



The Planning Inspectorate

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# Report to North Somerset Council

by **David Smith BA(Hons) DMS MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Date 26 April 2016

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PLANNING AND COMPULSORY PURCHASE ACT 2004 (AS AMENDED)

SECTION 20

**REPORT ON THE EXAMINATION OF SITES AND POLICIES PLAN PART 1:  
DEVELOPMENT MANAGEMENT POLICIES**

Document submitted for examination on 22 July 2015

Examination hearing held on 3 and 4 November 2015

File Ref: PINS/D0121/429/9

## **Abbreviations Used in this Report**

AONB	Area of Outstanding Natural Beauty
DMP	Sites and Policies Plan Part 1: Development Management Policies
HRA	Habitats Regulations Assessment
LDS	Local Development Scheme
MM	Main Modification
NPPF	National Planning Policy Framework
PPG	Planning Practice Guidance
SA	Sustainability Appraisal
SCI	Statement of Community Involvement
SHMA	Strategic Housing Market Assessment
SPD	Supplementary Planning Document
WMS	Written Ministerial Statement

## **Non-Technical Summary**

This report concludes that the Sites and Policies Plan Part 1: Development Management Policies provides an appropriate basis for the planning of the District, providing a number of main modifications are made to it. North Somerset Council has specifically requested me to recommend any main modifications necessary to enable the plan to be adopted. All of the modifications were proposed by the Council but where necessary the detailed wording has been amended and added to. I have recommended their inclusion after considering the representations from other parties.

The Main Modifications can be summarised as changes to policies so that they are justified, effective and consistent with national policy. In particular:

- Updating of policies to accord with Written Ministerial Statements regarding wind energy and technical standards for new housing;
- Removing the table setting compensation tree standards;
- Clarifying the landscape impact tests for development within the Area of Outstanding Natural Beauty and outside it;
- Ensuring Green Belt provisions accord with the National Planning Policy Framework;
- Adjusting the requirements for new development in relation to bus accessibility;
- Amending the policy for the conversion or re-use of rural buildings to residential to align with current national policy;
- Revising the policy on broadband connection so that it is not unduly restrictive;
- Confirming that there is no need for a separate business case to be made for either visitor accommodation in the countryside or camping and caravanning sites;
- Deleting the specific restrictions on the operation of garden centres;
- Reducing the extent of the primary frontage in Weston-super-Mare and altering the policy that seeks to protect such designated areas generally; and
- Omitting the local threshold for undertaking an impact assessment for retail development.

## Introduction

1. This report contains my assessment of the Sites and Policies Plan Part 1: Development Management Policies (DMP) in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 (as amended). It considers first whether the Plan's preparation has complied with the duty to co-operate, in recognition that there is no scope to remedy any failure in this regard. It then considers whether the Plan is sound and whether it is compliant with the legal requirements. The National Planning Policy Framework (NPPF) (paragraph 182) makes clear that to be sound a Local Plan should be positively prepared; justified; effective and consistent with national policy.
2. The starting point for the examination is the assumption that the local authority has submitted what it considers to be a sound plan. The basis for my examination is the Publication Version of February 2015.
3. In accordance with section 20(7C) of the 2004 Act the Council has requested that I should recommend any modifications needed to ensure that the DMP satisfies the requirements of the Act and is sound. The report explains why Main Modifications are necessary and they are identified in bold (**MM**). The Appendix contains the Main Modifications in full and all relate to matters that were discussed at the examination hearing.
4. Following this, the Council prepared a schedule of proposed main modifications which was subject to public consultation between 14 January and 2 March 2016. I have taken account of the consultation responses received in coming to my conclusions in this report and I have made some amendments to the detailed wording of the proposed main modifications as a result. Furthermore, I have recommended other changes where these are necessary for consistency or clarity. None of these alterations significantly alters the content of the proposed main modifications published for consultation or undermines the participatory processes and sustainability appraisal that has been undertaken. Where necessary I have highlighted these amendments in the report.
5. The Policies Map is not defined in statute as a development plan document and therefore I do not recommend the extracts put forward by the Council as main modifications. However, in order to comply with the legislation and give effect to the DMP's policies, it will be necessary to update it to include all the relevant changes and to replace all references to the Proposals Map in the DMP with the term Policies Map.

## Duty to Co-operate

6. Section 20(5)(c) of the 2004 Act requires that I consider whether the Council complied with any duty imposed on it by section 33A in relation to the Plan's preparation.
7. The Council has a long history of joint working with other local authorities in the West of England as explained in the Consultation Statement<sup>1</sup>. The DMP is not concerned with key strategic matters relating to sustainable development but rather its policies are predominantly locally specific to North Somerset.

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<sup>1</sup> SD/09

There are nevertheless some cross-boundary issues that affect policies in the Plan including management of the Mendip Hills Area of Outstanding Natural Beauty (AONB), mineral workings and transport schemes. In these respects liaison has taken place.

8. No adverse comments have been made by any organisations and no objections have been made on the basis of a failure to co-operate during the preparation of the DMP. Overall I am satisfied that where necessary the Council has engaged constructively, actively and on an on-going basis and that this duty has therefore been met.

## **Assessment of Soundness**

### **Main Issues**

9. Taking account of all the representations, written evidence and the discussions that took place at the examination hearing I have identified two main issues upon which the soundness of the Plan depends. The report will deal with the main matters relating to soundness under these headings rather than respond to every point raised by representors.

### **Issue 1 – Is the plan consistent with, and does it positively promote, the visions, objectives and spatial policies contained in the Core Strategy; is its relationship with the Core Strategy sound and is its overall approach consistent with national policy?**

10. The Council's Core Strategy was adopted in April 2012. However, following a successful legal challenge in March 2013, Policy CS13 (Scale of New Housing) was found to be unlawful and 8 other connected policies were remitted to The Planning Inspectorate for re-determination. Following an intervention, the Secretary of State confirmed in September 2015 that a housing target of 20,985 over the plan period is appropriate and, on that basis, Policy CS13 is now part of the development plan. The revisions to the other remitted policies have been the subject of a consultation exercise and a re-examination of these is under way. The Council expects them to be adopted in September 2016.
11. The uncertainty regarding the Core Strategy has led the Council to split the Sites and Policies Plan into two parts with site allocations awaiting the completion of the re-examination. However, the generic policies in the DMP are not affected by this on-going process. I am therefore satisfied that adopting its policies would not pre-empt the strategic or site allocation policies. The DMP nonetheless seeks to complement the Core Strategy and to bring forward development management policies that align with the NPPF. It would largely supersede the Replacement Local Plan of 2007.
12. The Core Strategy contains 7 visions for the plan period until 2026 both for the whole District and for its constituent parts. Overall they seek to make North Somerset more prosperous with reduced inequalities and new development influenced by its coastal and rural setting and rich heritage. Weston-super-Mare will be established as a major economic centre. These visions are translated into 10 primary objectives. The DMP contains policies which reflect the 4 sections of the Core Strategy and which provide more detail for the management of development under the relevant topic areas. Each policy

contains references to relevant spatial policies so that the two documents 'mesh' in a coherent way. Therefore the DMP is consistent with and positively promotes the Core Strategy's visions, objectives and spatial policies.

13. Policy CS20 (Supporting a Successful Economy) of the Core Strategy sets out the Council's expectations for additional employment opportunities. It is not based on an objective assessment of economic needs as referred to in the NPPF and the Planning Practice Guidance (PPG) on *Local Plans* and *Housing and Economic Needs Assessments*. Paragraph 160 of the NPPF indicates that local planning authorities should have a clear understanding of business needs within the economic markets operating in and across their area. However, when applying the NPPF it is reasonable to distinguish between the different types of plan. The DMP is intended to complement the Core Strategy rather than to supplant it and does not seek to re-visit matters that have already been settled including the role and extent of Royal Portbury Dock. In this way its relationship with the Core Strategy is sound. Furthermore, although there is no longer a hierarchy of plans, Regulation 8(4) requires that local plans are "consistent" with the adopted development plan.
14. The NPPF also refers to the production of a Local Plan for each local planning authority area. However, the Council's approach to development plan preparation pre-dated this policy and having started on that road it should be allowed to complete the journey. The evidence base for the Core Strategy goes back beyond its adoption date and Government guidance has also changed. Nevertheless, there is nothing in legislation to indicate that the DMP cannot be adopted even if the Core Strategy may need to be updated. This would also cause delay to the adoption of a raft of other day-to-day policies. Therefore there is no need for a subsequent plan of this type to be based on an objective assessment of need and its absence does not fundamentally undermine the soundness of the DMP.
15. Paragraph 21 of the NPPF provides that investment in business should not be over-burdened by the combined requirements of planning policy. There are nevertheless 3 dimensions of sustainable development which comprise the social and environmental roles of the planning system as well as an economic one. As explained later some elements of the relevant policies affecting business are not justified. However, the emphasis towards building a strong, competitive economy and, in particular, supporting a prosperous rural economy is suitably balanced with other considerations including the objectives of the Core Strategy and is sound. Indeed, the overall approach of the DMP is consistent with national policy.

## **Issue 2 - Are the individual policies clear, justified and consistent with national policy and will they be effective?**

### *General Matters*

16. The NPPF sets out various principles for plan-making in paragraphs 154 and 157. The PPG on *Local Plans* encourages them to be as focused, concise and accessible as possible. There are 72 policies in the DMP. There is some force in the argument that this is too many. Equally there should be sufficient detail and the Council prefers that policies are complete rather than requiring

extensive cross-referencing. The coverage and extent of the DMP is a matter for the Council and any repetition does not go to soundness.

17. Paragraph 158 of the NPPF refers to adequate, up-to-date and relevant evidence. The PPG on *Local Plans* at paragraph 014 also provides that appropriate and proportionate evidence is essential. However, in certain instances suitable evidence can be based on previous experience rather than always on established facts. Whether the information passes the relevant threshold is a matter of planning judgement and will depend on the nature of the issues involved. This is the approach I shall adopt throughout the report. Furthermore, the DMP should not merely recite the provisions of the NPPF. There is no need for this and to do so would remove any scope for local considerations to be incorporated provided they are justified.
18. There are a wide range of thresholds to which the policies should be applied. However, this is because they have been set at a level to take account of the particular impact of the relevant provision which is different for, say, bus accessibility and housing type and mix. In other places terminology is less prescriptive such as the proposed use of "large scale" in Policy DM19 and "key location" in Policy DM64. Whilst precision is desirable it is also necessary to enable decision-makers to exercise discretion based on the context which will vary both across North Somerset and from case-to-case. However, where the wording of the DMP is unclear or ineffective this will be addressed.

#### *Living within Environmental Limits*

19. The Written Ministerial Statement (WMS) entitled *Local Planning* on 18 June 2015 sets out new considerations to be applied to wind energy development. This must now be in areas identified as suitable for wind energy in a Local Plan as referred to in paragraph 97 of the NPPF. No such areas are shown in the DMP and so, to achieve soundness, the provisions of Policy DM2 (Renewable and Low Carbon Energy) should specifically exclude wind turbines (**MM3**). The NPPF refers to the move to a low carbon future. Therefore new development should address energy generation although this provision should be qualified so that the policy does not encompass "all" developments. Any statement submitted alongside a planning application would take account of current national standards and there is no requirement for anything to be provided over and above this.
20. Changes are also required to Policy DM1 (Flooding and Drainage) in the interests of effectiveness and to accord with national policy (**MM2**). The PPG on *Flood Risk and Coastal Change* confirms that when considering major development sustainable drainage systems should be provided unless demonstrated to be inappropriate<sup>2</sup>.

#### *Heritage Assets*

21. No clear correlation between trunk diameter and the number of replacement trees required has been shown to justify Table 1 of Policy DM9 (Trees). Neither would it assist in ensuring that green infrastructure is considered at an

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<sup>2</sup> ID: 7-079-20150415

early stage of the development process or that aftercare is effective. Therefore its inclusion is not justified (**MM10**). Indicating a general expectation of one for one replacement of both protected and non-protected trees would provide all concerned with a reasonable guide.

22. The test for new development in the Mendip Hills AONB should be more stringent than for development outside it and I have adjusted the proposed wording to ensure that the policies reflect this (**MM11**). Otherwise they would set suitable tests in relation to landscape for development both inside and outside the AONB. Paragraph 123 of the NPPF refers to protecting areas of tranquillity but it not necessary for these to be identified in Policy DM10 (Landscape) given that they are likely to be in remote areas with little development pressure. For effectiveness and to accord with paragraph 115 of the NPPF the overarching purpose of the AONB should be specified in Policy DM11 (Mendip Hills Area of Outstanding Natural Beauty) (**MM12**).
23. The Government attaches great importance to Green Belts. Openness is an essential characteristic. However, whilst consideration should be given to it in all cases openness is not a factor to be taken into account in determining whether the extension or replacement of a building is inappropriate development under paragraph 89 of the NPPF. To be clear Policy DM12 (Development Within the Green Belt) should also confirm that certain outbuildings are not to be categorised as inappropriate development (**MM13**).
24. The DMP continues the approach of the Replacement Local Plan in defining the original building as that which was on the site at 26 July 1985 to coincide with the adoption of the Avon County Structure Plan. Whilst this differs from Annex 2 of the NPPF it is justified as a pragmatic local response taking on board previous and existing policy and the practical difficulties of a 'base date' of 1948. The Council has also found that many changes of use have no adverse impact on the Green Belt and therefore treating these as not inappropriate development subject to certain caveats can be endorsed. The additional criteria in relation to partial or complete redevelopment do not add further tests to the categorisation of schemes as inappropriate or not. The NPPF does not use the term "appropriate development" in this context.
25. Not all developments should be expected to contribute to green infrastructure by Policy DM19 (Green Infrastructure) as this should be dependent on the size of the development and its location in relation to existing provision and the scope to improve networks (**MM17**). The wording of the entire policy does not imply that off-site enhancements are necessarily required.
26. Main modifications are necessary to the policies concerning conservation areas, listed buildings, historic parks and gardens, archaeology, non-designated heritage assets and nature conservation in order to conform with legislation, reflect the NPPF and PPG and for consistency, clarity and accuracy (**MM4, MM5, MM6, MM7, MM8** and **MM9**). However, that proposed for Policy DM3 would impose a further, different test for conservation areas and the impact on their setting is covered by changes to the second bullet point. I have therefore adjusted the wording in the interests of soundness.

27. In order to be effective the policies relating to minerals should also be modified to reflect the large land bank for crushed rock (**MM14**) and the planning permission at The Spinney (**MM15**). The NPPF indicates that Minerals Safeguarding Areas should be defined to prevent needless sterilisation of important resources although this does not create a presumption that they will be worked. The principle of defining the land covered by the Coal Authority Surface Coal Resource data is sound. However, as there is no realistic opportunity to recover surface coal from land at Royal Portbury Dock given the on-going use and the existence of permitted development rights this reference should be removed from **MM16**.

### *Transport*

28. The Government recognises that opportunities to maximise sustainable transport solutions will vary from urban to rural areas. Nevertheless, similar principles apply to all development and the wording of Policies DM24 (Safety, Traffic and Provision of Infrastructure) and DM26 (Travel Plans) does not preclude such a distinction from being made. Travel plans are only required for development likely to generate significant amounts of movement to accord with the NPPF (**MM21**).
29. The NPPF seeks to promote sustainable transport. Average stopping frequencies per stop across the District are higher than the target bus service frequency contained in Policy DM27 (Bus Accessibility Criteria). However, there is no detail about how they relate to the main development areas identified in the Core Strategy. The intentions of service providers are also unknown. The expectation is that all development of over 10 dwellings or 1,000 sq m should be within a reasonable distance (400m) of a bus stop. These thresholds could have unintended consequences in terms of inhibiting future development so that the policy is not the most appropriate strategy.
30. To address this the level at which the provision takes effect should be raised. The proposed reference to 50 dwellings is consistent with the Council's Highways Development Design Guide and development creating 50 or more jobs would equate to a similar level of development<sup>3</sup>. As modified rural enterprises should not be penalised whilst schemes of lesser size could be considered against the broad NPPF principle of making the fullest possible use of public transport. Potential provision of new services should refer to viability and the willingness of service providers. The use of 400m as a maximum distance is a well-established one in public transport planning. However, some qualifications are required to avoid it becoming an absolute coupled with an acknowledgement of the use of 600m in rural locations as set out in the Guide. I therefore recommend these changes as main modifications (**MM22**).
31. The WMS of March 2015 (*Planning Update*) indicates that the Government is keen to ensure that there is adequate parking provision in new residential development. The Council's study found that inadequate parking provision at large estates led to problems. These comprised cars parked on the public highway creating an obstruction and nuisance for residents and adverse impacts to the overall quality of place and social wellbeing. In the light of this

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<sup>3</sup> ED/29

there is a clear and compelling justification for Policy DM28 (Parking Standards) to manage the local road network. Given that the standards are contained in a Supplementary Planning Document (SPD) meeting them should not be expressed as an imperative (**MM23**). Similar main modifications are also required to other policies (**MM29, MM30** and **MM32**). Reference to loading and unloading is necessary for safety and to avoid delay.

32. To safeguard the cycle track to run under the M5 and Royal Portbury Dock Road, Policy DM25 (Public Rights of Way, Pedestrian and Cycle Access) should be updated (**MM20**). Should this route not prove feasible then the principle of the link will have been established and it is not necessary for soundness for the DMP to identify an alternative although the Council wishes to safeguard one around the M5 bridge embankment. The actual provision of new routes would require the involvement of any affected land owners and so would not necessarily compromise port use or security.
33. The policies regarding railway lines, safety and car parks are not sound as they are not positively worded, do not properly reflect SPD or do not accord with the NPPF. The main modifications recommended would rectify these deficiencies (**MM18, MM19** and **MM24**).

#### *Delivering Strong and Inclusive Communities*

34. The Strategic Housing Market Assessment (SHMA) of 2009 addressed the tenure, size and type of housing required at district level across the West of England. A new SHMA for the wider Bristol housing market area was produced in June 2015 to inform Local Plan reviews across the region. Volume 2 was published in January 2016 but does not establish the need for all types of housing for individual local planning authority areas and further work is likely to be needed. Accordingly it is not possible for Policy DM34 (Housing Type and Mix) to be precise about what should constitute a mixed and balanced community. However, the proposed reference to the SHMA as the evidence base accords with national policy.
35. Without being definitive the policy nevertheless gives some guidance about certain types of accommodation that are favoured such as family housing at Weston villages and aspirational housing at Weston-super-Mare. This is in line with the findings of the SHMA of 2009 and live/work units in rural areas are not precluded. Subject to providing clarity about the role of self-build and custom built housing, specifying how imbalances should be addressed and referring to viability (**MM27**), the policy is sound.
36. Evidence has been gathered by Nailsea Town Council<sup>4</sup> to show that there are a preponderance of older people and an oversupply of larger 4 and 5 bedroom houses in the town. Whether or not similar circumstances exist elsewhere the provisions of Policy DM35 (Nailsea Housing Type and Mix) address existing imbalances and is the most appropriate strategy for new housing there.
37. Restricting further conversions from single houses is justified in certain parts of Weston-super-Mare due to issues of proliferation, street parking, bin stores

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<sup>4</sup> ED/13 & ED/14

and social consequences. Following a careful sifting of potential areas<sup>5</sup> Policy DM39 (Sub-division of Properties) has been appropriately targeted.

38. Policy DM33 (Inclusive Access into Non-residential Buildings and Spaces) is intended only relate to the public realm around larger scale and newly planned areas and a change to this effect is recommended (**MM26**). The policies on high quality design and place-making and extensions to dwellings should also be modified to give flexibility in approach and for clarity regarding domestic outbuildings (**MM25** and **MM31**).

#### *Older and vulnerable people*

39. The WMS of March 2015 introduced a new approach for the setting of technical standards for new housing. These include additional optional Building Regulations on access and a new national space standard. The new national technical standards should only be required through any new Local Plan policies if they address a clearly evidenced need and where their impact on viability has been considered. Policy DM42 (Accessible and Adaptable Housing) does not take account of the WMS and is not sound.
40. The PPG on *Housing – Optional Technical Standards* indicates that the proportion of new accessible or adaptable and wheelchair user dwellings should be clearly stated<sup>6</sup>. However, the Council is unable to set a single quantum of provision due to variations across the District. Instead the appropriate proportions would be based on evidence of need, feasibility and viability. Given the ageing population of North Somerset this approach is sound provided that there is a commitment to an early review of the policy. This should therefore be 'written-in' at this stage with a view to establishing specific targets based on experience and the provisions of paragraph 009 of the PPG in due course. The PPG nevertheless indicates that policies for wheelchair accessible homes should only be applied to dwellings where the Council is responsible for allocating or nominating a person to live there<sup>7</sup>.
41. The cost of providing access to meet Part M(2) of the Building Regulations is less than complying with the Lifetime Homes Standard. Since 2013 this has been required by Policy CS2 of the Core Strategy for all developments of over 10 dwellings and therefore the impact on viability should not be punitive.
42. In order to deliver a wide choice of high quality homes the NPPF refers to the size of housing. It also establishes that there should be a good standard of amenity for future occupants of buildings. The nationally described space standards are similar to those in the SPD on *Affordable Housing* and since its adoption these have been required for affordable schemes. For market housing the Council's analysis<sup>8</sup> indicates that on smaller sites viability would not be affected since the national standards are being exceeded. However, it also points to the potential value of the standards for the quality of life of occupiers of 2 bedroom properties on larger sites since average sizes are

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<sup>5</sup> ED/15

<sup>6</sup> ID: 56-008-20150327

<sup>7</sup> ID: 56-009-20150327

<sup>8</sup> ED/16

below the lowest figure for 2-storey dwellings. Therefore the proposed main modifications are justified (**MM35**).

43. The policy on retirement accommodation should contain a reference to the SHMA for clarity (**MM33**). The approach to nursing and care homes should be more positive to allow for extensions (**MM34**). Changes are also required to the policy on residential annexes for effectiveness and to properly reflect the status of the parking standards (**MM36**)

#### *Dwellings in the Countryside*

44. The criteria in Policy DM45 (Conversion of Rural Buildings to Residential Use) relating to redundant buildings, traditional construction and attempts to secure an economic use reflect former Government policy that has been cancelled. As such, they are not consistent with current national policy and should be removed as there is insufficient local justification to support such a divergence. The seventh bullet point requires a "sustainable location". However, the NPPF also encourages the reuse of existing resources and, as such, the requirement for safe and convenient access to an appropriate range of services and facilities is not justified. The proposed modification to avoid isolated, remote locations or where access to them would be poor is nevertheless warranted to prevent an overly dispersed pattern of development. A further criterion is also necessary to ensure that any historical and architectural significance is conserved (**MM38**).
45. The expectation that 70% of the exterior walls should be standing provides a useful guide to the expected structural integrity of any building and is a local judgement for the Council to make.
46. Paragraph 55 of the NPPF indicates that new isolated homes in the countryside should be avoided unless there are special circumstances such as the essential need for a rural worker to live permanently at or near their place of work in the countryside. Policy DM46 (Rural Workers Dwellings) is therefore justified in expecting, amongst other things, a functional need to be demonstrated and referring to financial soundness. However, requiring applicants to provide an "independent" appraisal should be removed (**MM39**) although the policy does not require any such report to be expensive. As the floor space limit of 150 sq m is greater than any of the figures in the nationally described space standard it would allow for additional facilities that might be required for a rural dwelling such as an office/study or a drying area for outdoor clothes.
47. To assist implementation the way that the assessment will be undertaken of the size of any dwelling to be replaced should be made clear (**MM37**).

#### *Delivering a prosperous economy*

48. The NPPF refers to the vital role of the development of high speed broadband in enhancing the provision of local services and facilities. Nevertheless, it is not realistic to expect developers to provide access to superfast broadband rather than the supporting infrastructure in the event that it becomes available. Notwithstanding recent research by the Federation of Small Businesses seeking speeds above 24Mbps for new development in Policy DM48

(Broadband) is justifiably ambitious and so consistent with national policy aims. However, whilst encouraging future proofing the policy contains flexibility in referring to other options and should not be applied to all new developments as the evidence is that providing the necessary ducting has only been an issue at business parks. Given that conditions would be imposed there is also no justification for requiring a separate connectivity statement and this reference should be removed (**MM41**).

49. To be effective clarity is required in relation to the policy for Bristol Airport (**MM42**) and greater flexibility allowed for economic development within towns and defined settlements in relation to travel (**MM40**).

### *Agriculture*

50. According to the PPG on *Use of Planning Conditions*<sup>9</sup> requiring the demolition of a permanent building by condition is unlikely to be reasonable. This guidance would have taken account of the provisions of the General Permitted Development Order which, in any event, relates to 'permitted development' rather than development granted planning permission. Consequently the final paragraph of Policy DM51 (Agriculture and Land-Based Rural Business Development) should be removed to achieve soundness (**MM43**). Overall the policy would promote the development and diversification of agricultural and other land-based rural businesses in line with the NPPF.

51. For clarity the preferred material for equestrian development should be specified (**MM44**).

### *Business in the countryside*

52. Planning policies should support economic growth in rural areas to create jobs and prosperity by taking a positive approach to sustainable new development. To achieve this, paragraph 28 of the NPPF supports the sustainable growth and expansion of all types of business and enterprise in rural areas both through conversion of existing buildings and well-designed new ones. However, in line with the "golden thread" running through plan-making and decision-taking the emphasis is on "sustainable" development rather than permitting all business development in the countryside.
53. To this end, the approach in Policy DM55 (Existing Businesses in the Countryside) and others to give priority to the re-use of existing buildings does not rule out new buildings. Rather it reflects the encouragement given to the conversion of existing buildings in the NPPF as well as implicitly acknowledging the intrinsic character and beauty of the countryside. As such, this provision is sound because it seeks to minimise rather than prevent new built form in rural areas. However, the reference to possible further expansion is advisory. As it does not provide a clear indication of how a decision maker should react to a proposal it should be removed (**MM47**).
54. There is no need for a business use to be near to a settlement as set out in Policy DM56 (Conversion and Reuse of Rural Buildings for Employment

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<sup>9</sup> ID 21a-014-20140306

Development) but it should not be remote from a potential workforce. A further criterion is necessary to ensure that any historical and architectural significance is conserved. Greater precision is required in relation to buildings constructed for agricultural purposes within the last 10 years (**MM48**).

55. The NPPF does not expect applicants to demonstrate a business case. On the contrary paragraph 28 supports the provision and expansion of tourist and visitor facilities in appropriate locations. Therefore this proviso within Policy DM57 (Conversion, Reuse and New Build for Visitor Accommodation in the Countryside) should be omitted. In addition, restricting its application to traditional buildings is not in line with Government policy.
56. Given the indication that holiday accommodation is plentiful in North Somerset there is insufficient justification to resist changes to residential use. Such proposals would nevertheless be controlled through the planning application process and considered against Policy DM45 which contains a locational provision. To avoid deterring investment a subsequent change to permanent residential use could be sanctioned within 10 years if the existing use is shown to be unviable (**MM49**).
57. Requiring a business case under Policy DM58 (Camping and Caravan Sites) is not justified as previously explained. The policy should also be clarified to confirm that sites are not automatically unacceptable in the AONB (**MM50**).
58. An extensive range of goods is sold at Cadbury Garden Centre. However, there is no justification for Policy DM59 (Garden Centres) to restrict non-garden related goods to 15% of net sales floorspace or to require any such products to have been made or grown within a 30 mile radius. Indeed, there is no evidence to indicate that increasing vacancy rates in the main town centres over the last 10 years can be attributed to the growth of garden centres as 'destinations' in their own right. The first bullet point should therefore be deleted and the justification altered to suit (**MM51**).
59. The definition of employment development on previously developed land in the countryside should be broadened to support economic growth and to accord with the NPPF (**MM46**). In order that the DMP as a whole is effective changes are also needed to ensure consistency with other policies in this section and with retail policy (**MM45**).

#### *Retailing, town, district and local centres*

60. As well as defining the extent of town centres and primary shopping areas, the NPPF refers to giving a clear definition of primary and secondary frontages and setting policies that make clear which uses will be permitted in such locations. There is therefore support in principle in national policy for Policy DM64 (Primary Shopping Frontages). Furthermore, this has been devised to give greater flexibility and freedom than previously by a broader acceptance of Class A uses generally and by 'shrinking' the extent of the frontage. Whilst the approach for Weston-super-Mare town centre is still evolving through the *Prospectus for Change*<sup>10</sup> the broad vision is that re-generation will be

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<sup>10</sup> ED/23

residential led rather than retail led. Given this and the reduced length of the primary frontage the policy, in itself, would be unlikely to stymie the future fortunes of the centre.

61. However, to be effective greater detail should be provided about how the loss of retail floorspace will be assessed having regard to the size of the unit and its location and adding a provision to avoid inactive daytime uses. In addition, the proposed extension of the primary frontage to create better linkages to the seafront along Regent Street is not justified given the existing mix of uses and as this aspiration could be pursued by other means (**MM55**).
62. Policy DM66 (The Sequential Approach for Retail Development) does not apply the sequential test to retail proposals below 200 sq m. This equates to an average convenience store and is proportionate based on the Council's experience. Outside town centres the policy requires an impact assessment to be undertaken for any development of over 200 sq m. The national default in the NPPF is 2,500 sq m but paragraph 26 allows for a locally set threshold. However, none of the factors set out in paragraph 016 of the PPG on *Ensuring the Vitality of Town Centres* have been considered in setting the threshold in the DMP. As such, this element of the policy should be removed to achieve soundness and in the absence of any other evidence about the potential impact on smaller centres the national default should be adopted (**MM57**).
63. Having regard to the consequences for the town centres there is also no sound justification for an impact assessment for all proposals at the retail parks as required by Policy DM65 (Development at the Retail Parks) (**MM56**). Clarifying that the retail parks are allocated for large scale retail uses of over 500 sq m is nevertheless consistent with the Core Strategy. Furthermore, proposals will be required to demonstrate specific locational requirements and apply the sequential test in line with local and national policy. Policy DM65 does not allow for the area of the retail parks to be enlarged.
64. Although proposals would also be judged against Policies DM65 and DM66 the Council wishes to retain Policy DM67 (Retail Proposals Outside or Not Adjacent to Town, District or Local Centres). This is not in itself unsound but the wording should complement other policies in the DMP including those that allow for retail uses in the countryside (**MM58**). This exemption is in line with the NPPF which indicates that the sequential approach should not be applied to small scale rural development. Nevertheless, paragraph 37 aims for policies that encourage people to minimise journey lengths for shopping. A general limit on anything above 200 sq m is therefore justified.
65. Clarity is required about the approach to development in town centres generally and in district and local centres to correctly reflect the retail hierarchy in the Core Strategy (**MM52**, **MM53** and **MM54**).

#### *Ensuring safe and healthy communities*

66. Requiring the sharing of facilities to be investigated as expected by Policy DM69 (Location of Sporting, Cultural and Community Facilities) might lead to a more efficient use of land. However, this criterion would not be used as a reason for refusal and consequently does not accord with the principles in

paragraph 154 of the NPPF. To be consistent with national policy it should therefore be removed. The reference to the impact on town centres should also be in line with the retail policies (**MM60**). For completeness theatres should be mentioned as a cultural facility (**MM59**).

#### *Delivery*

67. The Council cannot compel adoption of development infrastructure and so these references contained in the policy relating to its delivery should be omitted. Other modifications are required both to this policy and the one regarding obligations in the interests of flexibility, clarity, viability and accuracy (**MM61** and **MM62**).

#### *Other policies and matters*

68. The PPG indicates that there is no need to reiterate policies that are already set out in the NPPF so Policy SP1 (Presumption in Favour of Sustainable Development) should be deleted (**MM1**). Corrections are needed to the list of superseded policies in Appendix A and to the Glossary (**MM63** and **MM64**).
69. The location of Portishead railway station has been confirmed and the Council is well aware of the local concerns about adequate parking which will be resolved by other means. Parking and the protection of the 'green' triangle are issues at West Hill in Portishead but the DMP contains no specific proposals in either respect.

#### *Conclusion on Issue 2*

70. Subject to the main modifications discussed above I am satisfied that the individual policies of the DMP clear, justified and consistent with national policy and that will they be effective.

## **Assessment of Legal Compliance**

71. My examination of the compliance of the DMP with the legal requirements is summarised in the table below. I conclude that they are all met.

LEGAL REQUIREMENTS	
Local Development Scheme (LDS)	The LDS 2014-2017 <sup>11</sup> refers to a Sites and Policies Plan. Whilst the DMP is proceeding separately it has been prepared in accordance with the LDS in that it contains development management policies. The separation of Parts 1 and 2 is reflected in the current LDS 2015-2018 approved in October 2015.

<sup>11</sup> SD/19

Statement of Community Involvement (SCI) and relevant regulations	The SCI <sup>12</sup> was adopted in March 2015 and consultation has been compliant with it including that on the proposed main modifications.
Sustainability Appraisal (SA)	SA <sup>13</sup> has been carried out and is adequate. The Council has determined that the Main Modifications are unlikely to have significant environmental effects under Regulation 9 of the Environmental Assessment of Plans and Programmes Regulations 2004.
Habitats Regulations Assessment (HRA)	The Habitats Regulations Assessment Screening Report <sup>14</sup> predicted that no likely significant effects on European sites from the DMP both alone and in combination with other plans or projects. Natural England is satisfied that it meets the requirements of the Regulations <sup>15</sup> .
National Policy	The DMP complies with national policy except where indicated and modifications are recommended.
2004 Act (as amended) and 2012 Regulations.	The DMP complies with the Act and the Regulations.

## Overall Conclusion and Recommendation

72. The DMP has a number of deficiencies in relation to soundness for the reasons set out above which mean that I recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the 2004 Act.
73. The Council has nevertheless requested that I recommend main modifications to make the Plan sound and capable of adoption. I therefore conclude that with the recommended main modifications set out in the Appendix the North Somerset Sites and Policies Plan Part 1: Development Management Policies the satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the National Planning Policy Framework.

*David Smith*

INSPECTOR

This report is accompanied by the Appendix containing the Main Modifications

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<sup>12</sup> SD/11

<sup>13</sup> SD/04

<sup>14</sup> SD/07

<sup>15</sup> SD/08

**North Somerset Council Sites and Policies Part 1**  
**Schedule of Main Modifications – April 2016**

<b>Main Modification</b>	<b>Section</b>	<b>Document Changes</b>
MM1	SP1: Presumption in favour of development	Delete policy
MM2	DM1: Flooding and drainage	<p><b><u>Policy:</u></b></p> <p>Amend second paragraph to read:</p> <p>All development that would increase the rate of discharge of surface water from the site must consider its implications for the wider area, including revised or amended proposals. Sustainable drainage systems are expected <u>for all major developments</u>; alternatives will only be permitted where sustainable drainage is impractical <u>or would compromise the viability of the scheme</u> and the alternative does not conflict with national or local planning policy. If discharge of surface water to a public sewer is proposed, the applicant must demonstrate that capacity exists, otherwise, how excess surface water will be managed in the long term. Essential flood prevention and drainage works for developments that include new housing must be completed <u>at the latest</u> prior to first residential occupation, except in the case of phased developments where alternative arrangement are agreed.</p> <p>In 3rd paragraph add the following text:</p> <p>"...while protecting groundwater and <u>surface water</u> resources and quality".</p> <p><b><u>Justification:</u></b></p> <p>In the 2<sup>nd</sup> paragraph of the justification add the following sentence before the last sentence:</p> <p><u>"Major developments are those defined in Article 2(1) of the Development Management Procedure Order."</u></p>
MM3	DM2: Renewable and low carbon energy	<p><b><u>Policy:</u></b></p> <p>Amend wording of the first sentence of the policy to read:</p> <p>"Proposals for renewable and low carbon energy installations, <u>excludin</u></p>

Main Modification	Section	Document Changes
		<p>subject to..."</p> <p>Amend fourth sentence to read:</p> <p><del>All</del> <u>New</u> development will also be required to demonstrate the application of renewable and low carbon energy generation as part of the energy <del>strategy</del> <u>statement</u> for that site.</p> <p><b><u>Justification:</u></b></p> <p>Insert into justification:</p> <p><u>"All new residential units and non-residential development with a floor area over 500m2 are required to submit an Energy Statement with their applications which should set out how renewable/low carbon energy generation will be met"</u></p> <p>Insert into justification:</p> <p><u>"The Written Ministerial Statement (WMS) entitled Local Planning (18 June 2015) sets out new considerations to be applied to wind energy. Future wind energy development must now be in areas identified as suitable for wind energy in a local plan. This plan does not allocate any areas for wind energy development and therefore this policy does not relate to wind turbines which will be considered against the criteria set out in the Written Ministerial Statement."</u></p>
MM4	DM3: Conservation areas	<p>New third bullet point to read:</p> <p><u>Ensure that new development affecting the setting of a conservation area preserves those elements of the setting that make a positive contribution and, where possible, better reveals the significance of the conservation area.</u></p>
MM5	DM4: Listed buildings	<p>Amend first sentence to read:</p> <p>"development will be expected to <u>preserve and where appropriate</u> enhance the character, appearance and special interest of the listed building and its setting."</p>
MM6	DM5: Historic parks and gardens	<p>Insert the following text after the first sentence:</p>

Main Modification	Section	Document Changes
		<p><u>Development will be expected to conserve the design, character, appearance and settings of North Somerset's historic parks and gardens to safeguard their significance including those features which form an integral part of their special character or appearance.</u></p> <p>Amend second paragraph to read:</p> <p>"Where significant development is proposed <u>either within a historic park or garden, as identified on the Policies Map, or affecting its setting</u>, applicants will be required to provide historic landscape assessments before planning applications are determined".</p>
MM7	DM6: Archaeology	<p>Suggest amending the second paragraph of policy to read:</p> <p><del>"Where there is good reason to believe that development proposals could affect archaeological remains</del> <u>Where an initial assessment indicates that the development site includes or has the potential to include heritage assets with archaeological interests</u>, the council will seek an archaeological assessment and field evaluation. <u>This is to establish the extent and importance of the remains and the potential harm of the proposals to their significance before the planning application is determined. An initial field evaluation as opposed to a desk-based assessment will only be required where necessary</u>".</p>
MM8	DM7: Non-designated heritage assets	<p>Amend the Policy Aim to read:</p> <p>"To safeguard as yet unidentified <u>non designated</u> heritage assets"</p> <p>Change policy wording to read:</p> <p><del>"When considering proposals involving non designated heritage assets the council will take into account The council will assess non-designated heritage assets which are the subject of applications for development in order to determine whether they are of their local significance and whether they warrant protection where possible from removal or inappropriate change including harm to their setting"</del>.</p> <p>Change all references to English Heritage in the supporting text to Historic England.</p>
MM9	DM8: Nature Conservation	<p><b><u>Policy:</u></b></p>

Main Modification	Section	Document Changes
		<p>Add sentence under <b>Sites of International and National Importance</b> which reads:</p> <p><u>"The Severn Estuary SAC, SPA and Ramsar site is defined on the Policies Map. Any proposals that could affect the sensitive bird species and other habitats and species of the Estuary will need to carry out adequate surveys and assessments of the cumulative, in-combination and offsite impacts (drainage, disturbance, runoff, impacts on managed realignment etc.) of the scheme".</u></p> <p>Add to listed provisions under "Development proposals should ensure that, where appropriate provision is made for...":</p> <ul style="list-style-type: none"> <li>• <u>"Protection of ecosystem resources, to include water quality"</u></li> </ul> <p>Additional bullet point to be added to the first part of the policy:</p> <ul style="list-style-type: none"> <li>• <u>any lighting scheme to avoid adverse impacts on light averse wildlife</u></li> </ul> <p>Amend final bullet point of policy to read:</p> <p><u>"Where necessary effective lighting design to avoid artificial light spill to wildlife habitats/corridors to avoid impacts on light averse nocturnal-wildlife".</u></p> <p><b><u>Justification:</u></b></p> <p>Add the following text to the end of the second paragraph of the supporting text:</p> <p><u>"Following consultation with Natural England North Somerset Council are looking into producing detailed guidance on the North Somerset &amp; Mendip Bat SAC for future proposed development in and around the 5km zone".</u></p>
MM10	DM9: Trees	<p>Change heading of policy to "Trees <u>and Woodlands</u>".</p> <p>Remove "where possible" from bullet point 7.</p> <p>Amend second paragraph of justification to read: Where the loss of trees is essential to allow for appropriate development a suitable number and species of replacement trees should be provided, to compensate for the loss in canopy cover. <u>We would generally expect trees</u></p>

Main Modification	Section	Document Changes
		<p><del>to be replaced on a one for one basis as a minimum. In accordance with Table 1 Below:</del></p> <p>Remove Table 1 from justification.</p>
MM11	DM10: Landscape	<p>Amend 1<sup>st</sup> bullet point of Policy DM10 as follows:</p> <p><del>“Not have an unacceptable adverse impact on</del> adversely affect the designated landscape character of the district <del>as defined in the Landscape Character Assessment Supplementary Planning Document (2005)</del> and respond to the distinctive qualities of the landscape including both the nationally registered and unregistered Historic Parks and Gardens in North Somerset”</p> <p>Amend third bullet point of the policy to read:  <del>“Where appropriate</del> Respect tranquillity of an area”</p> <p>Written justification (2<sup>nd</sup> para ) to be amended as follows:</p> <p><del>“When considering planning applications, the council will take account of the character of the landscape and will resist development that would significantly detract from</del> <u>have an unacceptable adverse impact on</u> the landscape character or quality of the area in which it is sited.”</p>
MM12	DM11: Mendip Hills AONB	<p>Amended Policy Aim as follows:</p> <p>“To ensure that development would not harm the natural beauty of the AONB and that the priority consideration for all proposed development impacting on the AONB is the conservation, <u>protection</u> and, where possible, enhancement of its natural beauty”.</p> <p>Amend the first paragraph to read:  “Development which would have an <u>unacceptable</u> adverse impact on the landscape, setting and scenic beauty of the Mendip Hill AONB, including views into and out of the AONB, will not be permitted unless in exceptional circumstances and where it can be demonstrated that it is in the public interest”.</p> <p>Put the second paragraph at the beginning of the policy and amend to read:  “Any development <del>which may be deemed appropriate</del> will need to <del>comply with the additional overriding requirement</del> to conserve and, where possible, enhance the landscape and <u>scenic natural</u> beauty of the AONB.</p>

Main Modification	Section	Document Changes
		<p>Amend 3<sup>rd</sup> bullet point as follows:  “All development will be controlled and conditioned to ensure it would <del>not harm</del> <u>minimise the</u> harm to the natural beauty of the AONB”.</p>
MM13	DM12: Development in the Green Belt.	<p>Amend the Policy Aim as follows:</p> <p>To provide detailed guidance and consistency of approach concerning <del>these types of new development which are considered to be not inappropriate in the Green Belt and on the redevelopment of sites on previously developed land</del> <u>built development in the Green Belt, clarifying the circumstances where such development is not regarded as inappropriate. The policy covers redevelopment on previously developed land. (Note that that the National Planning Policy Framework paragraph 90 refers to certain other forms of development which are not inappropriate in Green Belt, such as mineral extraction, engineering operations, etc.)</u></p> <p>Amend the third sentence of the first paragraph under the “<b>Extensions alterations or replacement of existing buildings</b>” section to read:  “The determining factors in assessing whether the extension is disproportionate will be the size of the proposed extension in relation to the size of the original building.” <del>and the impact on the openness of the Green Belt.</del></p> <p>Amend second sentence of second paragraph under “<b>Extensions alterations or replacement of existing buildings</b>” section to read:  A replacement building will not normally be regarded as materially larger provided <u>it does not exceed 50% of the gross floor area of the original building.</u> <del>the gross floor area is no more than 50% larger than the original building. In assessing this regard will be had to both increase in size. and the impact on the openness of the Green Belt.</del></p> <p>Amend third paragraph under “<b>Extensions alterations or replacement of existing buildings</b>” section to read:  “In determining <u>planning applications consideration will be given to</u> the impact on the openness of the Green Belt for both extensions and replacement buildings <u>and</u> regard will be taken of the design (including bulk, height and floorspace), siting and overall scale of the development on the site”.</p> <p>Amend 7<sup>th</sup> paragraph under “<b>Extensions alterations or replacement of existing buildings</b>” section to read:  “Proposals for domestic outbuildings and garages within existing residential curtilages <u>are not considered to be inappropriate development</u> and should be of a scale and height subordinate to the original dwelling and should not adversely affect the openness of the Green Belt.”</p> <p>Under the “<b>Redevelopment and infilling on PDL...</b>” section amend first sentence to read:</p>

Main Modification	Section	Document Changes
		<p>“...provided it would not have a greater impact on the openness of the Green Belt and the purposes of including land within it. <del>than the existing development.</del> <u>Redevelopment should: ...</u>”</p> <p>Under the “<b>Material change of use</b>” section amend text as follows: “A material change of use which maintains the openness of the Green Belt <u>is not considered to be inappropriate development</u> <del>may be acceptable</del> provided it does not conflict with the purpose of including land in the Green Belt for example agricultural to equestrian use.”</p> <p>Add the following text to the first paragraph of the Justification for the policy, as follows: Core Strategy <u>remitted policy CS6: North Somerset’s Green Belt</u> is clear that the council does not support any proposed changes to the Green Belt boundary.</p>
MM14	DM14: Mineral working exploration, extraction and processing	<p>Add a new second sentence to the paragraph after the bullet points to read as follows: <u>“This should include consideration of any cumulative effects of multiple impacts from individual sites and/or a number of sites in a locality.”</u></p> <p>Amend the first sentence of the 6<sup>th</sup> paragraph in the policy after the bullet points, as follows: “Restoration should be carried out <del>in the shortest possible time</del>, at the earliest possible opportunity, to a timescale to be agreed with the Council, <u>and completed without delay.</u>”</p> <p>Add a second paragraph to the supporting text, as follows:</p> <p><u>The criteria include the need to consider potential impacts on a number of issues including landscape, biodiversity, water resources, etc. Regarding the latter, the NPPF paragraph 143 suggests that impacts on the flow and quantity of surface and groundwater should be considered. A useful document to aid consideration of groundwater issues is “Groundwater Protection: Policy and practice (GP3)” by the Environment Agency.</u></p> <p>The following text to be added to the supporting text, before the paragraph beginning “Oil and gas development” :</p> <p><u>North Somerset has a large land bank for crushed rock, due to significant permitted reserves, which suggests that a 10 year land bank for crushed rock is likely to be maintained well past the end of the plan period to 2026, assuming a rate of production based on 40% of the 10 year average identified in the 2014 Local Aggregates Assessment for the</u></p>

Main Modification	Section	Document Changes
		<p><u>West of England.</u></p> <p><u>In view of this large land bank, the council considers that further permitted reserves of crushed rock are unlikely to be needed in the plan period. Therefore any planning applications seeking consent to work further areas should be supported by adequate evidence that the development is needed and justified, so that issue can be properly considered. (Consideration of need is the first criterion of the policy.)</u></p>
MM15	DM16: Allocation of land at The Spinney	<p>Amend the 1st bullet point of the policy to include the following amended text in the second sentence:            "For example: amenity, noise, vibration, air over pressure, public health and safety, dust, biodiversity, <u>local geological sites</u>, landscape, highways and impact on the local highway network and <u>strategic road network</u>, water, archaeology, landscaping and restoration"</p> <p>Delete the 2<sup>nd</sup> bullet point as follows:</p> <ul style="list-style-type: none"> <li>● <del>Proposals must demonstrate to the satisfaction of the council, that there is a genuine need to work The Spinney and that it is appropriate to do so at that particular time.</del></li> </ul> <p>Include the following text in the justification at the end of the first paragraph:</p> <p><u>"Planning permission was granted for mineral working at The Spinney in May 2015. (Application reference 14/P/1179/F2, planning application and Environmental Impact Assessment for the extension of Stancombe Quarry and increase in the end date for the whole quarry and all quarrying activities and operations to 31 December 2043 with landscaping and restoration).</u></p>
MM16	DM18: Identification of Minerals Safeguarding Area for surface coal	<p>Amend the supporting text to policy (7th paragraph) as follows:</p> <p><del>Having considered these issues, the council has defined MSAs for surface coal, shown on the <u>Proposals-Policies Map</u>, and formulated policy DM18. <u>The MSAs are identified reflect in the Nailsea area and between Clevedon and Clapton in Gordano, largely based on the Coal Authority Surface Coal Resource data, and comprise areas at Barrow Gurney and a small area on the northern extremity of Portishead.</u> but excluding land within the settlement limits of the towns of Nailsea and Clevedon. In those excluded areas most of the opportunities for surface coal extraction are already likely to be sterilized or constrained by existing or permitted development and the close proximity of sites to sensitive uses like housing, offices, shopping areas, and community uses. Bristol City Council followed a similar approach in defining the MSA for surface coal in their Site Allocations and Development Management Policies Local Plan, which was supported by the Inspector at it's EiP (Inspectors report, April 2014) notably in paragraphs 81 and 82.</del></p>

Main Modification	Section	Document Changes
MM17	DM19: Green Infrastructure	<p>Amend first paragraph to read:</p> <p><u>“Development Large-scale proposals, in locations where there is a lack of green infrastructure or opportunities to create or improve green networks, will be required to contribute to the quality of the environment, through the creation of high quality well designed and accessible green infrastructure. Proposals will, where appropriate, ensure that green infrastructure is: ....”</u></p> <p>Amend the fourth bullet of the policy to read:  <u>“designed to enable the community to actively use green infrastructure for sports and play, and as an outdoor education resource, as well as passive recreation;</u></p> <p>Amend the first sentence of the 2<sup>nd</sup> paragraph to read:  <u>“Green infrastructure should be provided in line with the phasing and scale of development...”</u></p> <p>Amend the 4th paragraph of the Justification as follows:</p> <p><del>NPPF paragraph 114 refers to the need to plan positively for the creation, protection, enhancement and management of green infrastructure. The council is preparing two SPDs relating to more detailed guidance on green infrastructure and playing pitches. The council is in the process of producing a draft Development Contributions: Planning Obligations</del>  <u>Supplementary Planning Document (SPD) which will refer to community sport and leisure facilities and green infrastructure. The SPD will refer to evidence which the council has compiled on the need for and supply of green infrastructure in the district.</u></p>
MM18	DM22: Existing and proposed railway lines.	<p>Amend wording of the first sentence to read:  A corridor extending 10 metres either side of the <del>existing tracks</del> <u>railway land boundary fence</u> of the Taunton-Bristol railway line as shown on the <del>Proposals Policies</del> Map is safeguarded for the provision of additional tracks.</p>
MM19	DM24: Safety, traffic and provision of infrastructure, etc. associated with development.	<p>Amend policy as follows:</p> <p><del>“Development will not be permitted if provided it would not prejudice highway safety or inhibit necessary access for emergency public transport, service or waste collection vehicles. Development giving rise to a significant number of travel movements will only be permitted refused on transport grounds if it:</del></p> <ul style="list-style-type: none"> <li><del>• is not likely to have a severe residual cumulative impact on traffic congestion or generate traffic that cannot be accommodated without demonstrable harm to the</del> <u>or on the character and function of the surrounding area; and or</u></li> <li><del>• is not accessible by non-car modes and or cannot readily be integrated with public transport, cycleway and footpath</del></li> </ul>

Main Modification	Section	Document Changes
		<p>links, and bridleways where appropriate.</p> <p>Amend first paragraph of the justification to read:</p> <p>“Developers will need to determine the transport needs arising from their proposals and the means by which any adverse impacts will be mitigated. They should discuss their plans with the council at an early stage to determine the required form and scope of assessment. <u>The council’s Supplementary Planning Document on Transport Statements and Transport Assessments sets out the thresholds and scope of the assessments that will be required. The National Planning Policy Framework recommends that a Transport Assessment or Transport Statement should be prepared for all developments that generate significant amounts of movement.</u> The Highways Agency will be consulted on Transport Assessments for proposals with a significant impact on <del>the Trunk Road Network, including the M5</del>”.</p>
MM20	DM25: Public rights of way, pedestrian and cycle access	<p>Amend schedule to read</p> <p>Weston Villages - <del>Various</del> <u>Routes as identified in planning applications</u></p> <p>Under the “Other settlements and Countryside” section of the schedule include the following bullet point:</p> <ul style="list-style-type: none"> <li>• <u>Portbury Bridle Way</u></li> </ul>
MM21	DM26: Travel Plans	<p>Change text in first sentence to read:</p> <p>“Travel plans will be required for all developments <del>likely to have significant transport implications</del> <u>which generate significant amounts of movement including:...</u>”</p> <p>For consistency, change bullet point two to read:</p> <p>“Smaller development that would generate <del>significant amounts of travel</del> <u>significant amounts of movement</u>”</p>
MM22	DM27: Bus accessibility criteria	<p>Amend the first sentence to read:</p> <p>“All residential development comprising <del>40</del> <u>50</u> or more dwellings and all non residential development <u>which results in the creation of 50 or more jobs above 1000m<sup>2</sup></u> should be within a reasonable distance, via a direct pedestrian route, of a bus stop which provides an appropriate level of service”.</p> <p>The following sentences are added to the paragraph referring to route diversions:</p> <p><u>“Whilst it would normally be preferable to divert existing services where these have the greatest chance of being commercially viable at an early stage, it should not be assumed that existing bus services can be diverted to serve</u></p>

Main Modification	Section	Document Changes
		<p>the development if it leads to longer journey times or otherwise inconveniences passengers. <u>For example with larger developments it may be more appropriate to provide a new service if viable and if service providers are willing.</u></p> <p>Amend the paragraph in the justification section to read:  <u>“In terms of locating development within a “reasonable distance” from a bus stop this means a maximum of 400 metres in urban and suburban areas. It is acknowledged that developments occurring in more rural locations may not be able to show that they meet the 400 metre walking distance. In such locations this should not be more than 600m. Where distances of 400m – 600m are not achieved there would need to be clear reasons for a greater distance, for example where this would challenge the commercial viability of the bus service by creating the need for additional vehicles or where this would cause significant adverse impacts for users of an existing route. Proposals will need to ensure they are located as sustainably as possible and that appropriate, safe travel routes and/or public transport are provided to local services and major settlements, via the local infrastructure network”.</u></p>
MM23	DM28: Parking Standards	<p>Amend the first sentence of the policy to read:</p> <p>“development proposals <del>must</del> <u>should</u> meet the council’s standards for the parking of motor vehicles and bicycles”.</p>
MM24	DM29: Car Parks	<p>Move second paragraph in supporting text starting “The economic development of publicly owned land...” to the supporting text of policy DM71.</p>
MM25	DM32: High quality design and place-making	<p>The following changes are recommended:</p> <p>Para 1:  “The design of new development should contribute to the creation of high quality, distinctive, functional and sustainable places <u>where opportunities for physical activity and recreation are maximised.</u>”</p> <p>Para 2:  “The design and planning of development proposals should demonstrate sensitivity to the local character, <del>including and</del> <u>and</u> setting, and enhance the area taking into consideration <u>the existing context</u> <del>any specific opportunities present.</del>”</p> <p>Para 3:  Remove the last sentence form the third paragraph and insert into Policy DM71:  “<del>The council will seek to maximise the economic use of current or former publicly-owned land</del>”</p>

Main Modification	Section	Document Changes
		<p>2nd bullet point:            "The site integrates well with the surrounding <u>environment fabric</u> including streets..."</p> <p>5th bullet point:            "The design <u>reflects</u> <del>facilitates inclusive access to all</del> and the need to deter crime and enhance security; and,"</p> <p>8<sup>th</sup> bullet point:            This will be supported by the production of masterplans and <del>design coding</del> <u>associated design principles</u>. <u>The use of design coding or other similar process should be considered if appropriate to the delivery of the development.</u></p> <p>Inset as new paragraph after first para in supporting text:  <u>The policy seeks to encourage development proposals that reflect community aspirations and values in order to facilitate development that fits well within the local community and benefits from a sense of community ownership and participation. Practical examples of how this could be achieved include early community engagement processes including more structured arrangements such as e.g. Enquiry by Design. Another example is bringing forward development proposals that reflect and are clearly influenced by any local design principles for example established through Neighbourhood Plans, or Character Statements.</u></p> <p>Remove line separating last sentence in policy.</p>
MM26	DM33: Inclusive access into non-residential buildings and spaces	<p>Amend first sentence to read:            "The design of <u>the public realm, shared amenity spaces and entrances into public buildings must be accessible</u> <del>buildings and spaces must provide access</del> for everyone who may wish to use a building, facility or area of open space on an inclusive basis. Designs should make no physical distinction between the people who are able to use them".</p> <p>Delete last sentence of fourth paragraph of the Justification which starts "Applicants should make reference to the council's Equality Design Code..."</p> <p>Insert at the end of the fourth paragraph:  <u>Applicants should make reference to the "British Standard, BS 8300:2009+A1:201: Design of buildings and their approaches to meet the needs of disabled people. Code of practice."</u> In support of their approach to provision for <u>disabled people, applicants may make reference to relevant alternative authoritative research, evidence or professional opinions provided by people qualified in the specific field. Details should be submitted in a Design and</u></p>

Main Modification	Section	Document Changes
		<p><u>Access Statement.</u></p> <p>Delete whole of fifth paragraph which starts “Use of Equality Design Code...” plus all bullet points.</p>
MM27	DM34: Housing type and mix	<p>Insert the following text at the beginning of the policy (and delete from the justification):</p> <p><u>“The housing mix and type proposed should be justified in the planning application through the Design and Access Statement or similar documents and should demonstrate how it meets local needs with reference to the latest SHMA or local needs surveys. The proposed development should help redress any identified imbalance in the existing local housing stock, meet the needs of local residents and contribute positively to the promotion of sustainable and inclusive communities and, in Weston-super-Mare employment-led regeneration.”</u></p> <p>Amend the first paragraph to read:</p> <p>““The council will require proposals on strategic housing sites (100+ houses) to, <u>where practical and viable</u>, include a range of building types and tenures. <u>Where there is evidence of demand</u> proposals should facilitate opportunities supporting those proposals which include small-scale local builders, individually designed homes and self-build <u>and custom build</u> schemes”.</p> <p>Add the following sentence to the justification:</p> <p><u>The Strategic Housing Market Assessment (SHMA) is the evidence base for housing need and this should be taken into account in the consideration of housing proposals.</u></p>
MM28	DM35: Nailsea housing type and mix	<p>Amend the fourth paragraph to read:</p> <p>“in particular new housing developments should, <u>where practical and viable</u>, contain some or all of the following categories:...”</p> <p>Second and third sentences of policy should be one sentence – merge together.</p>
MM29	DM36: Residential densities	<p>Amend final bullet point to read:</p> <p>“parking <u>should meet</u> <del>must be in accordance with</del> the councils parking standards”</p>
MM30	DM37: Residential	<p>Amend 5<sup>th</sup> bullet point to read:</p>

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	development in exiting residential areas.	“parking standards <del>can</del> <u>should</u> be met for both existing and proposed properties”
MM31	DM38: Extensions to dwellings	<p>Amend the first sentence of the policy to read:  “Proposals to extend existing residential properties <u>and construct new outbuildings which are ancillary to the main residential use</u> will be permitted provided they:...”</p> <p>Amend 3<sup>rd</sup> bullet point to read:  “would not prejudice the living conditions of occupiers <u>of and adjoining</u> properties and ensures the retention of adequate private amenity space and <del>complies with</del> <u>take account of the councils</u> parking standards.</p> <p>Amend the first sentence of justification to read:  “This policy is aimed specifically at residential extensions <u>and new outbuildings which are ancillary to the main residential use.</u>”</p>
MM32	DM39: Sub-division of properties	<p>Change first sentence to read Houses <del>of</del> <u>in</u> Multiple Occupation.</p> <p>Amend final bullet point to read:  “parking <u>should meet</u> <del>must be in accordance with</del> the councils parking standards”</p>
MM33	DM40: Retirement accommodation etc.	<p>Add the following to paragraph 4 of the justification:</p> <p><u>The Strategic Housing Market Assessment (SHMA) will form the evidence base for assessing need for retirement and supported independent living schemes.</u></p>
MM34	DM41: Nursing and care homes for older and other vulnerable people	<p>Change title to read:  DM41: Nursing and care homes for older people and <del>other vulnerable people</del> <u>drug and alcohol rehabilitation units.</u></p> <p>Add the following text to the Policy Aim:  To limit <del>new</del> <u>the provision and extension of</u> care homes unless they replace an existing one and there is a continuing need, or there is insufficient provision locally to meet <u>an identified need for</u> that type of specialist care.”</p> <p>Amend first sentence of policy to read:</p>

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		<p>“Planning permission will not be granted for extensions <u>that would result in extra capacity</u> to, or new residential care or nursing homes within Class C2 of the Use Classes Order (including the change of use of an existing property) <u>unless provided:....</u>”</p> <p>Amend the second sentence of the second paragraph of the justification to read:  “By restricting <u>(through conditions if appropriate)</u> the number of new beds which can be provided to that which meets only local needs and by conditioning any new permissions for care homes so that they cannot change use from one type of residential institution to another without planning permission this will help ensure care is provided for local people but at the same time additional people are not attracted into the area from elsewhere.</p>
MM35	DM42: Accessible and adaptable housing	<p>Amend title of policy to:</p> <p>DM42: Accessible and adaptable housing <u>and housing space standards.</u></p> <p>Insert replacement policy as follows:</p> <p><u>In instances where the Council can demonstrate evidence of need, proposals for residential development should incorporate an appropriate proportion of those dwellings constructed to the optional Category 2 standard as set out in the Building Regulations Approved Document M.</u></p> <p><u>The appropriate proportion will be based on the evidence of need and will be subject to feasibility and viability.</u></p> <p><u>Where practical and viable, the Council expects all new build market and affordable housing (across all tenures) to comply with the DCLG’s ‘Technical housing standards – nationally described space standard.’</u></p> <p><u>In relation to accessible and adaptable housing the policy will be reviewed within two year of adoption to establish specific targets in line with paragraph 009 of the planning practice guidance.</u></p> <p>Insert the following wording into the supporting text:</p> <p><u>The Nationally Described Space Standard is the appropriate space development standard for new build market and affordable housing. These new standards are broadly in line with the space standards currently contained within our existing AH SPD (2013) which were widely consulted on during the AH SPD adoption process. Furthermore, our development standards were viability tested as part of the Core Strategy.</u></p> <p>Delete previous Policy:</p>

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		<p><del>The council will seek to deliver accessible and adaptable homes. Based on evidence of need, the council will expect development proposals to provide accessible and adaptable homes built to Category 2 standards where practical and viable.</del></p>
MM36	DM43: Residential annexes	<p>Amend second paragraph to read:  “...do not exceed 50% of the <u>floor area size</u> of the existing dwelling...”</p> <p>Amend last sentence to read:  “Parking for residential annexes <u>should meet</u> <del>must be in accordance with</del> the councils parking standards”</p>
MM37	DM44: Replacement dwellings in the countryside	<p>First para page 104 line 2, replace “buildings” with “building”.</p> <p>Insert the following sentence in the supporting text:  <u>“The size of the replacement dwelling will be assessed on the size of the existing dwelling at the time the application is submitted irrespective of any outstanding unimplemented planning permission(s) for extensions to the property”.</u></p>
MM38	DM45: The conversion or re-use of redundant rural buildings to residential use.	<p>Remove word "redundant" from policy title and first line of policy and amend final para of justification to remove words "the building is truly redundant"</p> <p>Delete the third and fourth bullet points:</p> <ul style="list-style-type: none"> <li><del>• the building is of traditional construction and contributes to the local rural character;</del></li> <li><del>• all reasonable attempts have been made to secure an appropriate economic use; or the residential use is a subordinate part of a business reuse;</del></li> </ul> <p>Amend the seventh bullet point to read:</p> <ul style="list-style-type: none"> <li>• <u>the building is not in an isolated location remote from a settlement with a range of services and facilities or where access to those services and facilities would be poor. they are located in a sustainable location, with safe and convenient access to a settlement providing an appropriate</u></li> </ul> <p>Add additional bullet point:</p> <ul style="list-style-type: none"> <li>• <u>Any architectural and historic significance of the building and its setting is conserved.</u></li> </ul> <p>Delete the following text from the policy as a consequential change:</p>

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		<p><del>Reasonable attempts to secure an appropriate economic use will involve the applicant demonstrating that the building has been actively marketed both on site and online for employment uses for a minimum of 6 months at a reasonable price which reflects the use being advertised.</del></p> <p><del>A clear explanation as to the circumstances leading to the building becoming redundant will need to accompany any planning application.</del></p> <p><del>Traditional buildings do not include modern steel and block-work buildings.</del></p> <p>Include the following text in the 'justification' section:</p> <p><u>An understanding of the essential features of the building, its relationship to the wider landscape setting and its sensitivity to change should inform the alterations that might be made.</u></p> <p><u>Appropriate materials should be used and also methods of repair that respect the buildings significance. As the fabric of the building will embody its character and interest, as much as possible should be retained. Good practice advice prepared by Historic England is available to help inform a sensitive approach to any conversion.</u></p>
MM39	DM46: Rural workers dwellings	<p>Amend first sentence to read:          "The erection of dwellings in the countryside for full time workers in agriculture, forestry, or other land-based rural businesses will be permitted provided that the applicant provides an <del>independent</del> appraisal that demonstrates:..."</p> <p>Amend the supporting under the "<b>Establishing Need</b>" section as follows:</p> <p>"Applicants will be required to <del>seek</del> <u>submit</u> an appraisal justifying an exception to the general policy of restraint. To ensure a high quality and impartial assessment, appraisals are best prepared by:</p> <ul style="list-style-type: none"> <li>● a Member of the British Institute of Agricultural Consultants;</li> <li>● other consultants demonstrating qualifications and experience in the subject area.</li> </ul> <p><del>Appraisals prepared by the person acting as agent with regard to the planning application are not acceptable.</del></p> <p>The appraisal should provide the following information..."</p>
MM40	DM47: Proposals for economic	Amend policy text in fourth bullet point as follows:

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	development within towns and defined settlements.	<p>"the development is located <del>in order to</del> <u>encourage sustainable</u> <del>minimise</del> travel <u>and avoid adverse impacts on the highway network</u>. "Travel intensive uses should be readily accessible by public transport and seek to minimise the adverse impact on <u>the strategic road network</u>, the local highway network and disturbance to residential neighbourhoods."</p> <p>Amend text in final paragraph to:  "<del>...need to be of a scale appropriate to the settlement.</del>"; <del>meet locally identified needs, and not undermine the strategy to deliver employment-led regeneration at Weston-super-Mare.</del>"</p>
MM41	DM48: Broadband	<p>Delete Policy Aim and insert:</p> <p><u>To ensure that new development provides infrastructure to enable broadband connectivity that will future proof the development and that the provision of telecoms and broadband is considered with residential and employment applications.</u></p> <p>Change first paragraph to read:</p> <p><u>"For new residential developments over 10 dwellings and employment developments above 200sq m applicants should demonstrate through the submission of a 'connectivity statement' how the proposal will provide access to be able to accommodate superfast broadband (24Mbps+) and be compatible with broadband fibre networks where relevant."</u></p> <p>Amend third paragraph of the justification to read:  "<del>This will benefit landowners and developers by their sites being considered more attractive by the provision of increased choice for residents and businesses. This will benefit landowners and developers by providing competition and increase choice for residents and businesses.</del> Multiple ducting also allows for broadband fibre as well as voice (phone) cables to residential and employment sites. <u>Developers are expected to work with service providers to secure the infrastructure and make sure the service is available at occupation</u>".</p>
MM42	DM50: Bristol Airport	<p>Amended wording of Policy aim:</p> <p>"To ensure that, if further <del>expansion</del> <u>development</u> of the Airport is required...."</p>
MM43	DM51: Agriculture	Delete the final paragraph:

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	and land-based rural business development.	<p><del>The Council may condition the granting of such permission in the instance that agricultural use of a building or land based rural development ceases within 10 years of its substantial completion then it should be removed from the land and the land restored to its former condition unless permanent permission is granted for a non agricultural use within 3 years of the date of the permanent cessation of the agricultural use.</del></p>
MM44	DM52: Equestrian Development	<p>Fourth bullet point amended to read:</p> <p>"the scale, design, colour and materials (<u>being preferably of timber construction</u>) of any new buildings, <del>and other</del> <u>or</u> structures, has regard to the rural settings (<del>preferably of timber construction</del>) and need to minimise light pollution in the countryside;</p>
MM45	DM53: Employment development on greenfield sites in the countryside.	<p>Amendment the penultimate paragraph to read:</p> <p>"Retailing, other than farm shops, small scale village stores, <u>proposals under 200m<sup>2</sup></u> or proposals that are ancillary to the main use, will not be permitted."</p> <p>In the justification add following wording to end of third paragraph:</p> <p><u>"The policy should be read in conjunction with Policy DM55 which covers business expansion in the countryside including new buildings"</u>.</p>
MM46	DM54: Employment development on PDL in the countryside	<p>Include the following change to the first sentence of Policy DM54:</p> <p>"The partial or complete redevelopment of previously developed land in the countryside for <u>economic development business use (B1,B2 and B8)</u>-will be permitted provided:</p> <p>Amendment the final paragraph to read:</p> <p>"Retailing, other than proposals that are strictly ancillary to the main use <u>or proposals under 200m<sup>2</sup></u>, will not be permitted."</p>
MM47	DM55: Extensions, ancillary buildings or intensification of	<p>Delete the second sentence of the penultimate paragraph:</p> <p>Proposals to extend outside the curtilage into surrounding countryside will need to be fully justified and not be</p>

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	use for existing businesses located in the countryside	<p>harmful to the character and appearance of the countryside. <del>Where it is considered likely that further expansion or intensification is likely in the future, the business will be encouraged to work with the council to identify suitable sites for relocation in the Towns or Service Villages where practicable.</del></p> <p>Amend the final paragraph to read:</p> <p>“Retailing, other than proposals that are strictly ancillary to the main use <u>or proposals under 200m<sup>2</sup></u>, will not be permitted.”</p>
MM48	DM56: Conversion and reuse of rural buildings for employment development	<p>Remove the word “redundant” from the Policy Aim.</p> <p>Amend 3<sup>rd</sup> bullet point to read:</p> <ul style="list-style-type: none"> <li>• <u>if the building to be converted or reused was constructed for agricultural purposes and completed within 10 years of the submission of the application then was completed within 10 years of the application being submitted for an agricultural use</u> the applicant will need to demonstrate that the conversion of this building is essential for the long term benefit of the associated agricultural/forestry operation;</li> </ul> <p>Amend 6<sup>th</sup> bullet point to read:</p> <ul style="list-style-type: none"> <li>• “They are <u>not</u> located in <u>an isolated location remote from its potential workforce.</u> <del>sustainable location, with safe and convenient access to a settlement providing an appropriate range of services and facilities.</del></li> </ul> <p>Amend policy to add additional bullet point:</p> <ul style="list-style-type: none"> <li>• <u>Any architectural and historic significance of the building and its setting is conserved.</u></li> </ul> <p>Include the following text in the ‘justification’ section:</p> <p><u>An understanding of the essential features of the building, its relationship to the wider landscape setting and its sensitivity to change should inform the alterations that might be made.</u></p> <p><u>Appropriate materials should be used and also methods of repair that respect the buildings significance. As the fabric of the building will embody its character and interest, as much as possible should be retained. Good practice advice prepared by Historic England is available to help inform a sensitive approach to any conversion.</u></p> <p>Amendment final bullet point to read:</p>

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		<p>“Retailing, other than farm shops, small scale village stores, <u>proposals under 200m<sup>2</sup></u> or proposals that are ancillary to the main use, will not be permitted.”</p>
MM49	DM57: Conversion, reuse and new build for visitor accommodation in the countryside	<p>Delete the third and fourth criterion:</p> <p><del>iii The building is of traditional construction and contributes to the local rural character;</del>  <del>iv applicants can demonstrate that they have a business case and/or evidence of demand in that locality;</del></p> <p>Change third to last paragraph to read:  Subsequent applications to change <u>new buildings from</u> holiday accommodation to permanent residential use or the removal of conditions for holiday accommodation will not be permitted within 10 years of their <del>conversion</del> <u>construction and unless the existing use is shown to be unviable. It complies with All such proposals would also be subject to Policy DM43 (the conversion of rural buildings to economic use) DM45 (The conversion or re-use of redundant rural buildings to residential use).</u></p> <p>Delete the last sentence from the end of the policy as a consequential change:</p> <p><del>Traditional buildings would include those constructed of natural stone and tiles but exclude modern steel and block-work buildings.</del></p>
MM50	DM58: Camping and caravan sites.	<p>Delete 2<sup>nd</sup> bullet point. :  <del>“applicants can demonstrate that they have a business case and/or evidence of demand in that locality;</del></p> <p>Justification text amended to reflect paras 115 of NPPF. Amend fourth paragraph of the justification to read:  “Caravan and camping sites are not considered to be appropriate in the Green Belt. <del>or</del> <u>In the Mendip Hills Area of Outstanding Natural Beauty great weight will be given to conserving landscape and scenic beauty in accordance with paragraph 115 of the NPPF and Policy DM11: Mendip Hills Area of Outstanding Natural Beauty.</u></p>
MM51	DM59: Garden centres	<p>Delete 1<sup>st</sup> bullet point:  <del>“the sales floor space area relates to the sale of garden related goods (excluding clothing). If non-garden related goods are sold they must not exceed 15% of the net sales floor space area and must be products made or grown within a 30 mile radius of the site; and”</del></p>

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		<p>Delete justification and replace with:</p> <p><u>There has been a considerable increase over recent years in the amount of retail floorspace provided by farm shops, garden centres and nurseries. In some cases, retailing has become far more important than horticulture with the large scale of such 'garden centre' operations potentially diverting trade from the town and district centres. To avoid conflict with the retail strategy of the Core Strategy applications for retail development will be assessed against other policies including Policies DM66 and DM67 regarding the sequential approach to retail development and the retail proposals outside centres and the policies relating to business in the countryside.</u></p> <p><u>Development proposals should also minimise any adverse effects on the environment, living conditions, countryside, landscape, highways, traffic and car parking considerations and where relevant, the openness of the Green Belt.</u></p>
MM52	DM60: Town Centres	<p>Amend title of policy as follows:</p> <p>Town Centres (Clevedon, Nailsea, Portishead and Weston-super-Mare)</p> <p>Add additional text to third sentence as follows:</p> <p>Proposals from main town centre uses within these areas will, in principle, be supported <u>provided they contribute to the improvement of the town centre. In assessing this the proposal should:</u></p>
MM53	DM61: District Centres	<p>Add 'DM' before policy number in policy box.</p> <p>Amend the 2<sup>nd</sup> paragraph of to read:</p> <p>"...will need to demonstrate that there would be no significant impact on the vitality and viability of the <del>district</del> <u>other centres</u> and that there are no sequentially preferable sites available elsewhere within the town."</p>
MM54	DM62: Local centres	<p>Amend the last line of the second sentence to read:</p> <p>"...it can be demonstrated there is no adverse impact on the viability, vitality and character of <del>the centre</del> <u>other centres</u>".</p>
MM55	DM64: Primary	Remove proposed extensions to the Primary Shopping Frontage along Regent Street between the High Street and

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	shopping frontages	<p>the seafront.</p> <p>Amend 5<sup>th</sup> bullet point to read:</p> <p>“would not fragment any part of the shopping area <u>frontage</u> by creating or contributing to a significant break in the active frontage <u>or result in a use which creates an inactive daytime use; and...</u>”</p> <p>Amend 6<sup>th</sup> bullet point to read:</p> <p>“would not result in <u>the a loss of a large retail unit and/or a shop located in a key location</u> <del>retail floorspace</del> which would be harmful to the shopping function of the primary shopping area; and...”</p>
MM56	DM65: Development at the Retail Parks	<p>Amend the policy text as follows:</p> <p>“Land at the retail parks is allocated for large scale retail uses <u>over 500m2 (gross)</u>.</p> <p>Within the retail parks as defined on the <del>Proposals</del> <u>Policies</u> Map, all retail proposals (A1 uses) will be required to:</p> <ul style="list-style-type: none"> <li>• provide robust Justification setting out their specific locational requirements for a retail park location; and</li> <li>• demonstrate that the sequential approach to retail development has been applied and no other suitable location is available; and</li> <li>• <u>demonstrate, for schemes over 2,500sqm (gross) of retail floorspace, that proposals do not harm the viability and vitality of any identified town, district or local centre through the submission of an impact assessment.</u> <del>An impact assessment should demonstrate the impact on existing or proposed development will not be significant. Included in this assessment should be the impact that is likely to arise should the development not take place in terms of shoppers leaving the town to shop elsewhere.</del></li> </ul> <p>Proposals to extend <u>or subdivide</u> the floorspace of an existing unit (including the addition of mezzanine floors) for additional A1 use will be permitted provided:</p> <ul style="list-style-type: none"> <li>• <del>the proposal does not result in a separate retail unit of under 500m2; and</del></li> <li>• <del>an appropriate impact assessment has been carried out which concludes that there is no significant impact on the primary shopping area.</del></li> </ul> <p><del>Proposals to alter the restrictions on the types of goods being sold at existing stores will be permitted provided it can be demonstrated that there is no significant impact on the primary shopping area.</del></p> <p>Proposals for other uses in the A Use Class either within an existing unit, as an extension or as an independent unit</p>

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		will not generally be regarded as appropriate as these should be located in the primary shopping area, district centres or local centres....”
MM57	DM66: The sequential approach for retail development within or adjacent to town, district and local centres and retail parks	<p>Amend policy title to read:</p> <p>The sequential approach for retail development. <del>within or adjacent to town, district and local centres and retail parks</del></p> <p>Amend second paragraph as follows:  “A sequential <u>test and impact assessment</u> will be required for retail developments as specified in the following tables. <u>Impact assessment will only be required for developments over 2,500sqm (gross)</u>”.</p> <p>Remove reference to impact assessment in all column headings on all tables and on the first row of each table “Under 200m2”.</p> <p>Amend the first row on the Weston-super-Mare table to read:  “No sequential test or impact assessment is required. <del>unless the proposal is within the defined retail parks when both a sequential and impact test will be required.</del>”</p> <p>Amend the third column on the Weston-super-Mare table to read:  “<del>Defined retail parks.</del> <u>Elsewhere within the defined town centre.</u>”</p> <p>Delete fourth column on Weston-super-Mare table.</p> <p>Amend fourth paragraph of policy to read:  “For the retail proposal to be acceptable the sequential test should conclude that there are no sequentially preferable sites available. <u>For retail developments over 2,500sqm (gross) and if this is the case that an impact assessment must be has been</u> undertaken that shows that the proposal will not have a significant <u>adverse</u> impact on the primary shopping area, and/or town district or local centre as appropriate”.</p>
MM58	DM67: Retail proposals outside or not adjacent to town, district or local centres.	<p>Amend policy as follows:</p> <p>Areas outside the town, district or local centres <u>and defined retail parks</u> will be considered to be ‘out of town’. <del>Only</del> <u>Small scale retail development of up to 200m2 floorspace will be considered acceptable permitted in such locations together with farm shops, small scale village stores or uses ancillary to the main use that comply with Policies DM53, DM54, DM55 or DM56. Larger p</u> <u>Proposals above 200m2 or outside the provisions of the other specified policies</u> would be required to demonstrate that no suitable sites were available in the defined local, district or town centres. 7</p>

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		<p>retail parks or other proposed retail development and that the proposal would not have a significant impact on these retail locations.</p>
MM59	DM68: Protection of sporting, cultural and community facilities	<p>Amend the penultimate sentence to the 3rd paragraph of the justification to read:</p> <p><u>"Theatres</u>, utilities and telecommunications infrastructure are also included."</p>
MM60	DM69: Location of sporting, cultural and community facilities.	<p>Delete 2<sup>nd</sup> bullet point:  <del>"the possibility of sharing the use of existing facilities has been considered and shown to be impractical; and..."</del></p> <p>Amend 3<sup>rd</sup> bullet point to read:  "the site is in a sustainable location, genuinely accessible by a choice of transport modes and to <u>disabled people those with impaired mobility</u>; and</p> <p>Amend last line of policy to read:  "...there is no <u>significant</u> adverse effect on the vitality and viability of the relevant centres."</p> <p>Add the following text to the justification:  <u>"The council is preparing an SPD relating to more detailed guidance on the provision of built sport, leisure and community facilities"</u></p>
MM61	DM70: Development Infrastructure	<p>Amend the beginning of the second sentence to read:</p> <p><u>The councils preference will be to adopt A "presumption to adopt" will apply to development infrastructure on:...</u></p> <p>Amend first bullet point to read:</p> <p>Large-scale residential/mixed-use developments: in the case of highways more than six dwellings; for other infrastructure more than <del>ten</del> <u>fifty</u> dwellings.</p> <p>Amend second paragraph to read:</p>

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		<p><del>Where a “presumption to adopt” applies,</del> Developers will implement the infrastructure to the Council’s required standards and pay supervision and adoption fees. <u>Where infrastructure is adopted,</u> commuted sums will be payable by the developer to fund the reasonable costs of future maintenance of the infrastructure.</p> <p>Amend second sentence of fourth paragraph to read:</p> <p><u>Additional developer contributions</u> <del>Commuted sums</del> may in some cases be required to assist with this transition.</p> <p>Delete the penultimate bullet point and replace with:</p> <p><u>“Measures to secure ongoing maintenance of infrastructure to required standards at no additional cost to the Council or residents in the event that the management arrangements fail.”</u></p>
MM62	DM71: Development Contributions, Community Infrastructure Levy and viability.	<p>Under the Assessing Viability section amend the second sentence as follows:</p> <p>Where it is demonstrated using an agreed methodology (e.g. through residual valuation appraisal prepared to an agreed format and agreed assumptions), that the development proposal is unviable given the level of contributions sought, the council <u>will consider whether any of the requirements can be delivered through alternative mechanisms or deferred subject to measures to seek alternative funding (such as government grants, where available) and / or to market review mechanisms.</u> <del>may enter into negotiations on such contributions in order to facilitate deliverable development that is in conformity with the Local Plan for the area.</del></p> <p>Under the Assessing Viability section amend the first sentence as follows:</p> <p>“Where a development is agreed to be unviable, applicants <del>will</del><u>must</u> take all reasonable and practical steps...”</p> <p>Insert the following sentence at the end of the policy:</p> <p><u>“The council will seek to maximise the economic use of current or former publicly-owned land”</u></p> <p>Amend justification as follows:</p> <p>Various measures have been utilised by Government over the years to allow Local Planning Authorities to seek <del>contributions from new development to benefit the local community where that development is to be located.</del> <u>ensure that developers assist in providing the infrastructure, facilities and services required to mitigate the impact of their developments.</u> These include Section 106 style planning obligations and more recently the Community Infrastructure</p>

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		<p><u>Levy, which North Somerset Council is seeking to introduce.</u></p> <p><del>Most recently the Community Infrastructure Levy was introduced through legislation and has been is being taken forward by North Somerset Council. This in addition to in conjunction with Section 106 Agreements will be used to seek financial contributions from new development.</del></p> <p>These two separate mechanisms have their own specific <u>national</u> regulations that apply to their use.</p> <p>The Sites and Policies: Part 1 Development Management Plan contains a large number of specific policy areas which <del>could include requirements for require</del> a range of development contributions in order to secure sustainable development. This policy is intended to cover all development contributions when considering the plan as a whole – the individual policies will not necessarily reference all potential contributions or situations where contributions may be sought. This policy will provide the context for the assessment of development proposals taking into account the individual circumstances of the scheme in order to guide the nature and scale of contributions sought.</p> <p>Insert the following text in the justification:</p> <p><u>“The economic redevelopment of publicly owned land will be a material consideration when determining planning applications. The NPPF gives a clear steer in favour of sustainable development or growth, with a presumption that “development that is sustainable should go ahead”. Unlocking and accelerating the release and redevelopment of publicly owned land (often on brownfield or previously developed sites) will be key in driving successful economic growth and bringing underused or derelict sites back into use.”</u></p>
MM63	Appendix A: Superseded policies	<p>Insert:</p> <p>RLP Policy H/8: Residential development in the countryside to be superseded by DM44 and DM45</p> <p>Add DM40 to supersede H/11</p>
MM64	Glossary	<p>Amend the glossary so that the definition of community facility reads:</p> <p>“A community use is a cultural or community facility, whether or not provided on a commercial basis which falls within use classes D1 and D2 such as libraries, museums, <del>arts and entertainment facilities such as theatres and</del> cinemas, public and private open space, and other outdoor or indoor sports facilities, places of worship, schools, health centres, cemeteries and allotments. It also includes pubs which fall within use class A4, but excludes other A4 uses.</p>

Main Modification	Section	Document Changes
		<p>It also includes public utilities <u>and theatres</u>”.</p> <p>Include the following definition of self-build in the glossary:  <u>“Self-build is when someone directly organises the design and construction of their own new home”.</u></p> <p>Include the following definition of custom build in the glossary:  <u>Custom build homes are those where individuals work with a specialist developer to help deliver their own homes.</u></p>