

**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.

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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

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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.

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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.

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

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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

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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

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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

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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

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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)

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

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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

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

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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

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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

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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

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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

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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

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)