in Great Western Road and taster tickets (£120) per dwelling; (iii) fire service infrastructure, iv) one or more TROs to secure relocation of taxi bays and upgrades to Lower Queens Road;

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

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

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

2. The development hereby permitted shall be carried out in accordance with the approved plans and documents to be listed on the decision notice.  
*(list of plans to be inserted)*

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

**Conditions relating to any development on site.**

3. Prior to the commencement of development a construction and development works phasing programme including the provision of site infrastructure, decontamination and archaeology shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved phasing programme, unless agreed in writing with the Local Planning Authority. The phasing programme shall in particular:-
- a) divide the development into phases (unless it is to be carried out in one phase);
  - b) identify the phased order by which the development will be undertaken in respect of the commencement of development of the phases (if relevant);
  - c) include the details of the timing of the delivery of improvements to vehicle, cycle and pedestrian access and car club;
  - d) include the details of the timing of the provision of the affordable housing (if relevant); and
  - e) include the timing of the provision of landscaping.

Reason: To ensure that the development is carried out in a satisfactory way, in accordance with the viability appraisal and to ensure delivery of infrastructure in accordance with policies DM3, DM4, DM6, DM24, DM25, DM28, DM29, DM32, DM60 and DM63 of the Development Management Policies Plan Part 1, and policies CS2, CS3, and CS31 of the North Somerset Core Strategy.

4. No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the Local Planning Authority. The approved plan shall be adhered to throughout the construction period. The plan shall provide for:
- (a) the parking of vehicles of site operatives and visitors
  - (b) loading and unloading of plant and materials
  - (c) storage of plant and materials used in constructing the development
  - (d) wheel washing facilities
  - (e) measures to control the emission of dust and dirt during construction
  - (f) measures to control noise from works on the site
  - (g) a scheme for recycling/disposing of waste resulting from demolition and construction works
  - (h) measures to keep access roads clear of vehicles
  - (j) routing restrictions
  - (k) construction phasing restrictions
  - (l) location and specification of fencing and other measures for the protection of retained trees

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

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

Reason: So that noise affecting the proposed development may be attenuated to a level acceptable for residential use. Likewise, so that noise from the proposed development, particularly the retail element, does not cause noise disturbance to existing and proposed residential dwellings in accordance with policy CS2 of the North Somerset Core Strategy.

6. No development shall take place within the site until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work, in accordance with a written scheme of investigation, which has been submitted to and approved in writing by the Local Planning Authority. The programme of archaeological work should provide a controlled watching brief during groundworks on the site, with provision for excavation of any significant deposits or features encountered and shall be carried out by a competent person or persons and completed in accordance with the approved written scheme of investigation. A final report of the results of the investigations shall be submitted in writing to the Local Planning Authority within 6 month of commencement of development (or other timescale agreed in writing by the Local Planning Authority.)

Reason: To ensure that archaeological interests are properly dealt with in accordance with policy CS5 of the North Somerset Core Strategy and policy DM6 of the North Somerset Sites and Policies Plan (Part 1 – Development Management Policies). An agreed programme of archaeological work is required before any other development commences on site in order to set out and approve the method statement and ensure appropriate mitigation and contingency strategies are provided should significant remains be encountered during the watching brief.

7. No development shall take place until an intrusive ground investigation, assessing the nature and extent of contamination on the site, has been submitted to and approved in writing by the Local Planning Authority. This investigation must be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site. Moreover, it must include:
  - (i) a survey of the extent, scale and nature of contamination;
  - (ii) an assessment of the potential risks to:
    - human health,
    - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,

- adjoining land,
- groundwaters and surface waters,
- ecological systems, and
- archaeological sites and ancient monuments

Reason: In order to ensure that land is suitable for the intended uses and in accordance with policy CS3 of the North Somerset Core Strategy

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

Reason: In order to ensure that land is suitable for the intended uses and in accordance with policy CS3 of the North Somerset Core Strategy

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

Reason: In order to ensure that land is suitable for the intended uses and in accordance with policy CS3 of the North Somerset Core Strategy

10. No development shall take place until surface water drainage works have been implemented in accordance with details that have first been submitted to and approved in writing by the local planning authority. Before these details are submitted, an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in the National Planning Policy Framework, associated Planning Practice Guidance and the non-statutory technical standards for sustainable drainage systems, and the results of the assessment provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the system shall be designed such that there is no surcharging for a 1 in 30 year event and no internal property flooding for a 1 in 100 year event + 40% allowance for climate change. The submitted details shall:

- i. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site to greenfield run off rates and volumes, taking into account long-term storage, and



urban creep and the measures taken to prevent pollution of the receiving groundwater and/or surface waters; and

ii. include a timetable for its implementation.

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

- 11: No development shall take place until details of the implementation, maintenance and management of the approved sustainable drainage scheme have been submitted to and approved, in writing, by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details.

The details to be submitted shall include:

a) a timetable for its implementation and maintenance during construction and handover; and

b) a management and maintenance plan for the lifetime of the development which shall include details of land ownership; maintenance responsibilities/arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable urban drainage scheme throughout its lifetime; together with a description of the system, the identification of individual assets, services and access requirements and details of routine and periodic maintenance activities.

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

12. The development hereby permitted shall not be occupied nor use commenced until a properly consolidated and surfaced parking area for vehicles together with EV charging points (active and passive) has been constructed in accordance with the approved plans and specifications. The approved parking area shall thereafter be permanently retained and kept available for parking at all times.

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.

13. The development hereby permitted shall not be occupied nor use commenced until secure parking facilities for bicycles have been provided on site in accordance with the Transport Statement and plans and specifications that have first been 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 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 DM 28 of the North Somerset Sites and Policies Plan (Part 1) and the North Somerset Parking Standards SPD

14. No building shall be occupied nor use commenced until full details of a Zebra crossing which shall be constructed at the location of the existing pedestrian safe refuge crossing point in Great Western Road linking to the new foot/cyclepath between the apartments and B&M car park, have been submitted to and approved in writing by the Local Planning Authority and the crossing has been fully constructed in accordance with the approved plans.

Reason: In the interests of highway safety and the increased use of the two car parks at the western side of great Western Road as a result of the development hereby approved and in accordance with policy DM24 of the North Somerset Sites and Policies Plan (Part 1)

15. Notwithstanding the approved plans, no development shall commence until details of a tree protection scheme have been submitted to and approved, in writing, by the Local Planning Authority. The scheme shall include the retention and protection of the five northernmost Poplar trees at the western side of the site, which shall be confirmed in writing by the Local Planning Authority at the time of approval.

Reason: To ensure a satisfactory landscaping scheme is prepared and to protect the character of the Conservation Area 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 DM3, DM8, DM9, DM10 and DM32 of the North Somerset Sites and Policies Plan (Part 1) and the North Somerset Biodiversity and Trees SPD.

16. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme of implementation that has first been submitted to and approved in writing by the Local Planning Authority. 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. All hard landscape works shall be permanently retained in accordance with the approved details unless otherwise agreed, in writing, by the Local Planning Authority.

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, CS9 and CS12 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.

17. No development shall commence until a Detailed Arboricultural Method Statement Report with Tree Survey and Tree Protection Plan following the recommendations contained within BS 5837:2012 has been submitted to and approved in writing by the Local Planning Authority. The arboricultural method statement report shall include the control of potentially harmful operations such as site preparation (including demolition, clearance and level changes); the storage, handling and mixing of materials on site, burning, location of site office, service run locations including soakaway locations and movement of people and machinery. The report shall incorporate a provisional programme of works; supervision and monitoring details by an Arboricultural Consultant and provision of site visit records and certificates of completion to the local planning authority. The Tree Protection Plan must be superimposed on a layout plan, based on a topographical survey, and exhibit root protection areas which reflect the most likely current root distribution, and reflect the guidance in the method statement report. No development or other operations shall thereafter take place except in complete accordance with the approved details.

Reason: To ensure that trees to be retained are not adversely affected by the development, in the interests of the character and biodiversity value of the area, and in accordance with policies CS4, CS5 and CS9 of the North Somerset Core Strategy, policies DM8, DM9, DM10 and DM32 of the North Somerset Sites and Policies Plan (Part 1) and the North Somerset Biodiversity and Trees SPD. The details are required prior to commencement of development because the development/construction works have the potential to harm retained trees. Therefore, these details need to be agreed before work commences.

18. No external walls or roofs shall be constructed until sample panels of the walling and roofing, window and door materials to be used in the development have first been constructed on site and submitted to and approved, in writing, by the Local Planning Authority. The development shall be carried out in the approved materials unless otherwise agreed in writing.

Reason: To ensure that the materials are acceptable in the interests of the 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)

- 19 Notwithstanding the approved plans and details, no above ground or building work shall commence until detailed drawings at a scale of not less than 1:10 showing the detailed design of and the relationship between external materials, doors, windows, balconies, rainwater goods, all architectural features with the external face of the building, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved details.

Reason: In the interests of the visual appearance of the area and in accordance with polices DM3 and DM32 of the North Somerset Sites and Policies Plan Part 1 and policy CS12 of the North Somerset Core Strategy

20. No development shall take place until details of additional enhancement measures at the end of Lower Queens Road have been submitted to and approved by the Local Planning Authority. Such measures shall include, but not be limited to:
- i) Creation of a shared space with pedestrian priority whilst retaining turning facilities
  - ii) Measures to prevent vehicular access to the car park and Queens Square from Lower Queens Road;
  - iii) Heritage interpretation features within the floorscape and through interpretation boards and artworks;
  - iv) Planting and retention of trees; and
  - v) Street furniture

The approved scheme shall be implemented within a timescale to be first agreed in writing by the Local Planning Authority.

Reason: to improve and strengthen historic and visual linkages, improve character and appearance of the area in accordance with policies DM60 and DM63 of the North Somerset Development Management Sites and Policies Plan (Part 1).

### **Conditions relating to retail and commercial phases.**

21. A written method statement for the identification and subsequent removal of asbestos if required, shall be submitted to and approved in writing by the Local Planning Authority prior to the demolition/extension/alteration of any buildings. The approved requirements shall be implemented in accordance with the approved scheme.

Reason: In order to ensure that land is suitable for the intended uses and in accordance with policy CS3 of the North Somerset Core Strategy

22. The commercial premises shall not be occupied until the public accesses have been made suitable for use by disabled people in accordance with details that have first been submitted to and approved, in writing, by the Local Planning Authority.

Reason: In order to ensure that there is safe, convenient and attractive access to the property for people with physical and sensory disabilities and in accordance with policy CS12 of the North Somerset Core Strategy and policy DM33 of the North Somerset Development Management Sites and Policies Plan (Part 1).

23. No development shall be commenced on the construction of the café until details of the specification, height, position and external finish of the required extractor flue(s) have been submitted to and approved, in writing, by the Local Planning Authority. The flue(s) shall be provided in accordance with the approved details before the development is brought into use and shall thereafter be permanently retained unless otherwise first agreed in writing by the Local Planning Authority.

Reason: In the interests of preventing pollution and harm to visual amenity, and in accordance with policies CS3 and CS12 of the North Somerset Core Strategy and policy DM32 of the North Somerset Sites and Policies Plan (Part 1). The details are required prior to commencement of development in order to allow for any adjustments to the scheme that may be required to address any neighbour or visual amenity impacts

24. Use of the café hereby permitted shall not commence until litter receptacles have been provided in accordance with details that have been submitted to and approved in writing by the Local Planning Authority. The litter receptacles shall thereafter be retained and maintained in accordance with the approved details, unless otherwise agreed, in writing by the Local Planning Authority.

Reason: To ensure that adequate provision is made for the disposal for litter in the correct location in the interests of the amenity of the area, and in accordance with policy CS3 of the North Somerset Core Strategy

25. The retail and café development hereby approved shall be constructed to a minimum BREEAM standard rating of Good and, prior to the first occupation of the development, a copy of a formal assessment, undertaken by a licensed BREEAM assessor and a copy of the assessor's report along with a copy of the certificate shall be submitted to the local planning authority, unless otherwise first agreed in writing by the local planning authority.

Reason: In the interests of promoting good design and sustainable construction in accordance with policies CS1 and CS2 of the North Somerset Core Strategy.

26. No goods, waste or other material shall be stored or deposited in the open.

Reason: In order to preserve the character and appearance of the Conservation Area/preserve the setting of nearby Listed Building(s) and CS12 of the North Somerset Core Strategy and policies DM3, DM4 and DM32 of the North Somerset Sites and Policies Plan (Part 1).

27. Notwithstanding the approved plans, the development hereby permitted shall not be occupied nor use commenced until the alterations to the vehicular access to Great Western Road has been constructed in accordance with plans and specifications that have first been submitted to and approved, in writing, by the Local Planning Authority and the existing egress has been closed in accordance with the approved plans.

Reason: To ensure that the development is served by a satisfactory means of vehicular access in the interests of road safety, and in accordance with policy CS10 of the North Somerset Core Strategy and policy DM24 of the North Somerset Sites and Policies Plan (Part 1).

**Conditions relating to the residential phase.**

28. Notwithstanding the approved plans, the development hereby permitted shall not be occupied nor use commenced until the vehicular access to Lower Queens Road has been constructed in accordance with plans and specifications that have first been submitted to and approved, in writing, by the Local Planning Authority.

Reason: To ensure that the development is served by a satisfactory means of vehicular access in the interests of road safety, and in accordance with policy CS10 of the North Somerset Core Strategy and policy DM24 of the North Somerset Sites and Policies Plan (Part 1).

29. The occupation of the apartments hereby approved shall be limited to persons aged 60 years and over, with the exception of any dependent of such a person residing with him or her, or a widow or widower of such a person who shall be aged 55 years and over.

Reason: To ensure that the proposed building is used for the designed purpose and having regard to the limited number of parking spaces provided and in accordance with policies CS15 and CS31 of the North Somerset Core Strategy and policy DM24 of the North Somerset Sites and Policies Plan Part 1

30. 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.

31. No dwelling shall be occupied until details of a two-vehicle car club scheme, including a contract which shall be entered into by the developer and an approved\* car club provider, have been submitted to and approved in writing by the Local Planning Authority. The scheme shall incorporate the following and shall be fully implemented in strict accordance with the approved details:

- The allocation of 2 car club parking space(s)

- The provision of 2 electric vehicle(s)
  - Provision of car club membership for all eligible residents of the development for a minimum of three years
  - Promotion of the scheme
  - A phasing scheme for implementation.
- \*Approved means CoMoUK accredited provider. <https://como.org.uk/accreditation/>

Reason: To help address the shortfall in parking provision and to promote sustainable travel in accordance with policies DM24 and DM28 of the North Somerset Development Management Sites and Policies Plan (Part 1).

32. No dwellings shall be occupied until details have been submitted to and approved in writing by the Local Planning Authority to demonstrate that a minimum of 17% of the units have been designed and constructed in such a way that they are accessible and sufficient to meet the needs of occupants with differing needs, including disabled people, as well as being constructed to allow adaptation to meet the changing needs of the occupants over time. To achieve this requirement, the accommodation should meet the standards contained in the Building Regulations 2010, Approved Document Part M 'Access to and use of dwellings': M4(2) 'Accessible and adaptable dwellings'.

Reason: In order to provide suitable accommodation for future occupants, including disabled people, in accordance with policy CS2 of the North Somerset Core Strategy and policy DM42 of the North Somerset Sites and Policies Plan (Part 1).

33. The development shall be carried out in accordance with the submitted Flood Risk Assessment (FRA) (The Triangle, Clevedon – FRA, 07 July 2020, Hydrock, ref: 12068-HYD-XX-XX-RP-D-5201) and the following mitigation measures it details:
- Finished floor levels of the 'Later Living' Apartment Building shall be set as high as reasonably practical, whilst addressing Part M access policy requirements.
  - As detailed in section 4.2.2. of the submitted FRA, in the 'Later Living' Apartment Building, a safe refuge on an upper floor or roof space, accessible through a permanent staircase, will be provided for each dwelling at first floor level or above. This safe refuge will be large enough to accommodate all those within the dwelling for a number of hours and will include electricity and lighting. Nothing will preclude the use of this area as a place of safe refuge, and it will be maintained as such for the lifetime of the development.
  - As detailed in section 4.2.2. of the submitted FRA, a Flood Warning and Evacuation Plan should be prepared and agreed with the LPA detailing registration of the site for Flood Alerts and Warnings and details of the strategy of evacuation and/or remaining in places of safe refuge in the event of an extreme tidal flood.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future

occupants in accordance with the National Planning Policy Framework (notably paragraphs 17, 103 and sections 10 and 11), policy CS3 of the North Somerset Core Strategy policy and policy DM1 of the North Somerset Sites and Policies Plan (Part 1- Development Management Policies).

34. The apartments hereby permitted shall not be occupied until measures to generate 15% (less if agreed with the local planning authority) of the energy required by the use of the development (measured in kilowatt hours - KWh) through the use of micro renewable or low carbon technologies have been installed on site and are fully operational in accordance with details that have been first submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved technologies shall be permanently retained unless otherwise first agreed in writing by the Local Planning Authority.

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

35. The apartments shall not be occupied until space and facilities for the separate storage and collection of waste and recycling materials have been provided in accordance with plans and specifications that have first been submitted to and approved, in writing, by the Local Planning Authority. The said space and facilities shall thereafter be made permanently available for the storage and collection of waste and recycling materials only for the occupiers.

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

36. No dwelling shall be occupied full details of a scheme to protect the privacy of the occupiers of the south elevation flats from users of the adjacent public footpath and car park, have been submitted to and approved in writing by the Local Planning Authority and implemented in full.

Reason: To ensure that a high quality living environment is provided for occupiers of the flats and their privacy is protected in accordance with policy DM32 of the North Somerset Sites and Policies Plan (Part 1.)

37. No dwelling shall be occupied until secure parking facilities for bicycles and disabled buggies have been provided in accordance with plans and specifications that have first been 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 and buggies 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 DM 28 of the



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

38. No dwelling shall be occupied until a comprehensive Sustainable Residential Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall identify measures, means and targets to ensure the reduction in numbers of trips by resident's private cars, together with details of physical provision of additional supporting infrastructure such as increased cycle parking and ev charging points as well as monitoring and mitigation measures to ensure that the targets are achieved. The approved plan shall be fully implemented at all times unless variations are first approved in writing by the Local Planning Authority.

Reason: To ensure a travel plan is provided and fully implemented in accordance with policy CS10 of the North Somerset Core Strategy, the North Somerset Travel Plans SPD November 2010 and policy DM26 of the North Somerset Sites and Policies Plan Part 1

39. All means of enclosure shall be in strict accordance with details to be first submitted to and approved in writing by the Local Planning Authority 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 the building which fronts onto a highway or footpath 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 polices DM3, DM32 of the North Somerset Sites and Policies Plan and policies CS5 and CS12 of the North Somerset Core Strategy

40. No residential unit shall be occupied until proposals for bird and bat boxes and a timetable for implementation has been submitted to and approved by the Local Planning Authority.

Reason: In the interests of biodiversity enhancement on the site in accordance with policy DM8 of the North Somerset Development Management Sites and Policies Plan (Part 1).

Appendix 1 Ward groups used for population estimates

Town	Wards included
Clevedon	Clevedon East Clevedon South Clevedon Walton Clevedon West Clevedon Yeo
Nailsea	Nailsea Golden Valley Nailsea West End Nailsea Yeo Nailsea Youngwood
Portishead	Portishead East Portishead North Portishead South Portishead West
Weston-super-Mare	Hutton & Locking Weston-super-Mare South Weston-super-Mare Central Weston-super-Mare Hillside Weston-super-Mare Kewstoke Weston-super-Mare Mid Worle Weston-super-Mare Milton Weston-super-Mare North Worle Weston-super-Mare South Worle Weston-super-Mare Uphill Weston-super-Mare Winterstoke Wick St Lawrence & St Georges

SECTION 3

## North Somerset Council

### Item 7

#### **REPORT TO THE PLANNING & REGULATORY COMMITTEE**

#### **DATE OF MEETING:**

#### **SUBJECT OF REPORT: 2ND QUARTER PLANNING PERFORMANCE 2021/22**

#### **TOWN OR PARISH: ALL**

#### **OFFICER PRESENTING: HEAD OF PLANNING**

#### **KEY DECISION: NO**

#### **RECOMMENDATIONS:**

That the report be **NOTED**.

#### **1. SUMMARY OF REPORT**

The service continues to contribute to delivering the Council's vision and priorities to deliver an open, fairer, greener North Somerset as set out in the report.

#### **2. POLICY**

The Corporate Plan 2020-24 sets out the Council's vision for North Somerset. The Council's vision is to secure "an open, fairer, greener North Somerset". The 3 core priorities are to be:

- a thriving and sustainable place
- a council which empowers and cares about people
- an open and enabling organisation

These priorities set the direction for Directorate and Team planning. As part of this, the Planning and Building Control service contributes to corporate performance indicators (KCPI's) to track how it is working to deliver the council's priorities. These include progress against key milestones for progressing the new Local Plan; housing delivery; performance against targets for major and minor planning applications and implementing the Planning Advisory Service peer review recommendations.

Within this framework, the service has a number of specific performance indicators as set out in table 1.

SECTION 3

Table 1 Dashboard of Service performance indicators

<b>Indicator</b>	<b>Target</b>
% of all planning applications determined within target	> 80%
% of major planning applications determined within target	> 70%
% of minor planning applications determined within target	> 75%
% of other planning applications determined within target	> 86%
% of appeals that were allowed against a planning refusal	<30%
% of enforcement notices upheld on appeal	>90%

Performance against these indicators is addressed below.

**3. DETAILS**

Planning application and enforcement performance (Q2)

The performance for the second quarter of 2021/22 is set out in table 2 below. Performance for the comparable quarter of the previous financial year (2020/21) is shown in column two for comparison. Additional indicators focussing on the key enablers are also included.

Table 2

<b>Performance Indicator</b>	<b>Q2 20/21</b>	<b>Q1 21/22</b>	<b>Q2 21/22</b>	<b>Year 21/22</b>	<b>Target 21/22</b>
% Of all applications determined < 8 Weeks or agreed time limit	91.0%	94.2%	92.9%	93.57%	>80%
% Of major applications determined in <13 Weeks or agreed time limit	63.6%	90.9%	66.7%	77.785	>70%
% Of minor applications determined in <8 Weeks or agreed time limit	86.3%	90.0%	85.5%	88.17%	>75%
% Of other applications determined in <8 Weeks or agreed time limit	93.7%	91.3%	96.1%	95.275	>86%
% Of all appeals that were allowed against a planning refusal	23%	18.2%	22.2%	20%	<30%
% Of enforcement notices upheld on appeal	0%	50%	0%	25%	>90%
% of applications that are delegated to officers	94.28%	92.58%	96.72%	94.61%	>90%
Registration of Major applications within 10 working days of receipt	100%	1005	100%	100%	>90%

SECTION 3

All staff have been working from home since the end of March 2020 due to the Covid-19 restrictions. This has required a change in operational arrangements which, coupled with the nature and complexity of work, has stretched resources. Performance has been managed by agreeing extensions of determination times with applicants. It should be noted however that capacity constraints in other service areas (e.g. highways, drainage, ecology) have also impacted on the speed with which planning applications are determined. Delay can increase the risk of fees having to be refunded under the national Planning Guarantee unless applicants agree to an extension to time to determine planning applications.

Table 3 shows the appeal success against the refusal of planning permissions (excluding enforcement appeals) and includes performance against all appeals decided, regardless of whether the decision was under delegated powers or by committee.

Table 3 Appeals Decided

<b>Performance (Planning Appeals)</b>	<b>Q1</b>	<b>Q2</b>	<b>Year 21/22 to date</b>
Appeals received	7	7	14
Appeals decided	11	9	20
Appeals dismissed	9	7	16
% of appeals dismissed from appeals decided (target >70% dismissed)	82%	78%	80%
% of appeals allowed in cases where Committee refused permission contrary to officer recommendation to approve	0%	0%	0%

Table 4 shows the total number of appeals and the totals for the various types of appeal processes.

Table 4 Appeals Received

<b>Appeal Types Received* (Planning Appeals)</b>	<b>Total 15/16</b>	<b>Total 16/17</b>	<b>Total 17/18</b>	<b>Total 18/19</b>	<b>Total 19 /20</b>	<b>Total 20/21</b>	<b>Q2 Total</b>	<b>Total 21/22</b>
Public Inquiries	2	6	1	2	3	1	0	0
Hearings	1	2	0	2	2	2	0	0
Written Representations	43	28	59	49	55	36	7	14
Totals	46	36	60	53	60	39	7	14

**SECTION 3**

\* Whilst a public inquiry has taken place in this quarter, the table relates to the date when the appeal was received rather than when the appeal itself takes place.

It should be noted that public inquiries and hearings are resource intensive and put significant pressure on staff and financial resources which impacts on other work areas. This year the Council has been particularly stretched by the appeal against the refusal of planning permission for the expansion of Bristol Airport. That public inquiry started on 20<sup>th</sup> July and ran until 8<sup>th</sup> October.

Enforcement Performance

The council's Local Enforcement Plan was updated and agreed by the Committee in November 2019 and determines the priority accorded to each case. Updates are produced for Parish and Town Councils to allow them to track progress on enforcement cases in their parishes. The team is managing high volumes of cases with an increase in work arising during the Covid-19 lockdown. Together with related appeal work this means the team has to prioritise very tightly resulting in cases are taking longer to resolve than might normally be the case. Appeal success rate remains good although the team has been stretched by the preparation for a sequence of public inquiries to be held over the summer and autumn. Table 6 sets out the number of notices served.

Table 6

Notices Served	Q2 21/22	Total 21/22	Total 20/21	Total 19/20	Total 18/19	Total 17/18	Total 16/17
*PCN's and 330 Notices	5	<b>8</b>	19	43	31	41	45
**BCN's	0	<b>0</b>	0	0	2	5	1
Enforcement Notices	1	<b>2</b>	14	16	19	17	22
Stop Notices	0	<b>0</b>	0	0	0	0	0
Temporary Stop Notices	0	<b>0</b>	0	0	0	1	0
Injunctions	0	<b>0</b>	0	0	0	0	0
***Section 215 Notices	0	<b>0</b>	0	0	3	0	1

\* Planning Contravention Notice

\*\* Breach of Condition Notice

\*\*\* Notices that deal specifically with the visual amenity of land/buildings.

As well as formal enforcement action being taken through the issuing of formal notices and the instigation of prosecution action the Enforcement team has been

**SECTION 3**

active in resolving cases without the need for formal action. This is done by negotiation and in liaison with its partners.

Resource Management

The volume of the main work areas is set in table 7

Table 7

Performance Target	Q2 20/21	Q1 21/22	Q2 21/22	Year 21/22
No. of applications received	453	537	462	999
No. of planning and enforcement appeals received	13	8	7	15
Reported alleged breaches of planning control (Enforcement)	151	239	150	389

Budget savings are being achieved through vacancy management in accordance with the Council’s financial management strategy. Income is generated through planning application fees, pre-application and permitted development advice, planning performance agreements and searches of the Historic Environment Record. There are income targets for each fee earning area, the largest being for planning application fees. Fee income for the first half of this year is down on forecast due to the ongoing effect of the pandemic.

Plan making costs are significant with the Council responsible for the costs of the examination process for statutory planning documents. Work is now underway shaping the options to deliver the agreed spatial strategy for consideration by Executive in December. Public inquiries incur significant additional expenditure on legal and, where applicable, consultancy advice. In this respect, the Bristol Airport appeal incurred significant expenditure with a QC and team of consultants been appointed to defend the Council’s reasons for refusal.

Staffing

Following the retirement of 2 part time members of the Applications & Consents team and the departure of a third member of the team to join WECA, two new full time officers have joined the team. A Principal Planning Officer in the Strategic Development leaves in November and a recruitment is under way to secure a replacement. Building Control currently has two vacant posts and recruitment for replacements remains ongoing. Another member of the team is due to take maternity leave and temporary maternity cover replacement is being sought.

Service Transformation

A wider Place Directorate Transformation Programme is underway following a restructure earlier in the year. As part of this a Peer Review of the Planning service

### SECTION 3

was carried out in January by the Planning Advisory Service. The recommendations of the Peer Review were considered by a member working group and subsequently agreed by Council on 19<sup>th</sup> July. The recommendations are currently in the process of being implemented.

#### 4. CONSULTATION

All policy documents and planning applications are the subject of consultation. Prior to lockdown, regular liaison meetings took place with Town and Parish Councils and an Agents forum to discuss service issues.

#### 5. FINANCIAL IMPLICATIONS

As set out in the report.

#### 6. EQUALITY IMPLICATIONS

Equality issues are taken into account in all relevant development management decisions.

#### 7. CORPORATE IMPLICATIONS

The Group plays a role in meeting a number of corporate aims and performance indicators.

#### 8. OPTIONS CONSIDERED

Options for service improvement are under constant consideration.

#### **AUTHOR**

Richard Kent, Head of Planning.

#### **BACKGROUND PAPERS**

Corporate Plan  
Directorate Statement  
Statistical returns  
Customer complaints and compliments  
Group Budgets



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

**A - PLANNING APPEAL DECISIONS**

1. Planning Application Number 21/P/1070/TEA

**Site: Land at junction of Bridge Road and Drove Road, Weston-super-Mare**

Description: Application to determine if prior approval is required for the proposed erection of a 15m. Phase 8 Monopole with wraparound cabinet at base, 3no. cabinets and associated ancillary works.

Recommendation: Prior approval - required and refuse

**Appeal Dismissed 18 Oct 2021**

Type of appeal: Written Representation

Officer: Anna Hayes

Appellant: Hutchison UK Ltd

The main issues that was identified by the Planning Inspector is the effect of the siting and appearance of the development on the character and appearance of the area, including whether the applicant has undertaken a suitable search of alternative sites.

2. Planning Application Number 20/P/0829/FUL

**Site: 59-61 Meadow Street, Weston-super-Mare**

Description: Proposed conversion of the first and second floor to create 4 no. 2-bed flats and 2 no. 1-bed flats and reconfiguration of the ground floor commercial unit.

Recommendation: Refuse

**Appeal Dismissed 19 Oct 2021**

Type of appeal: Written Representation

Officer: Jessica Smith

Appellant: Mr G Geourgiou

The main issues that were identified by the Planning Inspector were 1) whether the development would provide adequate living conditions for future occupants and the neighbours at No 46 Orchard Street with respect to privacy, 2) whether the development would

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

provide adequate living conditions for future occupants with particular respect to outlook, daylight, space, noise, disturbance and odour, and 3) whether the proposal meets the requirements of local and national policies with regard to flood risk.

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

1. Planning Application Number 20/P/2666/FUL

Site: Kings Field, Land Off Moor Road, Banwell

Description: Creation of 1no. traveller and gypsy caravan pitch together with the formation of hardstanding and the erection of a day room, stables and shed, siting of park home and touring caravan (Retrospective)

Date of Appeal: 4 Oct 2021

Type of appeal: Hearing

Case Officer: Emma Bailey

Appellant: Mr Dick Atwell

2. Planning Application Number 19/P/3197/FUL

Site: Land off Moor Road, Yatton

Description: 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.

Date of Appeal: 01 Nov 2021

Type of appeal: Public Inquiry

Case Officer: Lee Bowering

Appellant: Persimmon Homes Severn Valley

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

3. Planning Application Number 19/P/2763/FUL

Site: Max House Farm, Max Mill Lane, Winscombe, BS25 1DS

Description: Demolition of existing dwelling and coach house. Construction of replacement dwelling with annexe.

Date of Appeal: 04 Nov 2021

Type of appeal: Written Representations

Case Officer: Angela Norris

Appellant: Mrs Nicole Garrett

**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 – to be rescheduled following postponement of 2 November date

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

**2. Site: Kings Field, Land off Moor Road, Banwell, BS29 6ET**

Planning Application Number: 20/P/2666/FUL

Description: Creation of 1no. traveller and gypsy caravan pitch together with the formation of hardstanding and the erection of a day room, stables and shed, siting of park home and touring caravan (Retrospective)

Case Officer: Emma Bailey

Appellant: Mr Dick Atwell

Type of Appeal: Hearing – Scheduled for 1 and 2 February 2022, to be held at The New Council Chambers, Town Hall, Walliscote Grove Road, Weston-super-Mare, BS32 1UJ

Page 60

**Summary Performance April 21 – March 22**

Appeals received 18  
Appeals decided 25  
Appeals dismissed 21  
Percentage dismissed of appeals decided 84%

**Costs awarded against the Council**

Delegated Decision: none  
Committee decision: none

Total: none

**Appeals Allowed April 21 – March 22**

Delegated Decision 4  
Committee Decision None

**Costs awarded to the Council**

Delegated Decision: 1 (partial)