

## **BUILDING APPLICATIONS IN NORTH SOMERSET**

**A great many people have written who are understandably worried about the large number of applications for planning permission for house building in North Somerset, especially around Yatton, Claverham and Backwell. I hope this note will give some useful guidance.**

**UK law requires all applications for planning to be in accordance with the local plan. This is to ensure that any development is “policy led” and not “influence led”. As I explained in the House of Commons, we are in a difficult position in relation to North Somerset’s local plan. As I said then:**

*“As a result of the election of the coalition Government in 2010, greater decision making powers were returned to local councils, so North Somerset council was able to provide a revised regional spatial strategy that reflected local needs, infrastructure and objectives, which had a total target of 14,000 houses by 2026. That was a dramatic reduction on the previous regional spatial strategy target of 26,750, which was abandoned after the 2010 election and the defeat of the Labour Government.*

*North Somerset’s core strategy was put before the planning inspector for public examination at the end of 2011. The inspector determined that the plan was sound and it was adopted in April 2012. However, the plan was subsequently challenged in the courts by the University of Bristol, which wants to build on green-belt land in my constituency. That is, in my view, an appalling testament to how much it values its own coffers and how little it values the local environment.*

*In the High Court, the judge ruled that the Government inspector had failed to provide proper reasons in his report to support his conclusion that North Somerset’s 14,000 housing target was appropriate. Let me be clear—this was a failure on the part of the inspector, not of North Somerset. Had the inspector given adequate reasoning, North Somerset would now be required only to provide 14,000 houses.... At this point in the story, we expected that there would be merely a re-examination process where the inspector would provide more detailed reasons for the support of North Somerset’s core strategy. Unfortunately, the judgment did not provide a remit for the re-examination process. As a consequence of the inspector’s error, North Somerset council had to submit the key parts of its plan, which had been remitted, for re-examination.”*

The subsequent re-examination by the inspector produced a result that was disappointing in two ways. The first was that a target of almost 21,000 was set but, more worryingly, the Inspector ruled that the delay in starting building for this new target meant that North Somerset were behind schedule in delivering these houses and the backlog should be made up in the next five years. I strongly supported North Somerset’s request to ask the Secretary of State to “call in” the Inspector’s report for adjudication. We argued that the Inspector’s judgement would put us at odds with the other three authorities with whom we coordinate planning (Bristol, South Gloucestershire and BANES). We also argued that housing growth should be in sustainable locations with the focus on the redevelopment of brownfield sites, such as those in Weston-super-Mare, but this has got to be supported by Government allowing local communities to resist inappropriate greenfield development

We are currently awaiting a judgement on this by the new Secretary of State. The timescale is entirely his but I have already made representations to him and will do so again.

In the meantime, in the absence of a definitive local plan, house builders have been making a number of outline applications. I hope it might be helpful if I set out what this means.

## **PLANNING STAGES**

### **1. OUTLINE PLANNING**

**An application for outline planning permission establishes the principle of development and as such detailed plans will not normally be required although this is largely dependent on the nature of the application.** It might be appropriate when an applicant is seeking an agreement "in principle" to a proposed development, without being committed to a particular form of design or layout. The applicant can reserve some or all of the detailed matters of access, appearance, landscaping, layout and scale for later consideration.

Once outline permission has been granted, any developer will need to apply for approval of the outstanding details (**reserved matters**) before any work can start.

### **2. RESERVED MATTERS**

Approval of "**reserved matters**", **involves** seeking permission for those aspects of access, appearance, landscaping, layout and scale that were not dealt with in the outline planning permission.

### **3. FULL PLANNING PERMISSION**

A full planning application normally contains all the information and plans needed to enable the development, if approved, to go ahead. When full Planning Permission is given, it is common for planning conditions to be applied. A planning condition is a condition placed on grants of planning permission by Local Planning Authorities (North Somerset Council in our case). Planning permissions are usually granted subject to a planning condition which requires the development to be commenced within three years. Typically they may also include a number of other conditions, for example undertakings regarding environmental and noise issues; the scheme to be built in accordance with the approved drawings, trees to be planted as per the landscape scheme and replaced if they die in the first few years, or the colour and finish of external materials to be approved by the local authority. Some of these will need to be complied with before any work starts on site; others will take effect once the development is commenced, or later.

Planning conditions are imposed to require that something is done or not done by the developer in order to make the development acceptable. Sometimes, planning permission will only be granted subject to the applicant entering into a legal agreement under Section 106 of the Town and Country Planning Act requiring that certain things be done or money be paid to the Local Planning Authority to remedy an otherwise unacceptable impact arising from the development, e.g. to contribute towards the improvement of local highways serving the development before the development is completed or occupied.

So, there is some way still to go in this process and residents should not assume that planning permissions will be automatically granted. The Council and developers are required to consult on planning applications and to take the views of local communities into account before decisions are made. For the moment, we await the Secretary of State's decision. I will update this piece again when further details emerge.