

## 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

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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)**

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None

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Chairman

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