

Minutes

of the Meeting of

The Planning and Regulatory Committee

Wednesday, 14 December 2022

New Council Chamber - Town Hall

Meeting Commenced: 2.30 pm

Meeting Concluded: 3.15 pm

Councillors:

John Crockford-Hawley (Vice-Chairman)

Mike Bird

Peter Bryant

Timothy Snaden

Mike Solomon

Richard Westwood

Apologies: Councillors: James Tonkin (Chairman), Caroline Cherry, Peter Crew, Ann Harley, Stuart McQuillan, Robert Payne and Richard Tucker.

Also in attendance: Councillors Lisa Pilgrim, Roz Willis.

Officers in attendance: Richard Kent (Head of Planning, Place Directorate), James Wigmore (Lead Transport Planner), Roger Willmot (Service Manager Strategic Development, Place Directorate), Sue Buck (Solicitor - Litigation Team Leader) and Chris Nolan (Delivery and Enforcement Services Manager, Place Directorate) and Michèle Chesterman (Committee Services Senior Officer)

PAR Chairman's Welcome

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The Vice Chairman announced that In the absence of Councillor Tonkin, he would be presiding as Chairman at the meeting in accordance with Standing Order No 10.

He welcomed everyone to this face-to-face meeting of the Planning & Regulatory Committee in the New Council Chamber.

He explained the 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.

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

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

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

PAR 35 Declaration of Disclosable Pecuniary Interest (Standing Order 37) (Agenda Item 3)

None.

PAR 36 Minutes 16 November 2022 (Agenda Item 4)

Resolved: that the minutes of the meeting dated 16 November 2022 be approved as a correct record.

***** Change to Agenda Order *****

PAR 37 Planning Application No: 21/P/3185/FUL Erection of additional building at Busy Buddies Nursery, to increase the capacity of existing nursery, Cowslip Lane, Hewish, Banwell (Agenda item 7)

The Chairman agreed a change to agenda order, to consider Agenda item 7 next.

Resolved: the application be **DEFERRED** until the next meeting.

PAR 38 Planning Application No: 21/P/3529/OUT Outline planning application for a residential development of up to 70no. dwellings and associated infrastructure and landscaping, with access for detailed approval and matters of appearance, scale, layout and landscaping reserved for subsequent approval - Land off Anson Road, Kewstoke (Agenda item 6)

At the invitation of the Chairman, Jax Hampson, local resident addressed the committee speaking against the application.

At the invitation of the Chairman, Sophie Bridges, Applicant, addressed the committee speaking in favour of the application.

The Director of Place's representative presented the report. He also drew attention to the update sheet published the previous day which provided clarification regarding the bus services. Bus service 5 had been terminated, however the replacement bus service was the no 50. Officer comments were that Bus service 50 ran to the same location pas the application site as the previous bus service 5. In addition clarification was provided in relation to comments from Highways and Transport. The original comments from Highways and Transport had stated that Queensway had a 30mph speed limit to the east of the proposed access and this was quoted on page 9 of the committee report, however the speed limit was 40mph. Officer comments were that the visibility splays had been based on recorded speeds, and therefore the assessment of the proposed access

was accurate despite the error in speed limit having been quoted.

The Director of Place's representative drew attention to the introduction of an additional requirement (e) for further consideration of the compliance of the proposal with Core Strategy policy CS20 and, if required, the securing of an appropriate financial contributions through the S106 agreement to secure compliance with the relevant policy guidance.

At the invitation of the Chairman, ward members, Councillors Roz Willis and Lisa Pilgrim addressed the committee.

Following debate it was:

Resolved: Subject to

- (a) The receipt and consideration of the comments of the North Somerset Drainage Board on the amended drawings and documents;
- (b) the completion of a Habitat Regulation Assessment;
- (c) the completion of a section 106 legal agreement securing financial contributions towards affordable housing, green infrastructure and highway and transport improvements;
 - i. The provision of 30% on site affordable housing;
 - ii. The provision of 966 m2 of neighbourhood open space;
 - iii. The provision of 1610 m2 of woodland as indicated on submitted drawings;
 - iv. The provision of 1932 m2 conservation Site (rural) would be enhanced by the proposal;
 - v. The provision of Green Corridors;
 - vi. The provision of 400 m2 play area;
 - vii. Contribution of £50,000 for pedestrian safety improvements along Kewstoke Road;
 - viii. Contribution to public transport of £20,000 per annum for a period of 3 years to support and grow a scheduled bus service;
 - ix. Contribution of £50,000 for the replacement and upgrade of bus shelters;
 - x. Contribution of £3,600 for a TRO application for a speed limit location change; and
 - xi. Sustainable travel vouchers totalling £120/dwelling.
- (d) the completion of a section 278 agreement securing highways works to be delivered by the developer;
 - i. A signal-controlled crossing on Queensway; and
 - ii. Removal and replacement of speed limit signs.
- (e) further consideration of the compliance of the proposal with Core Strategy policy CS20 and, if required, the securing of an appropriate financial contributions through the S106 agreement to secure compliance with the relevant policy guidance.

The application be **APPROVED** (for the reasons stated in the report) subject to the following conditions:

1. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiry of three years from the date of this permission.

Reason: in accordance with the provisions of Section 92 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be begun before the expiry of two years from the date of approval of the last of the reserved matters to be approved.

Reason: in accordance with the provisions of Section 92 of the Town and Country Planning Act 1990.

3. Approval of the details of the scale, layout, appearance of the buildings and the landscaping of the site (hereinafter called "the reserved matters" shall be obtained from the Local Planning Authority, in writing before any development is commenced.

Reason: The application was submitted as an outline application in accordance with the provisions of Article 4 of the Town and Country Planning and Regulatory Committee 8 August 2018 Planning (Development Management Procedure) Order 2010 and in accordance with Policies DM32 of the Sites and Policies Plan Part 1 and Policy CS12 of the North Somerset Core Strategy.

4. The development hereby permitted shall be carried out in general accordance with the approved plans and documents;

ARN-APG-XX-ZZ-DR-A 0000 P01 - Location Plan
ARN-APG-XX-ZZ-DR-A 0001 P04 - Illustrative Masterplan Design
05729.TPP Rev A 17.05.22 - Tree Protection Plan
05729 TCP 29.10.2021 - Tree Constraints Plan
2838/05 Rev B - Landscape Masterplan
216071_AT01 Rev F - Site Access and Horizontal Visibility Splay
216071_PDL_01 P01 - Preliminary Surface Water Drainage Strategy

Lighting Assessment, S22-746/LA, August 2022
Arboricultural Impact Assessment Report, 17 December 2021
Flood Risk Assessment and Drainage Strategy, December 2021
Flood Risk Assessment Addendum, 216071, 20th May 2022
Project Design for an Archaeological Trial Trench Evaluation,
ACW1405/2/0, May 2022
Tree Survey, 05729, 28th October 2021

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

5. No more than 70 dwellings shall be erected on the application site.

Reason: To avoid an overdevelopment of the site which would be likely to result in a form of development that is out of keeping with the character and appearance of the site and surrounding area in accordance with Policy CS28 of the Core Strategy and DM32 of the Sites and Policies Plan Part 1.

6. No work shall be commenced until samples of the materials to be used in the development have been submitted to and approved, in writing, by the Local

Planning Authority. The development shall be carried out in the approved materials unless otherwise agreed in writing.

Reason: To ensure that the materials are acceptable in the interests of the appearance of the area and in accordance with section 7 and paragraph 17 of the National Planning Policy Framework.

7. The dwellings shall not be occupied until details of a scheme for providing space and facilities for the storage and collection of waste have been submitted to and approved in writing by the Local Planning Authority and the approved scheme has been implemented. Thereafter the approved space and facilities for the storage and collection of waste shall be permanently retained unless otherwise agreed in writing with the local planning authority.

Reason: The local planning authority wishes to encourage sustainable waste collection initiatives in the interests of local amenity and sustainable waste shall be permanently retained unless otherwise agreed in writing with the Local Planning Authority.

8. The development hereby permitted shall not be carried out except in accordance with the approved Arboricultural Method Statement Report and Tree Protection Plan. No occupation of the approved development shall commence until a signed certificate of compliance by the appointed Arboriculturalist has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the trees to be retained are not adversely affected by the development, in the interests of the character and biodiversity value of the area, and in accordance with Policies CS4 and CS9 of the North Somerset Core Strategy, Policies DM8, DM9, DM10 and DM19 of the North Somerset Sites and Policies Plan Part 1 and the North Somerset Biodiversity and Trees SPD.

9. Trees, hedges and plants shown in the landscaping masterplan and strategy to be submitted with the reserved matters application for landscaping, that are to be retained or planted which, during the development works for 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 in accordance with DM9 and DM10 of the Sites and Policies Plan Part 1.

Reason: To ensure as far as possible that the landscaping scheme is fully effective and in accordance with Policy DM9 and DM10 of the Sites and Policies Plan Part 1.

10. All landscaping works should be carried out during the months of October to March inclusive following occupation of the dwellings or completion of the development, whichever is the sooner.

Reason: To ensure that a satisfactory landscaping scheme is implemented in

accordance with policy CS9 of the North Somerset Core Strategy and policy DM9 of the North Somerset Sites and Policies Plan Part 1.

11. Any lighting shall be installed and operated in accordance with the lighting strategy design as set out in the Lighting Assessment S22-746/LA August 2022, Rev 6.2_C. If amendments to the type and location of the proposed lighting, or specifications are required, details of the changes must be submitted in writing, supported by updated proposed lux levels and lighting contour plans, and agreed by the Local Planning Authority before relevant works proceed. The development shall then be implemented in accordance with the agreed changes.

Reason: To reduce the potential for light pollution in accordance with Policy CS3 of the North Somerset Core Strategy and to protect bat habitat in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended), Wildlife and Countryside Act 1981 (as amended), policy CS4 of the North Somerset Core Strategy and policy DM8 of the North Somerset Sites and Policies Plan (Part 1).

12. The development shall not take place except in strict accordance with the mitigation measures outline in the appropriate assessment prepared by Clarkson and Woods, dated August 2022. If amendments to the mitigation are required, details of the changes must be submitted in writing and agreed by the Local Planning Authority before relevant works proceed. The development shall then be implemented in accordance with the agreed changes.

Reason: To protect bat habitat in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended), Wildlife and Countryside Act 1981 (as amended), policy CS4 of the North Somerset Core Strategy and policy DM8 of the North Somerset Sites and Policies Plan (Part 1).

13. The development shall not take place except in strict accordance with the measures outlined in Ecological Impact Assessment Whites Croft, Norton December 2021 and the Ecological Addendum White Croft, Norton, June 2022. If amendments to the methodology are required, details of the changes must be submitted in writing and agreed by the Local Planning Authority before relevant works proceed. The development shall then be implemented in accordance with the agreed changes.

Reason: To ensure compliance with the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended), policy CS4 of the North Somerset Core Strategy and policy DM8 of the North Somerset Sites and Policies Plan (Part 1).

14. A Construction Environmental Method Statement (CEMP) shall be submitted to and approved by the Local Planning Authority before works commence. The CEMP will include measures to protect ecological features during the construction phase. Details shall cover, but not limited to:
 - Protection measures and detailed methodology during construction
 - Protection of trees and hedgerows

- Sensitive lighting strategy, including street lighting
- Full and final specifications for protected species methodology including seasonal timing and site clearance methodology (RAMs dormice, reptiles, breeding birds, and other notable species).

Works shall be implemented in strict accordance with the approved methodology.

Reason: To ensure compliance with the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended), policy CS4 of the North Somerset Core Strategy and policy DM8 of the North Somerset Sites and Policies Plan (Part 1).

15. Before the development hereby approved is brought into operation, a 30 year ecological management plan for the site shall be submitted to and approved in writing by the Local Planning Authority. This shall include objectives, prescriptions, and a table of works, including monitoring. Ongoing management shall be carried out in accordance with the approved details. The LEMP shall include details of ecological enhancement measures (including management, bat and bird boxes and hedgehog connectivity measures) and a monitoring strategy.

Reason: To ensure the development contributes to the protection and enhancement of the site's ecology in accordance with policy CS4 of the North Somerset Core Strategy and policy DM8 of the North Somerset Sites and Policies Plan (Part 1).

16. None of the dwellings hereby approved shall be occupied until the new site access to Lower Norton Lane / Queensway has been constructed and the related visibility splays have been provided in accordance with the approved details. The approved visibility splays shall be maintained free of vegetation or other obstruction above 600mm above the nearside carriageway level at all times thereafter.

Reason: In the interests of highway safety and in accordance with policy DM24 of the Sites and Policies Plan Part 1.

17. No dwelling hereby permitted shall be occupied until the access serving the dwelling has been completed in accordance with the details shown on the approved plans.

Reason: In the interests of highway safety and in accordance with policy DM24 of the Sites and Policies Plan Part 1.

18. Prior to the occupation of each dwelling, the relevant number of parking spaces for that dwelling will be provided in accordance with the North Somerset Parking Standards SPD.

Reason: To ensure that each dwelling has the necessary on-site parking provision and in accordance with the North Somerset Parking Standards SPD.

19. Prior to the commencement of development, a Construction Method Statement shall be submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- i. The method and duration of any pile driving operations to include expected starting date and completion date
 - ii. The hours of work, which shall not exceed the following: construction and associated deliveries to the site shall not take place outside 07:00 to 19:00 hours Mondays to Fridays, and 08:00 to 16:00 Saturdays, nor at any times on Sundays or Bank Holidays
 - iii. The arrangements for prior notification to the occupiers of potentially affected properties
 - iv. The responsible person (e.g. site manager / office) who could be contacted in the event of complaint
 - v. measures to control the emission of dust and dirt during construction
 - vi. Details of wheel washing facilities
 - vii. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 - viii. A scheme for recycling/disposing of waste resulting from demolition and construction works
 - ix. The parking of vehicles of site operatives and visitors

Reason: In the interests of residential amenity and to ensure the safe operation of the highway and to minimise disruption.

20. Prior to the commencement of the development hereby permitted, a road safety audit for the proposed works to Lower Norton Lane / Queensway shall be undertaken and submitted to and approved in writing by the Local Planning Authority, including details of any mitigations required. Any mitigations required shall be implemented in accordance with the approved details.

Reason: In order to preserve highway safety and amenity and in accordance with policy CS3 of the North Somerset Core Strategy and policy DM24 of the North Somerset Sites and Policies Plan (Part 1).

21. Prior to first occupation of the development, a travel plan which shall include clear objectives and modal split targets, together with a time-bound programme of implementation, monitoring, regular review and update; and be based on the particulars contained within the approved plans and documents, shall be submitted to and approved in writing by the Local Planning Authority and thereafter operated in accordance with the agreed details.

Reason: In order to secure sustainable modes of travel and in accordance with policies CS1 and CS10 of the North Somerset Core Strategy, policy DM26 of the North Somerset Sites and Policies Plan (Part 1) and the North Somerset Travel Plans SPD.

22. 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. This shall provide

for 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:

a) 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; temporary storage facilities, means of access for maintenance

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(4 metres minimum to sustainable drainage elements) to prevent flooding.

b) Any works and calculations required off site to ensure adequate discharge of surface water without causing flooding to existing properties and highways or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant)

c) Flood water exceedance routes both on and off site

d) Details of the management of the surface flow route through the site, so existing and new properties do not flood.

Reason: To secure a working drainage system to the approved strategy that shall therefore be implemented and retained in accordance with paragraph 17 and sections 10 and 11 of the National Planning Policy Framework, Paragraph 103 of the National Planning Policy Framework; and the Technical Guidance to the National Planning Policy Framework and the Core Strategy policy CS3 and paragraph 1 of policy DM1: Flooding and Drainage of the North Somerset Council - Sites and Policies Plan Part 1 Development Management Policies.

23. The drainage works hereby permitted shall be maintained by the developer prior to being offered to an approved body (approved by the LPA or LLFA) for maintenance, this must include all open watercourses. The system will then be maintained by the approved body for the lifetime of the development. In accordance with submitted details:

a) As built drawings

b) Maintenance schedule and Operational manual.

c) Detailed plan of the drainage system, annotated with who maintains which parts including watercourses

d) Name and address of the operator and maintenance company

e) The developer will rectify any defects prior to hand over to an approved body within the set timetable.

Reason: To ensure that maintenance of the sustainable drainage system

can be carried out for the lifetime of the development.

24. No development shall take place until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and;
1. The programme and methodology of site investigation and recording (for the area in red on the attached plan)
 2. The programme for post investigation assessment
 3. Provision to be made for analysis of the site investigation and recording
 4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
 5. Provision to be made for archive deposition of the analysis and site investigation
 6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

No development shall take place other than in accordance with the approved Written Scheme of Investigation.

The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the approved Written Scheme of Investigation and the provision made for analysis, publication and dissemination of the results and archive deposition has been secured.

Reason: To make provision for a programme of archaeological mitigation, so as to record and advance understanding of any heritage assets which will be lost, in accordance with policy CS5 of the North Somerset Core Strategy and policy DM6 of the North Somerset Sites and Policies Plan (Part 1 – Development Management Policies).

25. The dwellings hereby approved shall, unless otherwise first agreed in writing by the Local Planning Authority, not be occupied until measures to generate 15% of the on-going energy requirements of the use (unless a different standard is agreed) through micro renewable or low carbon technologies have been installed and are fully operational in accordance with the approved details that have been first submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved technologies shall be permanently retained unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To proactively support the wider transition towards a low carbon future through the use of renewable and low carbon energy in accordance with policy CS1 and CS2 of the North Somerset Core Strategy and policy DM2 of the North Somerset Site and Policies Plan Part 1.

26. If, during construction, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted a remediation strategy to the Local Planning Authority detailing how this unsuspected contamination shall be dealt with, and that the strategy has been approved, in writing by the Local Planning

Authority. The remediation strategy shall be implemented as approved.

Reason: To prevent pollution of the land and water environment and in the interests of the living conditions of occupiers in accordance with Policy CS3 of the Core Strategy.

27. The dwellings hereby approved shall be built in accordance with the Nationally Described Space Standards, and a minimum of 17% of the dwellings shall be constructed to comply with the requirements of The Building Regulations 2010 Volume 1 M4(2) Category Two: Accessible and adaptable dwellings.

Reason: The NDDS is the appropriate space development standard for new and market housing and to ensure that sufficient accessible housing is provided in accordance with Policy DM42 of the North Somerset Sites and Policies Plan Part 1 Development Management Policies, and the North Somerset Accessible Housing Needs Supplementary Planning Document April 2018.

28. All residential units hereby approved shall be constructed to comply with, as a minimum, the equivalent of the requirements of Code Level 4 of the Code for Sustainable Homes. This equates to a 19% improvement on Part L of the Building Regulations. Unless otherwise first agreed in writing by the Local Planning Authority, and prior to the commencement of the development of any dwelling hereby approved, a copy of a Design Stage SAP Assessment for each dwelling, issued by a suitably qualified and accredited energy expert (SAP Assessor), shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, each dwelling shall be constructed in accordance with the approved Design Stage SAP Assessment unless a revised Assessment has first been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of promoting good design and sustainable construction and in accordance with policies CS1 and CS2 of the North Somerset Core Strategy and the council's 'Creating sustainable buildings and places' Supplementary Planning Document.

29. Prior to the commencement of any onsite works, a section 278 agreement securing a signal-controlled crossing on Queensway and removal and replacement of speed limit signs to be delivered by the developer shall be formally completed.

Reason: In the interests of highway and pedestrian safety.

PAR 39 Planning Appeals 14.12.22 (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 40 Local Enforcement Plan Update (Agenda item 9)

The Director of Place’s representative reported on the updated Local Enforcement Plan and Advertisement Protocol. A Local Enforcement Plan was required to guide the priorities for enforcement action and was one of the key tools for managing expectations about what the service could deliver as identified in the recent Peer Review of the planning service.

The plan was originally approved by the committee in July 2012 and was subsequently updated and approved by the committee in May 2017 and November 2019. The plan had been updated again to reflect current operational practice and team names and was attached as Appendix A. The existing Advertising Protocol had also been updated and reproduced as Appendix B for reconfirmation.

Resolved: that the updated Local Enforcement Plan and the Advertisement Protocol set out in Appendix A and Appendix B of the report be approved with immediate effect.

PAR 41 Urgent business permitted by the Local Government Act 1972 (if any) (Agenda item 10)

None

Chairman
