

# Minutes

of the Meeting of

## The Planning and Regulatory Committee

Wednesday, 15 November 2023

New Council Chamber - Town Hall

Meeting Commenced: 2.31 pm

Meeting Concluded: 4.41 pm

### Councillors:

Hugh Malyan (Chairperson)

Robert Payne (Vice-Chairperson)

Christopher Blades

Peter Bryant

Peter Burden

Stuart Davies

Clare Hunt

Stuart McQuillan

Terry Porter

Timothy Snaden

Mike Solomon

Hannah Young

Dan Thomas (substitute for Tom Nicholson)

**Also in attendance:** Councillors Jenna Ho Marris and Joe Tristram.

**Officers in attendance:** Nicholas Brain (Assistant Director (Monitoring & Governance Officer, Corporate Services), Richard Kent (Head of Planning, Place Directorate), Roger Wilmot (Strategic Development Service Manager, Place Directorate), Andrea English (Principal Transport Policy Officer, Place Directorate), James Wigmore (Lead Transport Planner, Place Directorate), Emma Hawthorne (Principal Planning Officer, Place Directorate), Charles Cooksley (Senior Planning Officer, Place Directorate), Julie Walbridge (Principal Planning Enforcement Officer, Place Directorate), Chris Nolan (Delivery and Enforcement Service Manager, Place Directorate), Harriet Isherwood (Committee Services Support Officer, Corporate Services) .

### **PAR Public speaking at planning committees (Standing Order 17 & 17A)**

**43**

Seven 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.

### **PAR Declaration of Disclosable Pecuniary Interest (Standing Order 37)**

**44**

None.

**PAR 45 Minutes 11 October 2023**

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

**PAR 46 Matters referred by Council, the Executive, other committees etc (if any)**

None.

**PAR 47 22/P/0459/OUT Outline planning application for the erection of up to 70no. dwellings (including 30% affordable housing), public open space, children's play area, landscaping, sustainable urban drainage system and engineering works, with vehicular access off Mulberry Road, Congresbury.**

At the invitation of the Chairperson, Amie Price-Bates, objector, addressed the committee speaking in opposition of the application.

The Director of Place Directorate's representative presented the report.

At the invitation of the Chairperson, the ward member, Councillor Dan Thomas, addressed the Committee.

Following debate, it was resolved that the application be **REFUSED** contrary to recommendation for the following reasons:

1. The site occupies an elevated position on the edge of the village and the position, scale and extent of the proposed development would have a significant urbanising effect on its rural location, adversely affect the landscape setting of the village and harm the recreational enjoyment of the public footpaths across and adjoining the site contrary to policy CS5 of the North Somerset Core Strategy 2017 and policies DM10 and DM25 of the North Somerset Sites and Policies Plan Part1 Development Management Policies 2016. The adverse impacts of the development significantly outweigh the benefits of the development contrary to paragraph 11 of the National Planning Policy Framework
2. The nature and scale of development on land which is within the setting of the designated heritage asset would cause less than substantial harm to the setting of the designated asset by further eroding the relationship of the grade 2 listed Park Farmhouse from the previously associated farmland contrary to policy CS5 of the North Somerset Core Strategy 2017, policy DM4 of the North Somerset Sites and Policies Plan Part1 Development Management Policies 2016 and paragraphs 199 and 202 of the National Planning Policy Framework.
3. The proposed development would not enhance the overall sustainability of the settlement and substantially exceeds the threshold which defines the appropriate scale of development deemed to be sustainable on the edge of service villages and in the case of Congresbury has inadequate local infrastructure in terms of primary school places and doctors' surgery to serve the scale of development proposed contrary to policies CS14 and CS32 of the North Somerset Core

Strategy, policy H1 of the Congresbury Neighbourhood Development Plan 2019-2036.

4. The application has failed to make satisfactory provision for mitigating the effect of the scheme on insufficient primary school places and doctors' services contrary to policies CS25 and CS32 of the North Somerset Core Strategy 2017

**PAR 48 22/P/2105/FUL Demolition of existing buildings on site (self storage) and construction of residential development comprising 68no. dwellings, with existing access off Sandford Road and creation of new access off Shipham Lane and associated works, Winscombe [amended proposal].**

At the invitation of the Chairperson, Amanda Boyd, objector, addressed the committee speaking in opposition of the application.

At the invitation of the Chairperson, Des Dunlop, Agent, addressed the committee speaking in favour of the application.

The Director of Place Directorate's representative presented the report.

At the invitation of the Chairperson, the ward member, Councillor Joe Tristram, addressed the Committee.

Following debate, it was

**Resolved:** Subject to

- (a) the completion of a Habitat Regulation Assessment;
- (b) the completion of a section 106 legal agreement securing financial contributions towards affordable housing, green infrastructure, highway and transport improvements, fire hydrants and a LLA;
  - i. The provision of 30% on site affordable housing, which equates to 20 units;
  - ii. The provision of onsite green infrastructure to secure 936m<sup>2</sup> Neighbourhood Open Space, 1560m<sup>2</sup> Woodland, 1872m<sup>2</sup> Conservation Site (rural) and 400m<sup>2</sup> of Play Provision;
  - iii. Contributions and a s278 agreement towards highway and transport improvements to include £150.00 per dwelling to be spent flexibly on active travel incentives, £3,400.00 for the Traffic Regulation Order for double yellow lines on the access road from Sandford Road, Public Transport contributions totalling £178,200.00. and the delivery of 2 puffin crossings at an agreed location with the Highway Authority, to contribute to a safe walking route to Churchill School scheme;
  - iv. The provision of a Local Labour Agreement for the construction phase of the development; and
  - v. £9,000 plus VAT towards the provision of six fire hydrants within the site.

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 members:

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

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

2. The development has been approved on the basis of the documents listed below and it shall be carried out in accordance with those drawings and documents.

Location Plan	21432/1001
Planning Layout	21432/5001 AA
Street Elevations	21432-3401 C
Affordable Housing Strategy	21432-5011 F
Type OM.3B Recon Stone V1 – Northern Parcel	21432-6000.1 E
Type OM.3B Recon Stone V2 – Central Parcel	21432-6000.4
Type OM.3B Recon Stone V3 – Southern Parcel	21432-6000.5
Type OM.3C Render and Brick – Northern Parcel	21432-6001.1 E
Type OM.3C Brick – Northern Parcel	21432-6001.2 E
Type OM.3C Recon Stone – Northern Parcel	21432-6001.3 A
Type OM.3E Brick – Central Parcel	21432-6003.1 C
Type OM.3E Recon Stone – Southern Parcel	21432-6003.2 C
Type OM.3E Brick – Northern Parcel	21432-6003.3 E
Type OM.3E Brick w/ Render and Stone Plinth – Southern Parcel	21432-6003.4 C
Type OM.3E Render and Brick V2 – Central Parcel	21432-6003.5
Type OM.4B Brick w/ Render and Stone Plinth – Southern Parcel	21432-6004.1 C
Type OM.4B Recon Stone – Central Parcel	21432-6004.2 C
Type OM.4B Render and Brick – Central Parcel	21432-6004.3 E
Type OM.4E Recon Stone V1 – Southern Parcel	21432-6005.1 C
Type OM.4E Recon Stone V2 – Central Parcel	21432-6005.2
Type OM.4i Brick w/ Render and Stone Plinth – Southern Parcel	21432-6007.1 E
Type OM.4i Recon Stone – Southern Parcel	21432-6007.2 C
Type OM.5B Recon Stone – Southern Parcel	21432-6008.1 E
Type OM.4H Recon Stone – Southern Parcel	21432-6009.1 E
Type OM.4H Brick w/ Render and Stone Plinth – Southern Parcel	21432-6009.2 E
Type AFF.1A Brick Northern Parcel	21432-6050.1 E
Type AFF.2A Brick Northern Parcel	21432-6051.1 E
Type AFF.2B Brick Northern Parcel	21432-6052.1 C
Type AFF.3A Brick Northern Parcel	21432-6053.1 C
Type AFF.3A Render and Brick Central Parcel	21432-6053.2 A
Type AFF.4A Render and Brick Central Parcel	21432-6054.2 A
Drainage Strategy Sheet 1	0776-C-P-0300
Drainage Strategy Sheet 2	0776-C-P-0301
Drainage Strategy Sheet 3	0776-C-P-0302
Drainage Strategy Sheet 4	0776-C-P-0303
Drainage Strategy Sheet 5	0776-C-P-0304
Drainage Strategy Sheet 5	0776-C-P-0305
Drainage Areas Plan	0776-C-P-0301
Engineering Levels Sheet 1	0776-C-P-0330
Engineering Levels Sheet 2	0776-C-P-0331
Engineering Levels Sheet 3	0776-C-P-0332
Engineering Levels Sheet 4	0776-C-P-0333
Engineering Levels Sheet 5	0776-C-P-0334
Engineering Levels Sheet 6	0776-C-P-0335
Highways Adoption Plan	0776-C-P-0340
Highways Material Plan	0776-C-P-0350

Road and Drainage Longitudinal Sections Sheet 1	0776-C-P-0360
Road and Drainage Longitudinal Sections Sheet 2	0776-C-P-0361
Road and Drainage Longitudinal Sections Sheet 3	0776-C-P-0362
Highways Construction Details Sheet 1	0776-C-P-0380
Highways Construction Details Sheet 2	0776-C-P-0381
Proposed Access Arrangement w/ Sandford Road	2282-02 J
Proposed Double Yellow Lines Traffic Regulation Order	2282-13
Manholes Schedules Network 1	0776-C-P-0390
Manholes Schedules Network 2	0776-C-P-0391
Planting Plan North	350-22-PP001
Planting Plan Central	350-22-PP002
Planting Plan South	350-22-PP003
Soft Landscape Typologies	350-22-LD01 H

Flood Risk Assessment	0776-R-0001 4	July 2023
Energy and Sustainability Statement	709515	October 202
Geo-Environmental Site Assessment Report	Reference P1651.1.1	20 <sup>th</sup> July 20:
Arboricultural Impact Assessment	230719-CFW-AIA-Rev C-SD&AM	July 2023
Arboricultural Report	By Silverback Arboricultural Consultancy Ltd	July 2023
Landscape and Visual Appraisal	Revision B	July 2023
Stage 1 Road Safety Audit	230607 V1	16 August 2

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

3. The materials to be used in the development hereby permitted shall be in complete accordance with the approved plans and specifications unless details of any alternative material have first been submitted to and approved, in writing, by the Local Planning Authority.

Reason: To ensure that the materials to be used are acceptable in order to maintain the character and appearance of the building and those of the surrounding area, and in accordance with policy CS12 of the North Somerset Core Strategy and policy DM32 of the North Somerset Sites and Policies Plan (Part 1).

4. The finished ground, floor and roof height levels of the development hereby permitted shall not exceed those shown on the approved plans and drawings.

Reason: In the interests of the character and appearance of the area and in accordance with policies CS5 and CS12 of the North Somerset Core Strategy and policy DM32 of the Sites and Policies Plan (Part 1).

5. The dwellings shall not be occupied until details of a scheme for providing space and facilities for the storage and collection of waste, and submission of an Indemnity Letter with agreed waste/recycling collection points, has 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.

6. No development shall commence on site until plans have been submitted to and approved by the Local Planning Authority to deliver the Sandford Road junction radii improvements, remove the kerb line at the vehicle crossover, upgrade the storm water gully and D400 utility cover for the suitability of motorcycles and bicycles (or agree a new location out of the bellmouth).

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

7. Prior to the occupation of the residential units, a scheme for achieving the external and internal noise levels outlined in BS8233:2014 shall have been submitted to, and approved in writing, by the Local Planning Authority. The approved scheme shall be fully implemented for each dwelling before the first occupation of that dwelling. Thereafter it shall be maintained in the approved state at all times with no alterations made to the approved structures including roof, doors, windows and external facades, layout of the units or noise barriers unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of the living conditions of the occupants of the dwellings and in accordance with section 11 of the National Planning Policy Framework and policy CS3 of the North Somerset Core Strategy.

8. No development shall take place until an assessment of the nature and extent of contamination on site has been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site. The assessment shall include, but shall not be limited to:
  - (i) a survey of the extent, scale and nature of contamination;
  - (ii) an assessment of the potential risks to:
    - human health,
    - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
    - adjoining land,
    - groundwaters and surface waters,
    - ecological systems, and
    - archaeological sites and ancient monuments.

Reason: In order to ensure that land is suitable for the intended uses and in accordance with section 11 of the National Planning Policy Framework and policy CS3 of the North Somerset Core Strategy.

9. The remediation scheme, shall be implemented in accordance with the approved timetable of works as set out within the Geo-Environmental Site Assessment Report prepared by Ground Investigation Limited dated, 20<sup>th</sup> July 2022. Within 3 months of the completion of measures identified in the approved remediation scheme, a validation report (that demonstrates the effectiveness of the remediation carried out) shall be submitted to the Local Planning Authority.

Reason: In order to ensure that land is suitable for the intended uses and in accordance with section 11 of the National Planning Policy Framework and policy CS3 of the North Somerset Core Strategy.

10. No development shall commence, including any works of demolition, until a Construction Environmental Management Plan (CEMP) have been submitted to and approved in writing by the Local Planning Authority. These Plans shall incorporate details of:
- a) construction traffic management;
  - b) the parking of vehicles of site operatives and visitors;
  - c) loading and unloading of plant and materials;
  - d) storage of plant and materials used in constructing the development;
  - e) the erection and maintenance of security hoarding(s) including decorative displays and facilities for public viewing, where appropriate;
  - f) wheel washing facilities;
  - g) measures to control the emission of dust, dirt and emissions to air during construction;
  - h) noise and vibration control;
  - i) a scheme for recycling/disposing of waste resulting from demolition and construction works;
  - j) the use of efficient construction materials;
  - k) methods to minimise waste, to encourage re-use, recovery and recycling, and sourcing of materials; and
  - l) a nominated Developer/Resident Liaison Representative with an address and contact telephone number to be circulated to those residents consulted on the application by the developer's representatives. This person will act as first point of contact for residents who have any problems or questions related to the ongoing development.

Reason: In the interests of the living conditions of the occupants of the dwellings and in accordance with section 11 of the National Planning Policy Framework and policy CS3 of the North Somerset Core Strategy.

11. Prior to the first occupation of the dwellings hereby approved, the design and installation of signs and lines for parking restrictions shall be submitted to and approved in writing by the Local Planning Authority. The signs and lines for parking restrictions shall be implemented prior to first occupation of the dwellings hereby approved and shall be retained as such thereafter for the lifetime of the development.

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

12. The development hereby permitted shall not be carried out except in accordance with the approved Arboricultural Method Statement Report and Tree Protection Plan.

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.

13. Trees, hedges and plants shown in the landscaping masterplan and strategy, that are 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 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.

14. All street trees shown in the landscaping masterplan and strategy shall be planted with a tree pit or root barriers system, and shall be retained as such thereafter.

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.

15. All landscaping works shall 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.

16. The dwellings hereby permitted shall not be occupied until the play area shown on the drawings hereby approved has been constructed in accordance with details that have first been submitted to and approved, in writing, by the Local Planning Authority. Thereafter the play area shall be permanently retained and shall not be used for any purpose other than as a play area.

Reason: To ensure that an appropriate play area is provided and in accordance with policies CS26 and CS27 of the North Somerset Core Strategy.

17. No building hereby permitted shall be occupied until details of



arrangements for the future management and maintenance of proposed carriageways, footways, footpaths and landscaped areas not put forward for adoption within the site have been submitted to and approved in writing by the Local Planning Authority. Following occupation of the first dwelling on the site, these unadopted features shall be permanently managed and maintained in accordance with the approved management and maintenance details.

Reason: To ensure that all private streets and landscaped areas are appropriately managed and maintained to ensure the safety of all users in accordance with policy DM32.

18. The dwellings hereby approved on plots 1 to 29 inclusive shall not be occupied until the new site access to Sandford Road and Shipham Lane has been constructed and the related visibility splays have been provided in accordance with the approved details, and the dwellings hereby approved on plots 30 to 68 inclusive shall not be occupied until the new site access to Sandford Road has been constructed and the related visibility splays have been provided in accordance with the approved details. The approved visibility splays for both site accesses 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.

19. 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.

20. Following the first occupation of the dwellings, the Travel Plan hereby approved shall be fully implemented in accordance with the approved plan.

Reason: In order to facilitate the use of sustainable modes among occupiers and visitors and to mitigate the impact of trips generated by the site.

21. Prior to the occupation of each dwelling, the relevant number of parking spaces for that dwelling shall be provided in accordance with the approved plans and shall be retained solely for use for parking thereafter.

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

22. No building hereby permitted shall be occupied until the sustainable drainage scheme for the site has been completed in accordance with the approved details. The sustainable drainage scheme shall be managed and maintained thereafter in accordance with the approved management and

maintenance plan.

Reason: To reduce the risk of flooding to the development from surface water/watercourses, and in accordance with policy CS3 of the North Somerset Core Strategy policy and policy DM1 of the North Somerset Sites and Policies Plan Part 1 (Development Management Policies).

23. No above ground work shall take place until details of the implementation, maintenance and management of the approved sustainable drainage scheme have been submitted to and approved, in writing, by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. The details to be submitted shall include:
- a) a timetable for its implementation and maintenance during construction and handover; and
  - b) a management and maintenance plan for the lifetime of the development which shall include details of land ownership; maintenance responsibilities/arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable urban drainage scheme throughout its lifetime; together with a description of the system, the identification of individual assets, services and access requirements and details of routine and periodic maintenance activities.

Reason: To reduce the risk of flooding and to ensure that maintenance of the SUDs system is secured for the lifetime of the development, and in accordance with policy CS3 of the North Somerset Core Strategy (NSCS) (adopted January 2017).

24. Before the first occupation of the first floor apartment on plot 11 hereby permitted, the windows on the first floor of the western elevation shall be fitted with obscure glazing. The obscure glazing used shall provide a degree of obscuration no less obscure than that which is provided by privacy level 3 of the Pilkington Group Limited textured glass range as defined in publication "Pilkington Textured Glass Range" (published January 2010). These windows shall be non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed. 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), neither the obscure glazing nor the method of opening shall be subsequently altered without the prior written permission of the Local Planning Authority.

Reason: In the interests of protecting the privacy of neighbouring residents in accordance with policy DM32 of the North Somerset Sites and Policies Plan (Part 1) and the North Somerset Residential Design Guide SPD (Section 1: Protecting living conditions of neighbours).

25. Notwithstanding the provisions of Schedule 2, Part 1, Classes A, B, C and

E 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 extension, enlargement or other alteration of the dwellinghouse(s) on plots 1 to 5 inclusive, 9, 10 and 11 shall be carried out other than that expressly authorised by this permission.

Reason: The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties and for this reason would wish to control any future development.

26. 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 Energy and Sustainability Statement by Melin Consultants, dated October 2023. 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.

27. Prior to the first occupation of the dwellings hereby approved, a section 278 agreement securing the following highway works shall be formally completed, and the following works shall be delivered by the developer in accordance with the agreement;
- Consolidate the grass verge with acceptable materials on Sandford Road from the tactile crossing point adjacent to the bus stops on Sandford Road (approximately 30m south of the Sandford Road/Shipham Lane junction) to the Restricted Bridleway AX3/53;
  - A zebra crossing or puffin crossing as approved with the Highway Authority at an agreed location, in the vicinity of the Fire Station/Bignell Close to facilitate a continuous active travel connection to amenities in Winscombe (carrying out all associated requirements not limited to infrastructure, utility modifications, signing and lining and undertaking any required consultations as specified by the Highway Authority); and
  - Install 2 puffin crossings as approved with the Highway Authority at an agreed location, in the vicinity of Hill Road/South Croft (carrying out all associated requirements not limited to infrastructure, utility modifications, signing and lining and undertaking any required consultations as specified by the Highway Authority).

Reason: In the interests of highway and pedestrian safety.

**PAR 23/P/1828/LDP Certificate of lawful development for the proposed use of the**  
**49 land as allotments, Abbots Leigh.**

At the invitation of the Chairperson, Rory Stracey, objector, addressed the committee speaking in opposition of the application.

At the invitation of the Chairperson, Christian Samuel, Agent, addressed the committee speaking in favour of the application.

The Director of Place Directorate's representative presented the report.

At the invitation of the Chairperson, the ward member, Councillor Jenna Ho Marris, addressed the Committee.

Following debate, it was resolved that a Certificate of Lawful development be **APPROVED** for the following reason:

1. The proposed use of the site as allotments is a use within the definition of '*agriculture*' and the use of the site for allotments falls within section 55(2)(e) and thus will not amount to development and does not require planning permission. For these reasons, it is concluded that if the proposed use had commenced on the application date, it would have been lawful for planning purposes. Also the proposed use does not breach an existing condition or limitation imposed on a grant of planning permission which has been acted upon and which would constrain the development now proposed and there are no extant enforcement notices relating to this land that would be contravened by the proposal.

**PAR 50 23/P/1866/PIP Permission in Principle for the erection of 1no. self-build dwelling at The Grange, Smallway, Congresbury.**

**Resolved:** that the application be **DEFERRED** at the applicant's request.

**PAR 51 23/P/1062/FUL Retrospective application for an all-weather riding arena and access track and change of use from agricultural use to a mixed use of land for agricultural grazing and keeping of horses at Land northeast of Bow Cottage, Gatcombe Lane, Flax Bourton.**

At the invitation of the Chairperson, Jos Moule, objector, addressed the committee speaking in opposition of the application.

At the invitation of the Chairperson, Steven Brodie, addressed the committee speaking in favour of the application.

The Director of Place Directorate's representative presented the report.

At the invitation of the Chairperson, the ward member, Councillor Stuart McQuillan, addressed the Committee.

Following debate, it was

**Resolved:** that the application be **APPROVED** (for the reasons stated in the report above) subject to the following conditions:-

1. 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.

2. Within one month of the date of this permission, samples of the coloured paint to be applied to the white railings that enclose the horse arena shall be made available on site for inspection and for approval in writing, by the Local Planning Authority. The painting of the railings shall be carried out in accordance with the approved colour scheme within one month of approval being given by the Local Planning Authority and they shall be retained in the agreed colour at all times thereafter unless otherwise agreed in writing.

Reason: To ensure that the finished colour is acceptable in the interests of the appearance of the area and in accordance with policy CS12 of the North Somerset Core Strategy and policy DM32 and DM52 of the North Somerset Sites and Policies Plan (Part 1).

3. The development shall not take place except in strict accordance with the measures outlined in part 4 of the compensation, enhancement features and future management of the Ecological Assessment and Compensation dated March 2023 V1.0. 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, the Wildlife and Countryside Act 1981 (as amended), The Natural Environment and Rural Communities (NERC) Act 2006, The Protection of Badgers Act 1992 and policy CS4 of the North Somerset Core Strategy and policy DM8 of the North Somerset Sites and Policies Plan (Part 1).

4. All works comprised in the approved details of landscaping shall be carried out in accordance with the approved details during the months of October to March inclusive following use of the horse arena, whichever is the sooner.

Reason: To ensure that a satisfactory landscaping scheme is implemented, and in accordance with policies CS4, CS5 and CS9 of the North Somerset Core Strategy, policies DM8, DM9, DM10 and DM32 of the North Somerset Sites and Policies Plan (Part 1) and the North Somerset Biodiversity and Trees SPD.

5. 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.

Reason: To ensure as far as possible that the landscaping scheme is fully effective and in accordance with policies CS4, CS5 and CS9 of the North Somerset Core Strategy, policies DM8, DM9, DM10 and DM32 of the North Somerset Sites and Policies Plan (Part 1) and the North Somerset Biodiversity and Trees SPD.

6. Within one month of this permission date details of the method of disposal and storage of manure shall be submitted to and approved, in writing, by the Local Planning Authority. Thereafter, manure shall be stored and disposed of only in accordance with the approved details.

Reason: In the interests of the amenities of the area and in accordance with policy CS3 of the North Somerset Core Strategy.

7. Within one month of the date of this permission, details of the parking area to serve the development hereby approved shall be submitted to the Local Planning Authority for approval. Once approved the parking area shall be made available for use within one month of the approval of details and shall thereafter be permanently retained and shall not be used except for the parking of vehicles in connection with the development hereby approved. No parking of vehicles shall take place elsewhere on the land except within the approved parking area.

Reason: To ensure that the development is served by a suitable parking area in order to preserve highway safety and in accordance with paragraph 39 of the National Planning Policy Framework, policies CS10 and CS11 of the North Somerset Core Strategy and Policies T/6 and T/10 of the North Somerset Replacement Local Plan (saved policies).

8. 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, the outdoor riding arena hereby approved, together with the remainder of the land shown edged red on drawing no. PL4090/1 (dated May 2023) shall not be used for events and shows.

Reason: to ensure that the use of the arena for equestrian activities are small scale and the activities do not become a large-scale intensive use that would result in a substantial increase in vehicular movements along Gatcombe Lane in the interest of highway safety and in accordance with Policy CS11 of the Core Strategy and DM52 and DM24 of the Sites and Policies Plan, Part 1.

9. The training of horses only take place within the riding arena hereby approved and shall at no time extend to any other part of the land shown edged red on drawing no. PL4090/1 (dated May 2023) unless otherwise agreed in writing by the local planning authority.

Reason: The extended use of the land for training purposes would require the further consideration of the Local Planning Authority in order to preserve

highway safety, the openness of the Green Belt and the character and appearance of the area in accordance with policies CS5, CS6 and CS12 of the North Somerset Core Strategy and policies DM10, DM12, DM32 and DM52 of the Sites and Policies Plan Part 1.

10. No horse jumps shall be placed within the site other than within the riding arena hereby approved 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 fences or other features associated with recreation or training of horses shall be constructed or placed anywhere within the site nor shall any vehicles or trailers be kept on the site overnight, without the prior written permission of the Local Planning Authority.

Reason: The Local Planning Authority wish to retain control over additional equestrian development and paraphernalia in order to protect the landscape character of the area and the openness of the Green Belt, in accordance with policies CS5, CS6 and CS12 of the North Somerset Core Strategy and policies DM10, DM12, DM32 and DM52 of the North Somerset Sites and Policies Plan (Part 1).

11. No artificial lighting or external means of illumination shall be y fixed or installed on any part of the riding arena or land without prior written approval of the Local Planning Authority.

Reason: In the interests of the living conditions of occupants of neighbouring properties, the character of the area, the Green Belt and the biodiversity value of the area, and in accordance with policies CS3 and CS4, CS5 of the North Somerset Core Strategy and policies DM8, DM12 and DM52 of the North Somerset Sites and Policies Plan (Part 1) and The Conservation of Habitats and Species Regulations 2017 and the Wildlife and Countryside Act 1981 (as amended).

## **PAR Q2 Performance Report 52**

The Director of Place's representative presented the report. It was reported that it had been an exceptionally busy period, performing well against targets.

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

## **PAR Planning Appeals 151123 53**

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

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

**PAR 54 Polling District and Polling Places review 2023**

The Head of Democratic and Electoral Services reported on a review of polling districts and polling places, and responded to Members questions and queries.

**Resolved:** that the proposed changes to polling district boundaries and polling places set out in Appendix A, B and C of the report be approved to take effect with the publication of the new Register of Electors on 1<sup>st</sup> December 2023 in order to comply with the requirements of the Review of Polling Districts and Polling Places (Parliamentary Elections) Regulations 2006 to provide convenient, efficient and effective electoral arrangements.

**PAR 55 Urgent business permitted by the Local Government Act 1972 (if any)**

None.

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Chairperson

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