

# Public Document Pack

**Contact:** Hazel Brinton  
**Direct Dial:** 01275 884811  
**E-mail:** hazel.brinton@n-somerset.gov.uk  
**Date:** Tuesday, 8 February 2022

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

**Should you wish to attend in person we ask that you notify the Contact Officer above at least 24 hours before the meeting as this will help us to manage the meeting safely.**

**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, 16 February 2022, 6.00 pm  
– New Council Chamber, Town Hall**

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

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

The agenda is set out overleaf.

Yours faithfully

Assistant Director Legal & Governance and Monitoring Officer

## **Councillors (13):**

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

## Agenda

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

**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 17 November 2021 (Agenda Item 4) (Pages 5 - 16)**

17 November 2021 to approve as a correct record (attached)

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

**6. Planning Application No 22/P/0062/FUL Installation of 'See Monster' a large-scale temporary art installation formed upon a decommissioned North Sea offshore platform, which provides events space (Sui Generis) along with an amphitheatre, associated engineering and landscaping works at Tropicana, Marine Parade, Weston-Super-Mare, Somerset, BS23 1BE (Agenda Item 6) (Pages 17 - 32)**

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

**7. Q3 Performance Report (Agenda Item 7) (Pages 33 - 40)**

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

**8. Planning Appeals 16 02 22 (Agenda Item 8) (Pages 41 - 56)**

Section 3 report of the Directorate 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, 17 November 2021

New Council Chamber, Town Hall

Meeting Commenced: 2.30 pm

Meeting Concluded: 3.45 pm

### Councillors:

James Tonkin (Chairman)

John Crockford-Hawley (Vice-Chairman)

Peter Bryant

Caroline Cherry

Peter Crew

Mark Crosby (substitute for Mike Solomon)

Ann Harley

Steve Hogg

Stuart McQuillan

Timothy Snaden

Richard Tucker

Richard Westwood

**Apologies:** Councillors Robert Payne and Mike Solomon.

**Also in attendance:** Councillors Mark Canniford and Geoffrey Richardson.

**Officers in attendance:** Sue Buck (Solicitor - Litigation Team Leader), Sue Efford (Committee and Support Services Manager), Sally Evans (Principal Planning Officer), Richard Kent (Head of Planning, Place Directorate), James Wigmore (Lead Transport Planner) and Roger Willmot (Service Manager Strategic Development, Place Directorate).

### PAR Chairman's Welcome

31

The Chairman welcomed everyone to this face-to-face meeting of the Planning & Regulatory Committee in the New Council Chamber. In line with public health recommendations to exercise caution and the council's health and safety advice, the number of councillors, officers and members of the public in attendance in the Chamber was still limited to ensure the meeting could take place safely.

He also confirmed that the new committee and meeting arrangements were now in place following Council approval of the recommendations from the Planning Peer Review. This Committee now comprised 13 members, together with an agreed pool of substitute members to be called on where standing committee members were unable to attend. There were also new arrangements in place for speaking

on planning applications under Standing Order 17A, with speakers to be invited to address the committee immediately before an application rather than at the start of the meeting.

The Chairman then introduced those officers present at the meeting and explained that any non-committee members in attendance may be invited to speak but did not have a vote.

**PAR 32 Public speaking at planning committees (Standing Order 17 & 17A) (Agenda Item 1)**

It was noted there were no speakers under Standing Order 17.

One request to speak had been received under Standing Order 17A and the speaker would be invited to address the committee immediately prior to consideration of the application in question (agenda item 6).

**PAR 33 Declaration of Disclosable Pecuniary Interest (Standing Order 37) (Agenda Item 3)**

None declared.

**PAR 34 Minutes of the meeting held on 13 October 2021 (Agenda Item 4)**

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

**PAR 35 Matters referred by Council, the Executive, other committees etc (if any)**

None

**PAR 36 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)**

At the invitation of the Chairman, Tom Vaughan, Chair of Clevedon BID, addressed the committee speaking in support of the application.

The Director of Place's representative presented the report. He also drew members' attention to the update sheet, published the previous day, a copy of which is filed on the minute book. The update sheet gave details of a written commitment from the applicants regarding a clause within the S106 legal agreement, confirmed compliance with the updated Parking Standards SPD, gave details of additional third party comments and proposed an amendment to the wording of condition no. 20 in the recommendation.

At the invitation of the Chairman, Councillor Canniford and Councillor Richardson addressed the committee.

Following debate it was

**Resolved:** that, 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 and (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), subject to conditions to be agreed in consultation with the Chairman, Vice Chairman, ward member and Councillor Crosby, 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.

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)

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.

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

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.

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 months of commencement of development (or other timescale agreed in writing by the Local Planning Authority.)

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

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

20. Notwithstanding the approved plans, no development above ground shall commence 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) the relocation of the taxi bays;
- iv) Heritage interpretation features within the floorscape and through interpretation boards and artworks;
- v) Planting and retention of trees; and
- vi) Street furniture.

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

#### **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.

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.

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.

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.

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.

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

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.

#### **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.

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.

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.

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/>

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'.

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.

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.

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.

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.

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.

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 residents' 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.

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.

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.

**PAR 37 Quarter 2 Performance Report (Agenda item 7)**

The Director of Place's representative presented the report.

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

**PAR 38 Planning Appeals 17 11 21 (Agenda item 8)**

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

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

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

39

None

---

Chairman

---

This page is intentionally left blank



**SECTION 1 – ITEM 6**

**Application No:** 22/P/0062/FUL

**Proposal:** Installation of 'See Monster' a large-scale temporary art installation formed upon a decommissioned North Sea offshore platform, which provides events space (Sui Generis) along with an amphitheatre, associated engineering and landscaping works

**Site address:** Tropicana, Marine Parade, Weston-Super-Mare, Somerset, BS23 1BE

**Applicant:** NEWSUBSTANCE Limited

**Target date:** 12.04.2022

**Extended date:**

**Case officer:** Sally Evans

**Parish/Ward:** Weston-Super-Mare; Weston-Super-Mare Central

**Ward Councillors:** Councillor Robert Payne Councillor Mike Bell

**COUNCIL OWNED LAND**

**Summary of recommendation**

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

**The Site**

The Tropicana is 0.9 hectares in area. It is a landmark site on Weston's sea front. Other nearby landmarks include Weston Grand Pier; the former 'Sea Life Centre' (now the 'Revo' café); the Winter Gardens; Knightstone Island, Beach Lawns; the Promenade and the Beach. Vehicle access is from Marine Parade at the front, eastern side of the building.

The site is prominent in views from Weston Beach; Marine Parade; the Beach Lawns; Beach Road and Clevedon Road. The main frontage building is two-storey, flanked by single storey sections which extend along the southern boundary. Buildings vary in height from approximately 5 to 8 metres. They are used for various purposes including a tourist information centre, café, a bar with function room/meeting space, and offices at the first floor level. The public entrances to the Tropicana are from Marine Parade, and include direct access to the internal courtyard space, former pool area which is open air. The north and west facing boundaries, which adjoin the beach, are enclosed by stone walls. The north boundary includes a gated service entrance. About 75% of the Tropicana's surface area is an open-air hardstanding. This has been used in recent year for events, a winter ice skating rink, and summer fun fairs.

## **The Application**

The proposal is a full planning application for the reconstruction and adaptation of a decommissioned North Sea oil platform to form a large-scale public art installation for a temporary period. It is proposed to be located on the Tropicana's central hardstanding covering the former pool area with the purpose of creating an interactive art attraction. The design theme is the re-use of materials, renewable energy, and how sustainable practice can help reducing the global impacts of climate change.

The structure, which is predominantly steel, consists of three levels: the cellar deck (324sqm), the main deck garden (253sqm), and the helipad (253sqm). The platform structure stands on 4 pillar legs which will be piled and connected to a concrete hardstanding. The footprint will cover approximately 10% of the Tropicana area and will be clear at ground level except for the supporting legs and water feature which will extend around the base of the structure. At its highest it will be approximately 33 metres above Marine Parade level, 30 metres wide and 25 metres in depth with the platform's flare arm projecting southwards. Two large walkways will provide access to the structure from ground level. Stairs and lifts give access the upper levels. Ancillary equipment is likely to be erected on site, including generators, fuel stores and radio broadcasting facilities housed in portacabins.

Full details of the external colour finishes, final fit out and appearance of the artworks is not yet available but the main structure is likely to be brightly coloured.

Construction activity is planned to commence in March 2022 in three phases,  
(i) site preparation and piling,  
(ii) construction of the legs and platform, passenger lift, stairs and ramps and  
(iii) fit out including landscaping and art features.

The construction phase is expected to take about 10 weeks: 4 weeks for the site preparation (clearance, piling, capping etc), 3 weeks to erect the structure, and 4 weeks for all other elements and decoration to be fitted. It is proposed to be open to the public for 3 months from July to September this year. The installation is intended to be temporary and will be removed and the site returned to its former condition after September.

Construction work will involve the improvement and repair of the existing hardstanding with enabling works for the installation of piled foundations. Piling is expected to take 1 week to complete. All structural works will take place within the boundary of the Tropicana. The heaviest parts of the structure/equipment are likely to be craned into the Tropicana from Marine Parade. Delivery and marshalling would be controlled through the Construction Management Plan.

Traffic movements associated with the construction and removal involve the transportation of sections of the rig from Europe. Approx. 2-3 standard sized HGV's will arrive on site per day (a total of approx. 100 HGV movements) via an agreed route from J21 of the M5 to minimise disruption to the town. A holding facility will be made available at Locking Road car park to prevent queuing on local roads. Following construction there will be a fit out stage of elements manufactured off site, delivered, and built into the main framework which is scheduled to take place in May/June and the structure is due to be open to the public in July. A number and variety of mobile cranes will be used, some of which will be operated from the beach via the existing northern slipway using a metal temporary road

surface. This complies with procedures for previous events at the Tropicana. Once open, there will be a visitor travel plan promoting the use of public transport and non-car based travel. Methods of travel by train, bus, cycle and on foot will be detailed in the event publicity on individual websites for the Council, the Tropicana, Unboxed and for the See Monster. The town centre car parks will also be available.

During the operational phase visitor access/egress is via existing doors to Marine Parade, and visitors will be free to explore the site. Organisational activities and staff will be accommodated within the existing building. Deliveries and waste will be managed through the existing site arrangements. It is expected that 50-60 temporary jobs will be created for the day-to-day operation. The event will include education and learning activities for schools and colleges, including digital and visitation activities. An intern/work experience programme for key roles on site is expected.

Entry is planned to be free, and visitors will pre-book timed entry tickets to manage capacity. No new food or drink facilities are proposed and the existing Bay café on site will be remain open. Visitors will also be directed to the Town Centre via promotional information and websites to help local businesses and reduce congestion on site.

The attraction would be decommissioned and removed following its closure to the public. This is a reverse of the installation process is expected to take approximately 4 weeks. Longer term benefits to the site include refurbished public conveniences and the piles which could have the potential to be reused for future similar events.

### **Relevant Planning History**

Year: 2022  
Reference: 22/P/0063/ADV  
Proposal: Display of 1no. internally illuminated fascia sign on the East face of the SEE MONSTER' large-scale temporary art installation platform (facing Marine Parade)  
Decision: Not yet determined

Year: 2021  
Reference: 21/P/3095/EA1.  
Proposal: Request for a formal screening opinion as to whether an Environmental Impact Assessment is required to be submitted with a planning application for the proposed erection of a temporary event space formed from a decommissioned oil rig for a period of approximately 3 months from July to September 2022, providing a flexible event space (Sui Generis), including auditorium and amphitheatre, along with associated engineering and landscaping works.  
Decision: EIA not required.

Year: 2018  
Reference: 18/P/3819/R3  
Alteration and refurbishment of un-used changing rooms to create cycle hire shop, installation of new windows and door to front elevation.  
Decision: Approved

Year: 2012  
Reference: 12/P/1882/O  
Proposal: Outline Planning Permission with details of Access, Appearance, Landscaping and Scale for a redevelopment of the Pool site to include refurbishment of existing elevation to east of site, demolition of building to south of site, retaining boundary walls to minimum height of 9m above ordnance datum and erection of two storey building with mezzanine floor within compound. Redevelopment to provide a 50m indoor competition pool, outdoor pool and separate activity area with associated changing facilities, restaurant, retail and spa together with a temporary music stage. Details of layout to be reserved for subsequent approval.

Decision: Approved.

Year: 2012  
Reference: 12/P/0045/CA and 12/P/0712/13C  
Proposal: Demolition of the Tropicana  
Decision: Refused.

Year: 2001  
Reference: 01/P/2393/F and 01/P/2394/CA  
Proposal: Redevelopment of existing swimming pool and replacement with new indoor leisure pool with ancillary family entertainment centre, multi-screen cinema, health and fitness centre, restaurants, cafes, bars and underground parking  
Decision: Approved with legal agreement.

### **Policy Framework**

The site is affected by the following constraints:

- Within the settlement boundary for Weston-Super-Mare.
- Within the Great Western Conservation Area.
- Within the Weston Town Centre (Seafront) as defined in Core Strategy policy CS19.
- Adjacent but outside the Severn Estuary SSSI and SPA
- North Somerset and Mendip Bats SAC Zone C.
- Tidal flood zone 3a.

### **The Development Plan**

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

The following policies are particularly relevant to this proposal:

CS1 Addressing climate change and carbon reduction  
CS2 Delivering sustainable design and construction  
CS3 Environmental impacts and flood risk management  
CS4 Nature Conservation  
CS5 Landscape and the historic environment  
CS10 Transport and movement  
CS11 Parking  
CS12 Achieving high quality design and place making

CS20	Supporting a successful economy
CS21	Retail hierarchy and provision
CS22	Tourism Strategy
CS26	Supporting healthy living and the provision of health care facilities
CS27	Sport, recreation and community facilities
CS28	Weston super Mare
CS29	Weston super Mare Town Centre

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
DM7	Non-designated heritage assets
DM8	Nature Conservation
DM10	Landscape
DM24	Safety, traffic and provision of infrastructure etc associated with development
DM25	Public rights of way, pedestrian and cycle access
DM26	Travel plans
DM28	Parking standards
DM31	Air safety
DM32	High quality design and place making
DM33	Inclusive access into non-residential buildings and spaces
DM60	Town centres
DM68	Protection of sporting, cultural and community facilities
DM69	Location of sporting, cultural and community facilities

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

The following policy is particularly relevant to this proposal:

SA2	Settlement boundaries.
-----	------------------------

**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-making
- 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
- 17 Facilitating the sustainable use of minerals

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 2021)
- North Somerset Landscape Character Assessment SPD (adopted September 2018)
- Biodiversity and Trees SPD (adopted December 2005)
- Creating sustainable buildings and places SPD (adopted April 2021)
- Wind Turbines SPD (Adopted April 2014)
- Travel Plans SPD (adopted November 2010)
- Weston super Mare Town Centre Regeneration SPD (adopted February 2017)
- North Somerset and Mendip Bats Special Area of Conservation (SAC) Guidance on Development: SPD (Adopted January 2018)

**Consultations**

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

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

- Good use for the Tropicana, essential for the town.
- Support associated economic regeneration benefits to the town.
- Support cultural and associated activities to the seafront.

Bristol Airport has commented that it has no technical or operational aviation safeguarding objections, in relation to aircraft operating to and from Bristol Airport.

**Weston-super-Mare Town Council:** To be reported.

**Other Comments Received:**

Environment Agency:

Providing the Local Planning Authority is satisfied the requirements of the Sequential Test under the National Planning Policy Framework (NPPF) are met, the Environment Agency would have no objections to the proposed development subject to conditions being attached requiring (i) an agreed scheme of pollution control is implemented and (ii) an agreed remediation strategy is operational should any contamination be found.

Natural England

The proposal is not directly connected with or necessary for the management of the European site, therefore should the Council be minded to approve the application it will be necessary to complete a Habitat Regulations Assessment, and Appropriate Assessment if significant effects cannot be ruled out, prior to decision. Natural England must be consulted on any Appropriate Assessment undertaken.

Officer comment.

*A Habitat Regulations Assessment has been undertaken, which concluded that no Appropriate Assessment was necessary. This has been forwarded to Natural England for any necessary input prior to the above observations being received.*

Historic England:

No objection on the basis that the development will only be there for a six month period, after which it will be removed. The proposals are to install a large, decommissioned oil rig in the disused Tropicana Lido on Weston-super-Mare seafront for a six month period. The oil rig would be adapted for use as a public viewing platform and interactive art piece. It is one of the most unusual planning applications we have seen.

Historic England has made significant investment in Weston-super-Mare recently, through its Heritage Action Zone programmes. The Heritage Action Zone is designed to ensure that the town's outstanding heritage plays a central role in its regeneration as Weston builds upon its recent success attracting new businesses, residents, and visitors. Part of this work has seen a comprehensive review of the town's conservation areas, which have been amalgamated into one large "Great Weston" Conservation Area, itself divided into individual zones of character.

The Great Weston Conservation Area appraisal and management plan describes the special characteristics of the seafront as derived from its seaward facing Victorian villas, stone terraces and Weston's earliest hotels, and its formal Beach Lawns and panoramic views across the bay and towards the town. It notes the contrast between open and enclosed spaces, formal and informal spaces; and the changing seasonal character, bustling with activity in the summer months. It also cites the enclave of Knightstone Island and the contrasting form of the Birnbeck and Grand Piers as key characteristics. It notes that there is variation in building types and styles in the seafront area reflecting two centuries of growth and change. The proposed temporary installation of an oil rig in the Tropicana Lido may detract from the characteristics described above, by introducing significant built form into the open environment of the beach and beach lawns. It would certainly add a dominant focal point to the seafront, but this is not necessary an adverse impact. It would no doubt attract additional visitors (enhancing the "bustle") and provide, quite literally, a platform for people to engage with the heritage of the town.

**Marine Management Organisation:**

Works activities taking place below the mean high water mark may require a marine licence in accordance with the Marine and Coastal Access Act (MCAA) 2009. A wildlife licence is also required for activities that that would affect a UK or European protected marine species. Under the Marine and Coastal Access Act 2009, public authorities must make decisions in accordance with marine policy documents and if it takes a decision that is against these policies it must state its reasons.

Marine plans will inform and guide decision makers on development in marine and coastal areas. Proposals should conform with all relevant policies, taking account of economic, environmental and social considerations. Marine plans are a statutory consideration for public authorities with decision making functions.

Officer comments

*It is believed that this is unlikely to be necessary, since the proposal is contained within the curtilage of the Tropicana, which is already an existing tourist venue. However the applicants have been advised to ensure the proposals comply with the requirements as appropriate.*

**Avon and Somerset Police:**

No objections.

**National Highways:**

No objection.

**Principal Planning Issues**

The principal planning issues in this case are (1) the principle of development, (2) visual impacts on the seafront and promenade, (3) impact on character and appearance of the Conservation Area and the setting of Listed Buildings, (4) highways and transport impacts, (5) sustainability, (6) biodiversity, Habitat Regulations Assessment and NERC Act 2006, (7) potential for noise, disturbance and impacts on living conditions of neighbours, (8) flood risk, (9) aircraft safety, and (10) archaeology

**Issue 1: Principle of development**

The site is located within the WsM Town Centre (Seafront) defined in Core Strategy policy CS29, as the focus for retail, leisure and entertainment facilities to support town wide regeneration, and a prosperous vibrant economy. It identifies the Tropicana as a priority site for regeneration. Policy requirements are that development proposals should not prejudice and should complement the viability of the town centre retail core, as well as improving pedestrian, visual and connectivity linkages, be high quality design and enhance the appearance of the seafront. Through advertising, working with local community groups and by nature of its scale and character, this large (albeit temporary) public art installation will comply with many of the principal policy requirements. It is forecast to attract a large number of visitors (around 200,000 plus) to the town over 12 weeks in the summer months, and its height and visibility will act as a visitor draw to and from the town centre which should benefit from associated trade from the event.

Policy CS20 specifically supports economic regeneration, job creation and investment in Weston-super-Mare, especially in the Town Centre and policy CS22 supports tourist attractions which increase the variety and quality of the visitor experience. The proposal will encourage visitors to the town and create temporary jobs, with the likelihood of associated spend in the local economy. Particularly as a result of covid, proposals which benefit the economic health of the town centre should be supported and the positive



impact of this proposal, which accords with these parts of both policies should be recognised and given significant weight in deciding the application.

The visual impacts from the proposal must also be acknowledged as it is located within the Great Western Conservation Area and is a consideration of policy CS29 and associated Development Management Plan policies DM3, DM4 and DM32. This is discussed further below. However, on the basis that this is a temporary structure and therefore adverse effects will be removed within a few months, and there will be significant local economic benefits to the town centre, the principle of the proposal is concluded on balance to be acceptable.

## **Issue 2: Visual Impacts on the seafront and promenade**

The Council's adopted local plan policies require new development proposals to be of the highest quality design, enhance the appearance of the seafront and promenade (CS29), and contribute to the creation of high quality, distinctive, functional and sustainable places with increased opportunities for physical activity and recreation (DM32). Developments should demonstrate sensitivity to the local character and setting, create a sense of place and generally enhance the area.

Weston Seafront provides a location for a wide variety of uses and buildings, both traditional and contemporary and leisure uses are a principal component of this. The Tropicana and Beach Lawns have hosted a wide variety of leisure uses and concerts in recent years including the "Dismaland" project in 2015, and tall fairground structures during the following summer tourist seasons are now common.

The proposed structure would be comparable in height to the 'Weston Wheel' which is 34m high and is an established seasonal feature on the Beach Lawns, and the Grand Atlantic hotel which is a building of considerable height and mass at 34.8 m high. Although these examples are on the landward side of Beach Road, they are prominent in views along the seafront. This helps to assess the impact of a development of this scale on the sea front

The re-purposed oil rig structure, due to its height, bright colour scheme, massing, form, location and appearance will undoubtedly be an imposing and prominent structure. It will dominate views of the Tropicana and the surrounding seafront and will be visible from close and longer distance viewpoints. However, as a temporary cultural attraction, which should bring substantial benefits to the economy and lively activity to the town centre, the benefits are considered to outweigh any perceived short term negative visual aspects of the proposal. The structure may appear as an incongruous feature in certain respects but as Historic England has noted, this is not necessarily an adverse impact if the structure is only there for a short period. Due to its unique nature it should attract additional visitors and provide an opportunity for people to engage with the heritage of the town. If the proposal were to be for a permanent installation, the long term impact on the character of the area would be much more significant and would need further detailed justification and assessment

Taking account of the construction, operation, and decommissioning timelines, the duration of the project would be approximately 6 months, from the start of construction to

the site being restored to its former condition. This is acceptable and development compliance is to be enforced through planning conditions.

### **Issue 3: Impact on character and appearance of the Conservation Area and setting of Listed Buildings**

The Planning (Listed Buildings and Conservation Areas) Act 1990 sets a general duty that special attention should be paid to the desirability of preserving and enhancing the character or appearance of the Conservation Area. Further guidance is given in the NPPF as to how to assess the impact of a proposed development on the significance of a designated heritage asset. Policies DM3, DM4 and DM7 of the North Somerset Sites and Policies Plan also apply. The visual impacts would be transient given the short term nature of the proposal and there would be no significant lasting impact on the Conservation Area. Therefore, whilst the proposals do not preserve the character of the Conservation Area for the period it will be on site, the harm is less than substantial due to its temporary nature. In such cases, NPPF paragraph 202 requires the harm to be weighed against the public benefits of the proposal. In this case the public benefits are predominantly economic and tourism based and arise from the additional visitor attraction. There will be a degree of enhancement to the wider Conservation Area from the events which will add to the liveliness and character of the seafront. The proposed structure, whilst substantial in size, would stand in relative isolation from other sea front buildings and would be seen largely in its own context. It is notable that Historic England has no objections on the basis of the temporary nature of the proposal. The unique and temporary nature of the proposal should also be weighed in the balance when assessing the impact in terms of policies DM3 and DM4. For the reasons given, it is concluded that the public benefits outweigh the impact on the Conservation Area in terms of those policies.

The Planning (Listed Buildings and Conservation Areas) Act also requires that Local Planning Authorities should have special regard to the desirability of preserving a listed building or its setting. The proposed structure, whilst substantial in size, would stand in relative isolation from other sea front buildings and would be seen largely in its own context. The impact on the setting of nearby listed buildings (for example the Grade II listed Grand Pier and the two seafront shelters) has been assessed and is considered to be detrimental but the harm will be very short lived again due to the transient nature of the proposal.

In summary, there are significant public benefits from the proposal to the economic health of the town centre and the Conservation Area. These include raised public awareness of sustainability and the need to recycle and reuse engineering structures. Moreover, the harm caused to the heritage assets is only temporary for an approximate 6-month period whilst the structure is in place, after which the harm will be removed. On this basis it is considered to be acceptable.

### **Issue 4: Highways and travel**

Highways and travel considerations fall into two categories (i) the construction and decommissioning/removal, and (ii) operational phases as described previously in the report. The Tropicana and sea front generally is an existing event venue which have supported a number of similar events previously. The draft Construction Management

proposals are essentially sound and adopt established principles which can be enforced by planning conditions. The principles will also be applied to the deconstruction phase.

The Tropicana benefits from good pedestrian and cycle links to the town centre, train station and beyond. Weston-Super-Mare has high quality public transport facilities, with the mainline train station only 15-20 mins walk away and bus stops within a 5 mins walk from the venue. The applicant is also investigating the options for providing additional Sunday bus services during the period when the installation would be open to the public. There are a small number of cycle parking stands outside the Tropicana which are not sufficient for the numbers of projected hourly visitors (approximately a maximum of 250). Therefore, additional cycle parking stands will be required by condition.

The vehicle trip generation has been estimated and compared to the Dismaland attraction previously held at the Tropicana which resulted in additional 4% traffic movements in the outer areas of town, an additional 6% movements in the inner town and 23% to 41% increase in the central area at various times. As the proposed attraction will require visitors to be pre-booked, the trip generation should be lower therefore not a cause unacceptable congestion.

The Council is also in discussion with the applicant regarding measures to manage and minimise impacts of parking in nearby residential streets. The sea front hosts regular attractions and various measures can be adopted outside of the planning process to manage traffic and parking requirements. Traffic management for the construction vehicles will also be closely controlled.

It is concluded that on this basis the proposals accord with the relevant adopted development plan policies including 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); and DM28 (parking standards and functional parking).

### **Issue 5: Sustainability**

Policy CS1 sets out the Council's commitment to reducing carbon emissions and tackling climate change. The theme of the attraction complies with this commitment by involving the reuse and rehabilitation of a retired industrial structure to form a large scale, temporary public art installation. There are aspects of the development (e.g. potential car journeys by the public to view the structure) which are less sustainable, but non-car based travel is being actively promoted to visitors. The close proximity to the town centre and public transport links are benefits in this respect. Overall, the message and positive sustainability indicators from the development are considered to outweigh the negatives.

### **Issue 6: Biodiversity, Habitat Regulations Assessment and NERC Act 2006**

The Tropicana abuts the beach at the north, west and south sides. This area is within the Severn Estuary Site of Special Scientific Interest (SSSI) and is a European designated Special Protection Area (SPA). The proposals have the potential to impact on the purposes of these designations, which specifically relate to overwintering rare wildfowl. However, this is unlikely to have any significant impact because the development will take

place outside the over wintering period and this is already a part of the beach where the greatest levels of human activity take place.

The development is unlikely to have direct impacts on the SPA or SSSI as the only works outside the boundary of the existing site are the construction and deconstruction phases which will involve vehicles and cranes. Temporary events already take place on the beach and Beach Lawns which involve noisy activities (eg: the beach races with heavy vehicles moving and contouring sand) and have been assessed through an existing Habitats Regulations Assessment (HRA). The Council has drafted an updated HRA to address this application, concluding that there will be no likely significant effects on the Severn Estuary either alone or in combination with other plans or projects. Therefore, Appropriate Assessment is not required. This has been forwarded to Natural England (NE) for comment and the committee will be updated on the outcome. Subject to comments from NE it is concluded the proposed development will not have a material detrimental impact upon biodiversity.

### **Issue 7: Noise and disturbance, impacts on living conditions of neighbours**

The Tropicana is now used as an events space and is subject to an existing Noise Management Plan. The applicants have confirmed the proposed use will comply with this. Additional controls are required however to ensure the construction activities including piling do not have an unduly harmful impact on the environment or local residents and comply with policies CS3 of the Core Strategy and DM32 of the Development Management Plan.

A Construction Environmental Management plan (CEMP) is required to manage noise and vibration during construction. It should also restrict construction working hours to 08:00 to 18:00 Monday to Friday, 09:00 to 13:00 on Saturday with no construction working on Sundays and Bank Holidays unless otherwise agreed. Additionally, the plan should include piling management and dust mitigation measures.

External lighting of the proposed structure has the potential to cause some environmental impacts and affect living conditions of houses opposite the site. A condition is therefore proposed to require details to be submitted and approved prior to installation of external lighting on site. The piling activities could result in contamination and a further condition is proposed to address this.

### **Issue 8: Flood risk**

Core Strategy policy CS3 and paragraphs 159 to 169 of the NPPF set out requirements for development proposals in areas at risk of flooding. The Tropicana is situated in an area of high flood risk (zone 3a) therefore the proposal is required to be subject to a sequential sites assessment. However, as this type of development is defined as "Less Vulnerable" there is no need for it to pass the Exceptions test. The submitted Flood Risk Assessment concludes that there are no alternative suitable sites for this proposal. The nature of the installation is most suited to a sea front location and there are no alternative suitable locations in the coastal area which are at a lower level of flood risk. In this respect it should be noted that a key reason for the site selection is the potential economic value of the project to the town as it enables visitors to take advantage of the location, views, and appreciation of local heritage. The proposed development would not increase the level of

flood risk elsewhere and the proposal therefore complies with the policy requirements as set out above.

### **Issue 9: Air safety**

In consideration of the height of the structure and nearby operational flightpaths associated with Bristol Airport, the Helicopter Museum, Weston Air-day and the emergency services, the parties have been consulted. At the time of writing only the Airport has responded, confirming no objections provided regulations related to the need for red lights on high structures are adhered to and advising that use of focused illuminated lights may require further consultation by the applicant.

### **Issue 10: Archaeology**

Development Management Plan policy DM6 requires that archaeology interests be considered and addressed in determining planning applications. Samples from boreholes previously carried out in proximity to the site found the presence of potentially important paleoenvironmental material relating to the site archaeological interest. There is a chance that the proposed piling or associated geotechnical investigations could reveal additional matters of archaeological interest.

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

The proposed development has been screened separately under the above Regulations (Reference number 21/P/3095/EA1) and has been found not to constitute 'EIA development'. An Environmental Statement is not, therefore, required.

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

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

### **Conclusion**

The proposed development would create a unique work of public art which supports the Council's Green agenda and will be a major visitor attraction for Weston-super-Mare during the summer. It will be temporary and will be removed following which the site will be returned to its former condition. As a consequence, its impacts on the appearance of the sea front and heritage assets would be transient. These impacts are outweighed by the projected benefits to the vitality of the town centre, the Conservation Area and sea front. The structure is sufficiently distanced from homes in the vicinity to ensure that the impact on living conditions is not unacceptable or unmanageable. Traffic and parking arrangements can be managed in accordance with normal operational arrangements for major events on the sea front. Impacts on biodiversity and flooding have been taken into account and are not considered to be unacceptable.

**RECOMMENDATION:** Subject to the receipt and consideration of comments from Natural England the application be **APPROVED** (for the reasons stated in the report above) subject to the following conditions and any other additional or amended conditions as may be required in consultation with the Chairman and Vice Chairman and local member:

1. The structure and associated fittings hereby permitted shall be removed and the land restored to its former condition on or before 31<sup>st</sup> October 2022 in accordance with a scheme of work that has first to be submitted to and approved in writing by the Local Planning Authority.

Reason: The structure is only granted consent on the temporary basis due to impacts on matters of recognised importance including the Conservation Area, setting of Listed Buildings and the nature conservation value of the Severn Estuary in accordance with Policies DM3, DM4 and DM7 of the North Somerset Sites and Policies Plan .

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

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

3. Prior to opening the development to the public a Flood Warning Evacuation Plan shall be submitted to and approved, in writing, by the local planning authority and thereafter the shall be fully implemented.

Reason: To limit the risk of flooding by ensuring the provision of satisfactory means of flood management and incident response on the site in accordance with policy CS3 of the North Somerset Core Strategy.

4. No development shall take place, including any piling works, until a Construction and Deconstruction Environmental and Ecological 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. As a minimum, 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 and vibration 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 and deconstruction phasing restrictions
- (l) location and specification of fencing
- (m) site security.
- (n) fuel oil storage, bunding, delivery and use, details of how both minor and major spillage will be dealt with, containment of silt/soil contaminated run-off; disposal of contaminated drainage, including water pumped from excavations.
- (o) site induction for workforce highlighting pollution prevention and awareness.
- (p) construction working hours to be restricted to 08:00 to 18:00 Monday to Friday, 09:00 to 13:00 on Saturday with no construction working on Sundays and Bank Holidays unless otherwise agreed.

Reason: In the interests of the living conditions of occupants of neighbouring properties, highway safety, and the character of the area and the biodiversity value of the area, and in accordance with policies CS2, CS3 and CS4 of the North Somerset Core Strategy and policy DM32, DM3 and DM8 of the North Somerset Sites and Policies Plan (Part 1)

5. The use of the structure hereby permitted by the public shall not commence until secure parking facilities for bicycles have been provided in accordance with plans and specifications to be first submitted and approved by the Local Planning Authority. The approved facilities shall thereafter be retained and kept available for the parking of bicycles at all times whilst the facility hereby approved is open to the public .

Reason: To ensure that secure cycle parking facilities are provided in order to encourage the use of more sustainable transport choices and in accordance with policies CS1 and CS11 of the North Somerset Core Strategy, policy DM28 of the North Somerset Sites and Policies Plan (Part 1) and the North Somerset Parking Standards SPD.

6. The use of the development hereby permitted shall not take place outside the hours of 09:00 hours to 23:00; hours unless otherwise agreed in writing with the Local Planning Authority.

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

7. Details of any means of external illumination of the structure shall be submitted to and approved in writing by the Local Planning Authority prior to its installation on site. No means of external illumination shall be installed other than in accordance with the approved details and shall not be varied without the permission in writing of the Local Planning Authority.

Reason: In the interests of the living conditions of occupants of neighbouring properties and the character of the area and the biodiversity value of the area in accordance with policies CS3 and CS4 of the North Somerset Core Strategy and policy DM32, DM3 and DM8 of the North Somerset Sites and Policies Plan (Part 1).

8. The 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 Sites and Policies Plan.

9. Should any contamination not previously identified be found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by,

the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To prevent pollution of the water environment and in accordance with policy CS3 of the North Somerset Core Strategy.



SECTION 3

## North Somerset Council

### Item 7

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

**DATE OF MEETING: 16<sup>TH</sup> FEBRUARY 2022**

**SUBJECT OF REPORT: 3RD 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 (Q3)

The performance for the third 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>Q3 20/21</b>	<b>Q2 21/22</b>	<b>Q3 21/22</b>	<b>Year 21/22</b>	<b>Target 21/22</b>
% Of all applications determined < 8 Weeks or agreed time limit	89.9%	92.9%	92.4%	91.17%	>80%
% Of major applications determined in <13 Weeks or agreed time limit	76.47%	66.7%	60%	67.74%	>70%
% Of minor applications determined in <8 Weeks or agreed time limit	87.38%	85.5%	92.9%	88.58%	>75%
% Of other applications determined in <8 Weeks or agreed time limit	91.19%	96.1%	96.8%	92.73%	>86%
% Of all appeals that were allowed against a planning refusal	27.5%	22.2%	17.65%	21.43%	<30%
% Of enforcement notices upheld on appeal	42.86%	0%	33%	33%	>90%
% of applications that are delegated to officers	95.14%	96.72%	93.5%	95.7%	>90%
Registration of Major applications within 10 working days of receipt	100%	100%	100%	100%	>90%

**SECTION 3**

Planning application numbers have recovered to pre-lockdown levels with the number of applications received to date at its highest level since 2017/18. All staff continue to work from home as has been the case since the end of March 2020 due to the Covid-19 restrictions. This required a change in operational arrangements which, coupled with the nature and complexity of work, 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. This shows a continuing strong performance in the defence of the Council's decisions on appeal.

Table 3 Appeals Decided

<b>Performance (Planning Appeals)</b>	<b>Q1</b>	<b>Q2</b>	<b>Q3</b>	<b>Year 21/22 to date</b>
Appeals received	7	7	7	21
Appeals decided	11	9	6	26
Appeals dismissed	9	7	6	22
% of appeals dismissed from appeals decided (target >70% dismissed)	82%	78%	100%	88%
% of appeals allowed in cases where Committee refused permission contrary to officer recommendation to approve	0%	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>Q3 Total</b>	<b>Total 21/22</b>
Public Inquiries	2	6	1	2	3	1	3	3
Hearings	1	2	0	2	2	2	1	1

SECTION 3

Written Representations	43	28	59	49	<b>55</b>	36	3	17
Totals	46	36	60	53	<b>60</b>	39	7	21

\* 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 in Q1 and Q2 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.

In Q3 the Council received 3 almost simultaneous appeals from developers against the refusal of major housing developments at Yatton and Backwell. Under relatively new Planning Inspectorate (PINs) procedures for appeals to be decided by public inquiry, public inquiry dates are now fixed with the objective of the inquiry taking place between 13 and 16 weeks of the appeal being lodged. This has resulted in the Council having to manage preparation for 3 public inquiries each of between 6 and 8 days in length starting on 15<sup>th</sup> February, 1<sup>st</sup> March and 15<sup>th</sup> March respectively. In addition a further 9 written representation appeals were received in December/January all with deadlines for submission of cases within 2 weeks of each other in February. This is all proving to be a significant challenge on resources which have to be pulled away from routine casework.

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 sound although the team was stretched by a sequence of public inquiries held over the summer and autumn. In January the team was also successful in securing a Planning Enforcement Order through the High Court.

Table 6 sets out the number of notices served.

Table 6

Notices Served	Q3 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	3	<b>11</b>	19	43	31	41	45
**BCN's	0	<b>0</b>	0	0	2	5	1

**SECTION 3**

Enforcement Notices	10	<b>12</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 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	Q3 20/21	<b>Q2 21/22</b>	Q3 21/22	<b>Year 21/22</b>
No. of applications received	446	462	434	1433
No. of planning and enforcement appeals received	22	7	8	22
Reported alleged breaches of planning control (Enforcement)	131	150	118	507

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 year to date is currently below forecast but has improved since last year.

Plan making costs are significant with the Council responsible for the costs of the examination process for statutory planning documents. Work has progressed with the draft Preferred Options (Consultation Draft) for the Local Plan 2036 which

### SECTION 3

agreed by the Executive on 2<sup>nd</sup> February. Public inquiries incur significant additional expenditure on legal fees and in recent cases, consultant witnesses. In this respect, the Bristol Airport appeal incurred very significant expenditure with a QC and team of consultants been appointed to defend the Council's reasons for refusal. The housing inquiries referred to above also incur barrister's fees and consultants costs due to the in-house resources not being available. Due to staff turnover, consultants were also employed to successfully fight 3 enforcement cases in the autumn.

#### 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 left for another Council in November and has been replaced through an internal promotion. A recruitment is under way to secure a replacement. Recruitment is also taking place for a Development Contributions Officer to improve the operation of the Council's CIL and S106 processes.

Some internal reorganisation of teams took place from January with the creation of a new Heritage and Design Team which is currently recruiting for two new urban designers (one to replace the current postholder who is leaving).

Building Control currently has two vacant posts and recruitment for replacements remains ongoing. Another member of the team is on maternity leave and temporary cover arrangements have been put in place.

#### Service Transformation

A Peer Review of the Planning service 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.

**SECTION 3**

**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

This page is intentionally left blank



**PLANNING AND REGULATORY COMMITTEE – 16 FEBRUARY 2022  
REPORT OF THE DIRECTOR OF PLACE**

**A - PLANNING APPEAL DECISIONS**

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

**Site: 7 Hillview Avenue, Clevedon**

Description: Retrospective application for the erection of a shed in garden to front of the property.

Recommendation: Refuse

**Appeal Dismissed 22 Nov 2021**

Type of appeal: Fast Track Appeal

Officer: John Grierson

Appellant: Mr R Madzelewski

The main issue that was identified by the Planning Inspector was the effect of the shed on the character and appearance of the appeal property and surrounding area

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

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

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

Recommendation: Refused

**Appeal Dismissed 9 Dec 2021**

Type of appeal: Public Inquiry

Officer: Chris Nolan

Appellant: Mr John Reed

The main issue that was identified by the Planning Inspector was whether the Council's decision to refuse the LDC was well founded taking account of the information that has been submitted. The onus of proof in LDC cases is upon the appellant and the standard of proof is on the balance of probabilities.

Appellants application for costs refused.

**PLANNING AND REGULATORY COMMITTEE – 16 FEBRUARY 2022  
REPORT OF THE DIRECTOR OF PLACE**

3. Enforcement Number 20/00063/COU

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

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

Recommendation: Enforcement Notice

**Notice quashed 9 Dec 2021**

Type of appeal: Public Inquiry

Officer: Chris Nolan

Appellant: Mr J Reed

It was determined that the notice was incorrect in terms of the extent of the area they covered, and how they described the alleged breach of planning control.

Appellants application for costs allowed - Limited costs were awarded in respect of the preparation and time involved in the appellants submission of the enforcement notice appeals only.

4. Enforcement Notice Number 20/00063/COU

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

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

Recommendation: Enforcement Notice

**Notice quashed 9 Dec 2021**

Type of appeal: Public Inquiry

Officer: Chris Nolan

Appellant: Mr J Reed

It was determined that the notice was incorrect in terms of the extent of the area they covered, and how they described the alleged breach of planning control

**PLANNING AND REGULATORY COMMITTEE – 16 FEBRUARY 2022**  
**REPORT OF THE DIRECTOR OF PLACE**

Appellants application for costs allowed - Limited costs were awarded in respect of the preparation and time involved in the appellants submission of the enforcement notice appeals only.

5. Enforcement Notice Number 20/00063/COU

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

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

Recommendation: Enforcement Notice

**Notice quashed 9 Dec 2021**

Type of appeal: Public Inquiry

Officer: Chris Nolan

Appellant: Mr J Reed

It was determined that the notice was incorrect in terms of the extent of the area they covered, and how they described the alleged breach of planning control

Appellants application for costs allowed - Limited costs were awarded in respect of the preparation and time involved in the appellants submission of the enforcement notice appeals only.

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

**Site: 28 Queens Road, Banwell**

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

Recommendation: Refused

**Appeal Dismissed 15 Dec 2021**

Type of appeal: Written Representation

Officer: Jessica Smith

Appellant: Mr Haines

The main issue that was identified by the Planning Inspector was the effect of the proposal on the safety of highway users.

**PLANNING AND REGULATORY COMMITTEE – 16 FEBRUARY 2022  
REPORT OF THE DIRECTOR OF PLACE**

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

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

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

Recommendation: Refused

**Appeal Dismissed 21 Dec 2021**

Type of appeal: Written Representation

Officer: Louise Grover

Appellant: Mr & Mrs B & S Vosper

The main issues that were identified by the Planning Inspector were 1) the effect of the proposal on the character and appearance of the surrounding area, having particular regard to the Churchill Conservation Area and trees on the site; and 2) the effect of the proposal on biodiversity, with particular regard to protected species and the North Somerset and Mendip Horseshoe Bat Special Area of Conservation and Site of Special Scientific Interest.

Page 44

8. Enforcement Number 2017/0455 (A)

**Site: Land at Woodlands Farm, Mearcombe Lane, Bleadon**

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

Recommendation: Enforcement Notice

**Appeal Dismissed 10 Jan 2022**

Type of appeal: Public Inquiry

Officer: Julie Walbridge

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

Appellants application for costs refused

**PLANNING AND REGULATORY COMMITTEE – 16 FEBRUARY 2022  
REPORT OF THE DIRECTOR OF PLACE**

9. Enforcement Number 2017/0455 (B)

**Site: Land at Woodlands Farm, Mearcombe Lane, Bleadon**

Description: Without planning permission, the erection of buildings

Recommendation: Enforcement Notice

**Appeal Dismissed 10 Jan 2022**

Type of appeal: Public Inquiry

Officer: Julie Walbridge

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

Appellants application for costs refused

10. Enforcement Number 2017/0455 (C)

**Site: Land at Woodlands Farm, Mearcombe Lane, Bleadon**

Description: Without planning permission, the erection of a building

Recommendation: Enforcement Notice

**Appeal Allowed 10 Jan 2022**

Type of appeal: Public Inquiry

Officer: Julie Walbridge

Appellant: Mr Keith Perrett

Appellants application for costs refused

11. Planning Application Number 20/P/0195/LDE

**Site: Land at Woodlands Farm, Mearcombe Lane, Bleadon**

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

Recommendation: Refuse

**PLANNING AND REGULATORY COMMITTEE – 16 FEBRUARY 2022  
REPORT OF THE DIRECTOR OF PLACE**

**Appeal Dismissed 10 Jan 2022**

Type of appeal: Public Inquiry

Officer: Julie Walbridge

Appellant: Mr Keith Perrett

Appellants application for costs refused

12. Planning Application Number 21/P/0870/FUL

**Site: Guild House, Greenhill Road, Sandford**

Description: Change of use of land to holiday recreation use, erection of 5no. holiday rental cabins, reception/storage hut and associated works.

Recommendation: Refuse

**Appeal Dismissed 13 Jan 2022**

Type of appeal: Written Representation

Officer: Emma Bailey

Appellant: Phillip Tomlinson

The main issues that were identified by the Planning Inspector were 1) whether the appeal site is a suitable location for the proposed development, with particular regard to the local development strategy, 2) the effect of the proposed development on the character and appearance of the area, including the scenic beauty of the Mendip Hills Area of Outstanding Natural Beauty (AONB), 3) whether the proposed development would have a likely significant effect, alone or in combination with other plans and projects, on the North Somerset and Mendip Horseshoe Bats Special Area of Conservation (the SAC); and 4) the effect of the proposed development on the living conditions of the occupiers of nearby properties, with particular regard to privacy, noise and disturbance.

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

**Site: 1 Vian End, Weston-super-Mare**

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

Recommendation: Refuse

**PLANNING AND REGULATORY COMMITTEE – 16 FEBRUARY 2022**  
**REPORT OF THE DIRECTOR OF PLACE**

**Appeal Allowed 20 Jan 2022**

Type of appeal: Fast Track Appeal

Officer: Chris Nolan

Appellant: Mr Johnson

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

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

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

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

Recommendation: Approve - Committee Decision: Refused

**Appeal Allowed 2 Feb 2022**

Type of appeal: Public Inquiry

Officer: Neil Underhay

Appellant: Bristol Airport Limited

The main issues that were identified by the Planning Inspector were 1) the impact of the proposed development on GHG emissions and the ability of the UK to meet its climate change obligations; 2) the effect of noise associated with the proposed development on health and quality of life; 3) the effect of air pollution associated with the proposed development on health and quality of life; 4) the effects of the

**PLANNING AND REGULATORY COMMITTEE – 16 FEBRUARY 2022**  
**REPORT OF THE DIRECTOR OF PLACE**

proposed development upon sustainable transport objectives, the highway network, highway safety and parking provision, and 5) the extent to which the development would harm the openness of the Green Belt and/or conflict with its purposes and the extent to which the harm to the Green Belt by reason of inappropriateness, and any other Green Belt harm, is clearly outweighed by other considerations so as to amount to very special circumstances.

Appellant's and Council's applications for costs – decision awaited

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

1. Planning Application Number 21/P/0870/FUL

Site: Guild House, Greenhill Road, Sandford

Description: Change of use of land to holiday recreation use, erection of 5no. holiday rental cabins, reception/storage hut and associated works.

Date of Appeal: 17 Nov 2021

Type of appeal: Written Representation

Case Officer: Emma Bailey

Appellant: Phillip Tomlinson

2. Planning Application Number 21/P/0236/OUT

Site: Land at Rectory Farm, Chescombe Road, Yatton

Description: Outline planning application for a residential development of up to 100no. dwellings and associated infrastructure following demolition of existing buildings on site, with access for approval and all other matters for subsequent approval.

Date of Appeal: 1 Dec 2021

Type of appeal: Public Inquiry

Case Officer: Neil Underhay

Appellant: Mead Realisations Ltd



**PLANNING AND REGULATORY COMMITTEE – 16 FEBRUARY 2022  
REPORT OF THE DIRECTOR OF PLACE**

3. Planning Application Number 21/P/1766/OUT

Site: Land at Farleigh Farm and 54 And 56 Farleigh Road, Backwell

Description: Outline planning application for demolition of 54 and 56 Farleigh Road; residential development of up to 125 dwellings (Class C3); strategic landscaping and earthworks, surface water drainage and all other ancillary infrastructure and enabling works with means of site access (excluding internal roads) from the new junction off Farleigh Road for approval; all other matters (internal access, layout, appearance, scale and landscaping) reserved for subsequent approval.

Date of Appeal: 6 Dec 2021

Type of appeal: Public Inquiry

Case Officer: Roger Willmot

Appellant: Persimmon Homes (Severn Valley)

Page 49

4. Planning Application Number 21/P/2224/FUL

Site: Ivy Cottage, Summer Lane, Banwell

Description: Application to vary conditions 2 (no extensions or external alterations allowed without the permission of the LPA) and 3 (no buildings to be erected within the curtilage of the dwelling without permission of LPA) attached to planning permission 06/P/2061/F (Erection of two rear dormers, chimney to side elevation, rear conservatory, front portico and coping to gable ends)

Date of Appeal: 9 Dec 2021

Type of appeal: Written Representation

Case Officer: Anna Hayes

Appellant: Mr N English

5. Enforcement Notice Number 21/00021/UAW

Site: 81 Bristol Road Lower, Weston-super-Mare

Description: Without planning permission the erection of a fence

Date of Appeal: 9 Dec 2021

Type of appeal: Written Representation

**PLANNING AND REGULATORY COMMITTEE – 16 FEBRUARY 2022  
REPORT OF THE DIRECTOR OF PLACE**

Case Officer: Chris Nolan  
Appellant: Mr Matthew Elkington And Ms Sandra Beddington

6. Planning Application Number 20/P/3216/FUL

Site: The Old Dairy, Backwell Common, Backwell  
Description: Demolition of existing equestrian stables and the erection of a dwellinghouse  
Date of Appeal: 5 Jan 2022  
Type of appeal: Written Representation  
Case Officer: Jessica Smith  
Appellant: Lorraine Kawka

Page 50

7. Planning Application Number 20/P/3253/FUL

Site: Land Adjoining Greenacres, Kenn Road, Clevedon  
Description: Erection of 2no. detached single storey dwellings and garages.  
Date of Appeal: 5 Jan 2022  
Type of appeal: Written Representation  
Case Officer: Simon Exley  
Appellant: Mr M Bell

8. Planning Application Number 21/P/2755/FUH

Site: 40 Severn Avenue, Weston-super-Mare  
Description: Retrospective application for partial demolition of front wall  
Date of Appeal: 11 Jan 2022  
Type of appeal: Fast Track Appeal  
Case Officer: Chris Joannou  
Appellant: Mr Potter

**PLANNING AND REGULATORY COMMITTEE – 16 FEBRUARY 2022  
REPORT OF THE DIRECTOR OF PLACE**

9. Planning Application Number 21/P/2087/FUL

Site: Land adjacent to The Grange, Smallway, Congresbury

Description: Erection of 3 no. open market linked dwelling houses and 1 no. self build detached dwelling house

Date of Appeal: 17 Jan 2022

Type of appeal: Written Representation

Case Officer: Jessica Smith

Appellant: Mr Richards

10. Planning Application Number 20/P/2889/FUL

Site: Imperial Hotel, 14 South Parade, Weston-super-Mare

Description: Retrospective application for the replacement of timber sash windows with UPVC sash windows.

Date of Appeal: 18 Jan 2022

Type of appeal: Written Representation

Case Officer: Chris Joannou

Appellant: Mr C Sanders

11. Planning Application Number 21/P/1306/FUL

Site: Land at Jubilee Lane, Langford

Description: Application to vary condition 5 attached to permission 19/P/3091/OUT (Outline application for the Erection of a dwellinghouse (all matters reserved for subsequent approval)) to allow for rewording of condition so that it does not limit occupation to Mr David O'Nions, his family and dependents only.

Date of Appeal: 18 Jan 2022

Type of appeal: Written Representation

Case Officer: Angela Norris

Appellant: Mr David O'Nions

**PLANNING AND REGULATORY COMMITTEE – 16 FEBRUARY 2022  
REPORT OF THE DIRECTOR OF PLACE**

12. Planning Application Number 21/P/1955/FUL

Site: Land At, 173 - 175 Kenn Road, Clevedon

Description: Variation of condition 12 of permission 20/P/2411/FUL (Variation to conditions 2 (plans) to planning permission 18/P/4846/FUL (redevelopment of the site to form a retirement living plus (Extra Care) development of 54 units (C2 Use), a children's nursery and associated parking, landscaping. New vehicular and pedestrian access from Kenn Road) to allow for alterations to floor plans resulting in a revision to number units from 54 to 57; alterations to external elevations, second floor, elevation 1 - windows added at second floor; Units 39, 43 and 57 opening amended to allow door opening and juliette balcony, 2 windows added to Unit 43, second floor, elevation 2 - dormer design amended, elevation 3 - gable roof revised, elevation 4 - roof design revised, new juliette added) to reduce height of Juliette balconies from 1.40m high to no less than 1.0m high

Date of Appeal: 18 Jan 2022

Type of appeal: Written Representation

Case Officer: Lee Bowering

Appellant: YourLife Management Services Ltd

13. Planning Application Number 21/P/0340/FUL

Site: Land to south of Birdcombe Farm Cottage, Tower House Lane, Wraxall

Description: Demolition of 2no. agricultural buildings and erection of 1no. three bedroom residential dwelling

Date of Appeal: 19 Jan 2022

Type of appeal: Written Representation

Case Officer: Jessica Smith

Appellant: Ms Keely Avery

14. Planning Application Number 21/P/1836/PIP

Site: Breezeland, Walton Bay, Walton-In-Gordano

Description: Permission in Principle for the erection of a single dwelling

Date of Appeal: 19 Jan 2022

Type of appeal: Written Representation

**PLANNING AND REGULATORY COMMITTEE – 16 FEBRUARY 2022  
REPORT OF THE DIRECTOR OF PLACE**

Case Officer: Jessica Smith  
Appellant: Mr R Hobley

**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: Emma Bailey

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

**2. Site: Kings Field, land off Moor Road, Banwell**

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

**PLANNING AND REGULATORY COMMITTEE – 16 FEBRUARY 2022  
REPORT OF THE DIRECTOR OF PLACE**

Appellant: Mr Dick Atwell  
Type of Appeal: Hearing – 19 April 2022

**3. Site: Land off Moor Road, Yatton**

Planning Application Number 19/P/3197/FUL

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.

Case Officer: Lee Bowering

Appellant: Persimmon Homes Severn Valley

Type of appeal: Public Inquiry – Scheduled for 6 days – 15 to 18 February and 22 to 23 February 2022, to be held at The New Council Chambers, Town Hall, Weston-super-Mare (17 February only, to be held at Grand Atlantic Hotel, Beach Road, Weston-super-Mare)

**4. Site: Land at Rectory Farm, Chescombe Road, Yatton**

Planning Application Number 21/P/0236/OUT

Description: Outline planning application for a residential development of up to 100no. dwellings and associated infrastructure following demolition of existing buildings on site, with access for approval and all other matters for subsequent approval.

Case Officer: Neil Underhay

Appellant: Mead Realisations Ltd

Type of appeal: Public Inquiry – Scheduled for 6 days – 1 to 4 March and 8 to 9 March 2022, to be held at The New Council Chambers, Town Hall, Weston-super-Mare

**PLANNING AND REGULATORY COMMITTEE – 16 FEBRUARY 2022  
REPORT OF THE DIRECTOR OF PLACE**

**5. Site: Land at Farleigh Farm and 54 and 56 Farleigh Road, Backwell**

Planning Application Number 21/P/1766/OUT

Description: Outline planning application for demolition of 54 and 56 Farleigh Road; residential development of up to 125 dwellings (Class C3); strategic landscaping and earthworks, surface water drainage and all other ancillary infrastructure and enabling works with means of site access (excluding internal roads) from the new junction off Farleigh Road for approval; all other matters (internal access, layout, appearance, scale and landscaping) reserved for subsequent approval.

Case Officer: Roger Willmot

Appellant: Persimmon Homes (Severn Valley)

Type of appeal: Public Inquiry – Scheduled for 8 days – 15 to 18 March and 22 to 25 March 2022, to be held at The New Council Chambers, Town Hall, Weston-super-Mare

Page 55

**Summary Performance April 21 – March 22**

Appeals received 32  
Appeals decided 36  
Appeals dismissed 29  
Percentage dismissed of appeals decided 80.6%

**Appeals Allowed April 21 – March 22**

Delegated Decision 6  
Committee Decision 1

**Costs awarded against the Council**

Delegated Decision: 3 (in relation to 3 quashed enforcement notices)

Committee decision: none

Total: 3

**Costs awarded to the Council**

Delegated Decision: 1 (partial)

This page is intentionally left blank