

## Minutes

of the Meeting of

## The Planning and Regulatory Committee

Wednesday, 14 June 2023

New Council Chamber

Meeting Commenced: 2.30 pm

Meeting Concluded: 3.40 pm

### Councillors:

Hugh Malyan (Chairperson)

Peter Burden

Andy Cole (substitute for Peter Bryant)

Stuart Davies

Stuart McQuillan

Robert Payne

Tom Nicholson

Timothy Snaden

Mike Solomon

Richard Tucker

Hannah Young

**Apologies:** Councillor Peter Bryant.

**Absent:** Councillors Christopher Blades and Terry Porter.

**Also in attendance:** Councillors Peter Crew, Jenna Ho Marris.

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

### PAR Chairperson's Welcome

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The Chairperson welcomed everyone to this face-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 Chairperson then asked those Members and officers present to introduce themselves.

**PAR 2 Election of Vice-Chairperson for the Municipal Year 2023-24 (Agenda item 1)**

At its Annual Meeting, the Council had elected Councillor Hugh Malyan as Chairperson of the Planning and Regulatory Committee for the forthcoming municipal year.

Councillor Robert Payne was nominated and seconded to the position of Vice Chairperson

**Resolved:** that Councillor Robert Payne be elected as Vice Chairperson of the Planning and Regulatory Committee for the Municipal Year 2023-24.

**PAR 3 Public speaking at planning committees (Standing Order 17 & 17A) (Agenda item 2)**

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 7).

**PAR 4 Declaration of Disclosable Pecuniary Interest (Standing Order 37) (Agenda item 4)**

None.

**PAR 5 Minutes 15 March 2023 (Agenda item 5)**

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

**PAR 6 Planning Application No: 22/P//0564/OUT Outline planning application for the development of up to 68 no. dwellings supported by the provision of highways, open space, ecological enhancement and associated and ancillary infrastructure, with access for approval off A368 (Bath Road); with appearance, landscaping, layout and scale reserved for subsequent approval (Agenda item 7)**

At the invitation of the Chairperson, Jan Murray, local resident, addressed the committee speaking against the application.

At the invitation of the Chairperson, Kate Holden, Agent, addressed the committee speaking in favour of the application.

The Director of Place's representative presented the report.

Following debate it was

**Resolved:** Subject to

- (a) the completion of an acceptable Habitats Regulation Assessment , and
- (b) completion of a legal agreement securing, where not funded through the CIL:
  - (i) the provision of on-site affordable housing (ii) green infrastructure, (iii) financial contributions towards the improvement of public transport services and the provision of travel packs (iv) improvements to PROWs and (v) contribution to Home to School Transport if the link through the Newlands Homes development is not delivered within a set period.
- (c) The expiry of the deadline for comment on the republished site note and the consideration of any new issues not previously raised

the application be **APPROVED** (for the reasons stated in the report) subject to the following conditions and any other additional or amended conditions as may be required in consultation with the Chairperson and Vice Chairperson and local member:

1. Application for approval of the first 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 Core Strategy.

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

Location Plan LP.01 Rev C  
Parameters Plan PP.01 Rev E  
Proposed Site Access P20-2499 Figure 4.1 Rev B

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

5. No more than 68 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 CS33 of the Core Strategy and DM32 of the Sites and Policies Plan Part 1.

#### Materials

6. No development above DPC level 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.

#### Waste collection

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 in accordance with Policy CS7 of the Core Strategy.

#### Trees and hedgerows

8. 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.

Reason: The details are required prior to commencement of development because the development/construction works have the potential to harm retained trees and to ensure that 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, CS5 and CS9 of the Core Strategy, policies DM8, DM9, DM10 and DM32 of the Sites and Policies Plan Part 1 and the North Somerset Biodiversity and Trees SPD.

9. No site access works to Bath Road shown on plan (ref. P20-2499 Fig 4.1 Rev B) shall commence until details of the landscape measures shown on the approved illustrative masterplan (ref. IMP.01 Rev F) as features 4 (hedgerow infilling to eastern corridor), 5 (hedge planting to southern corridor), 8 (hedge bank installation to southern corridor) and the proposed hedgerow/line of trees adjacent to the eastern boundary, and as specified in more detail on the approved Landscape Strategy Plan (ref. 13540\_P12b), are submitted to and approved by the local planning authority. These features shall be delivered within the first planting season following completion of the access works to Bath Road.

Reason: In the interest of maintaining a dark corridor to support foraging horseshoe bats in accordance with policy CS4 of the Core Strategy and the North Somerset and Mendip Bats SAC SPD and the timely implementation of a landscape mitigation scheme in accordance with policy CS5 of the Core Strategy and policies DM8, DM9, DM10, and DM11 of the Sites and Policies Plan Part 1.

#### Landscaping

10. The reserved matters application for landscaping shall be accompanied by a detailed Landscape Masterplan and Strategy to demonstrate that the landscaping proposals have taken account of and been informed by the existing landscape characteristics of the site and by any loss of existing vegetation on the site.

Reason: To ensure that a satisfactory landscaping scheme is implemented and in accordance with Policies DM9, DM10 and DM32 of the Sites and Policies Plan Part 1.

11. 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.

12. All landscaping works should be carried out during the months of October to March inclusive, and completed 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 Core Strategy and policy DM9 of the Sites and Policies Plan Part 1.

## Lighting strategy

13. Any application for approval of reserved matters shall be accompanied by an external lighting report which models the effect of the proposed street lighting on the southern and eastern ecology corridors. The external lighting report shall employ a maintenance factor of 1 and shall demonstrate that lighting levels in the ecology corridors will be a maximum of 0.5 lux and equal to or lesser than those demonstrated in the illustrative external modelling (Report and Plan ref. 16948 R5, dated March 2023) accompanying the outline application. The developer shall commit to any necessary mitigation measures required to achieve these lighting levels, which include, but are not limited to, the use of non-standard lighting columns which may necessitate that sections of the highway are maintained by a private Management Company (rather than being suitable for adoption).

Reason: In the interest of maintaining a dark corridor to support foraging horseshoe bats in accordance with policy CS4 of the Core Strategy and the North Somerset and Mendip Bats SAC SPD.

14. Any application for approval of reserved matters shall be accompanied by an internal lighting report which models the effect of the proposed internal lighting within dwellings on the southern and eastern ecology corridors. The internal lighting report shall set out details for maintenance and shall demonstrate that lighting levels in the ecology corridors will be a maximum of 0.5 lux and equal to or lesser than those demonstrated in the illustrative internal modelling (Report ref. 16948 R2, dated March 2023) accompanying the outline application. The developer shall commit to any necessary mitigation measures required to achieve these lighting levels, which include, but are not limited to the erection of appropriate boundary treatments, and the use of reduced fenestration (where not detrimental to residential amenity) on upper floors. Any dwelling proposed with an associated private rear garden immediately abutting the eastern ecology corridor must be enclosed by a close boarded fence or other solid enclosure to a minimum height of 1.8m.

Reason: In the interest of maintaining a dark corridor to support foraging

horseshoe bats in accordance with policy CS4 of the Core Strategy and the North Somerset and Mendip Bats SAC SPD.”

15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order 2015 (or any order revoking and re-enacting that order with or without modification), in relation to any dwelling (excluding gardens) proposed within 5m of the eastern ecology corridor or southern ecology corridor (the extent of which is shown on the approved Parameters Plan ref. PP-01 Rev D), no development relating to Class A and Class B of Part 1 of Schedule 2 shall be undertaken without the prior written approval of the local planning authority.

Reason: In the interest of maintaining a dark corridor to support foraging horseshoe bats in accordance with policy CS4 of the Core Strategy and the North Somerset and Mendip Bats SAC SPD.

#### CEMP

16. Prior to commencement of development a Construction Environmental Management Plan (CEMP) shall be submitted to, and approved in writing by the Local Planning Authority. This plan shall include avoidance, mitigation and compensation measures as detailed within Section 5 of the EclA and shadow HRA (Tyler Grange, 2022) and pollution prevention measures in line with PPG6. Thereafter the development must be carried out in accordance with the approved details.

Reason: To comply with the Wildlife and Countryside Act 1981 (as amended), The Conservation of Habitats and Species Regulations 2019 (as amended) and the Environment Act 2021; Policy C4 of the Core Strategy and Policy DM8 of the Sites and Policies Plan (Part 1).

#### LEMP

17. Prior to commencement of development, a Landscape and Ecological Management Plan (LEMP) must be submitted to, and approved in writing by the Local Planning Authority. The plan should include all the details relating to avoidance, mitigation, compensation and biodiversity net gain measures as detailed within Section 5 of the EclA and Biodiversity Net Gain Report (Tyler Grange, 2022). Thereafter the development must be carried out in accordance with the approved details.

Reason: To comply with the Wildlife and Countryside Act 1981 (as amended), The Conservation of Habitats and Species Regulations 2019 (as amended) and the Environment Act 2021; Policy C4 of the North Somerset Core Strategy and Policy DM8 of the North Somerset Sites and Policies Plan (Part 1).

## Habitats management plan

18. Prior to the commencement of development, a Habitat Management Plan shall be submitted to, and approved in writing, by the Local Planning Authority. The plan shall cover a ten-year period and include measures for establishment, enhancement and management of habitats within the site, including planting schedules and details of ongoing management. This shall include a timetable for management activities as well as a monitoring schedule for habitats and species, including bat monitoring post completion. Thereafter the development must be carried out in accordance with the approved details.

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

## Highways

19. No dwelling hereby approved shall be occupied until the new site access to A368 Bath Road 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.

20. No dwelling hereby approved shall be occupied until a site plan and implementation timetable showing a pedestrian and cycle route through up to the site boundary with the adjacent Newland Homes Mendip Gate site to Bristol Road via a segregated connection has been submitted to, and approved in writing by the Local Planning Authority. Thereafter the development must be carried out in accordance with the approved details.

Reason: in the interests of highway safety and to encourage active travel connections in accordance with policy DM24 of the Sites and Policies Plan Part 1.

21. No dwelling shall be occupied until the roads, footpaths and turning spaces shown on the approved plans, have been constructed in such a manner that each dwelling, is served by a properly consolidated and surfaced footpath and carriageway between the dwelling and the existing highway.

Reason: To ensure adequate access available for each occupier and in accordance with policy CS10 of the North Somerset Core Strategy and policy DM24 of the North Somerset Development Management Policies Sites and Policies Plan Part 1.



22. Prior to the occupation of each dwelling, the relevant number of vehicle and cycle 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.

23. 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.

## Drainage

24. No above ground work 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 shortage, 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.

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

25. 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 Core Strategy policy and policy DM1 of the Sites and Policies Plan Part 1.

26. Prior to commencement of development details of the discharge location shall be submitted to, and approved in writing, by the Local Planning Authority. The details shall include the location, invert levels, flow rates and plan for implementation including third party landowner approvals.

Reason: To ensure that the necessary off-site drainage works are secured and that the site has a working drainage system, 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).

## Contaminated land

27. An investigation and risk assessment application must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings 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, groundwater and surface waters, ecological systems, and archaeological sites and ancient monuments;
  - (iii) an appraisal of remedial options, and proposal of the preferred option(s). This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

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 Core Strategy.

28. In the event that the investigation and risk assessment identifies any contamination on site, 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 must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, 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.

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 Core Strategy.

29. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification Dc5007 report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of 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 Core Strategy.

30. Contamination not previously identified but subsequently found to be present at the site shall be reported to the Local Planning Authority as soon as is practicable. If deemed necessary development shall cease on site until a remediation method statement, detailing how the unexpected contamination is to be dealt with, has been submitted to and approved in writing to the Local Planning Authority (including any requirements that it may specify). The development shall then be undertaken in accordance with the approved details.

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 Core Strategy.

#### Sustainability

31. 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 ongoing 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 of the Core Strategy and policy DM2 of the Site and policies Plan Part 1.

#### Housing Standards and Accessible Homes

32. All dwellings shall comply with the DCLG 'Technical housing standards 2015 (as amended) - nationally described space standards', unless shown not to be practicable and viable.

Reason: This is the appropriate space development standard for new and market housing, and it is required under policy DM42 of the North Somerset Sites and Policies Plan Part 1.

33. A minimum of 17% of the dwellings hereby approved shall comply with the requirements of The Building Regulations 2010 Volume 1 M4(2) Category Two: Accessible and adaptable dwellings.

Reason: 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.

**PAR 7 Q4 Planning Performance 2022-23 (Agenda item 8)**

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

**Resolved:** that the report be noted

**PAR 8 Planning Appeals 14 June 2023 (Agenda item 9)**

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

None

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Chairperson

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