

# PLANNING AND REGULATORY COMMITTEE

## UPDATE SHEET

18 MARCH 2020

### Section 2

#### Item 6 – 18/P/5118/OUT Bristol Airport

##### **Correction**

There is a typographical error in the first paragraph on page 5 under the commentary on reason 2. “Policy SC23” should be state “Policy CS23”.

##### **Additional correspondence received**

##### Parish Councils Airport Association (PCAA)

The PCAA has made further submissions stating that officers are not correctly interpreting aviation policy in light of the declared Climate Emergency and that the recent ruling on the Heathrow third runway is evidence that the NSC refusal of the Bristol Airport planning application is the correct decision.

##### Bristol Airport Limited (BAL)

Solicitors for BAL have written pointing out the Council’s statutory duty to ensure reasons for refusal are full and precise specifying all development plan policies which are relevant to the decision. The Committee’s reasons for refusal raise wholly artificial issues which are unsupported by the cited policies or by evidence or have been fully addressed by proposed conditions or planning obligations. They contain no proper explanation as to why or how the Council has reasonably concluded that officers were wrong in recommending approval of the application or why the Council has acted rationally in reaching a different conclusion. Specific comments on each reason can be summarised as follows:

##### Reason 1

- Vision 1 is a vision not a policy of the development plan and it is wrong to cite non-compliance with Vision 1 in the reason for refusal.
- The reference to growth of 1mppa above the current passenger level in the reason for refusal is irrelevant. The Council has already determined that growth to 10mppa is acceptable in granting the 10mppa consent .
- The environmental statement (ES) submitted with the application demonstrates that the mitigation proposed satisfactorily resolves all environmental issues, including the impact of growth on surrounding communities and surface access infrastructure, in accordance with Policy CS23.

##### Reason 2

- Reference to Vision 1 is wrong. The reasons for refusal should be supported by policies of the Development Plan.
- Policy CS20 is an employment-led policy and makes no reference to the scale of outbound leisure travel or the level of automation. Outbound leisure travel is of social benefit and adds to the overall socio-economic wellbeing of the region. It is not Government policy to discourage people from travelling abroad or to prevent such

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travel by constraining airport capacity.

- No evidence is given that the jobs created by the proposals for an additional 2mppa will be low-skilled nor that automation will reduce socio-economic benefit. Allowance for future automation is inherently included in the Economic Impact Assessment. The economic benefits of the growth of Bristol Airport to 12mppa would be significant.

### Reason 3

- Policy CS26 concerns the promotion of improved health care services and strategies throughout the District. It is in no way relevant to the stated reason for refusal. The only relevant criterion of Policy 26 is to provide a Health Impact Assessment (HIA), which has been fully complied with.
- The ES demonstrates that there will be no significant adverse health effects in accordance with Policy CS3

### Reason 4

- Policy CS1 does not require refusal of development unless it reduces carbon emissions. To suggest otherwise would prevent the vast majority of development in North Somerset from proceeding
- Additional greenhouse gas (GHG) emissions arising from the development would not compromise the Government's ability to meet net zero and would be insignificant in the context of the UK's carbon budgets. Compliance with the Government's obligations in terms of net zero does not preclude growth in the aviation sector. The application proposes mitigation of GHG emissions

### Reason 5

- The application fully complies with the principles and requirements of Policies CS4 and DM8, as agreed by the Council's ecological consultant and Natural England.
- A range of ecological mitigation measures would be secured by planning condition, and certainty as to that mitigation's delivery has been demonstrated in accordance with the Council's SPD

### Reason 6

- Policy CS6 deals with amendments to the Green Belt boundary and is not relevant as no amendments are proposed
- Very special circumstances' including commercial considerations, parking demand and an absence of suitable alternative sites outside of the Green Belt exist to justify additional car parking in the Green Belt. The 'very special circumstances' are consistent with previous decisions taken by the Council relating to airport car parking in the Green Belt and were upheld in the Courts.

### Reason 7

- The application complies with every relevant element of Policy CS10. The Transport Assessment submitted in support of the application has demonstrated that the highways impacts of an additional 2mppa would be acceptable at a 15% public transport mode share. Notwithstanding this BAL has agreed to a higher target of

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17.5%.

- BAL has made extensive commitments to achieve a 17.5% public transport modal share. This includes significant, early investment in public transport. The reason for refusal fails to identify what an acceptable level of mitigation would be.

The Council is reminded that National Planning Guidance gives examples of where an award of costs may be made against LPAs which include failure to produce evidence to substantiate each reason for refusal on appeal and vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis. Given this, we trust that the Council will fully consider and respond to each of the concerns we have identified above when finalising their reasons for refusal for the Application.

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#### Item 8 – 18/P/4846/FUL Land at 173-175 Kenn Road, Clevedon

##### Additional Supporting Plans / Detail

The applicant has submitted further details in support of the amended plans comprising visualisations, fence, wall and rail detail, planting detail, seating, street furniture, kerb and edge detail.

The applicant has confirmed that they are prepared to submit the required detail and implement the necessary works referred to in condition 33 which the Council considers necessary to protect the future health of the existing trees located alongside the proposed site access. The applicant has also confirmed that they understand the extent of works necessary to safeguard the future protection of the existing trees.

*Officer comment: The plans update the previously submitted visualisations and adjust the landscape proposals for the site as a result of the revised siting and elevational changes to the proposed building. The requirements of condition 14, as recommended, remain valid to ensure that the appropriate landscape measures for the site are secured.*

*Furthermore, it is considered that the requirements of condition 33 can be satisfactory delivered to ensure the protection of the existing trees and means of vehicle and pedestrian access into the site.*

##### Consultation Response

A letter of objection has been received from Wessex Water concerning the encroachment of the proposed retirement living building into the area of statutory easements required for the existing 1050mm diameter public foul sewer that runs beneath the western part of the site. The sewer is classified as critical infrastructure by Wessex Water who cannot support the drainage strategies submitted because of the encroachment onto the statutory easements

*Officer comment: The applicant has responded by stating that "the western elevation of the building encroaches only very slightly into the 6m easement at a couple of points but generally we are*

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*maintaining the 6m easement and the layout ensures that this will be generally clear and unimpeded for future maintenance access.”*

*The applicant has provided evidence of correspondence between themselves and Wessex Water which acknowledges that the applicant will need to make a ‘build near’ application to Wessex Water and get their approval prior to commencement of the works. Wessex Water has been aware of the proximity of the proposal to the easement prior to the application. The applicant has been advised by Wessex Water that they need a planning permission to be in place to apply to Wessex Water for a build over agreement or a build near agreement.*

### **Financial Implications**

Whilst Council reports require reference to the financial implications of decisions, recent case law has clarified that the potential costs of an appeal are not however a material planning consideration.

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### **Item 9 – 19/P/2430/FUL – 7 Woodhill Road, Portishead, BS20 7EU**

#### **Clarification**

For the avoidance of doubt, section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 referred to on page 8 of the report requires the local planning authority to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. Similarly, for development within a Conservation Area, section 72 of the Act requires the local planning authority to pay special attention to the desirability of preserving or enhancing the character or appearance of that area. These tests have been applied in the assessment of this application.

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### **Item 10 – 19/P/2714/FUL – 7 Bucklands Lane, Nailsea**

#### **Third party comments**

Flooding concerns from climate change  
Environment Agency Flood-map shows that the area is at potential risk of flooding  
Soakaway is insufficient  
Out of character with existing dwellings  
Number 7 forms an important part of heritage for Nailsea  
Size of development is not appropriate  
Loss of privacy to numbers 6 and 9 Bucklands End and numbers 5, 9 and 10 Bucklands Lane  
Forward of building line  
Contrary to DM32 and DM37  
Confusing from of development  
Proposed dwelling will be 19/20m from first floor window of number 9 resulting in occupiers being overlooked  
Parking does not meet standards in SPD  
Siting of bin will detract from street scene