

PLANNING AND REGULATORY COMMITTEE

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Item 6 –16/P/1440/F – Bristol International Airport, North Side Road, Felton, BS48 3DY

Biodiversity

Since the report was prepared the Council's Ecologist has concluded that the location of the site is unlikely to support light sensitive species of bats and this conclusion has been agreed by Natural England. Accordingly, the Habitats Regulations Assessment screening process has concluded that the proposal is not likely to impact on European Protected Species and no further assessment is required.

Addition to recommendation:

The following additional planning conditions to mitigate and compensate ecological impacts are however necessary. These follow on from those in the committee report and start at condition number 9.

9. The development shall proceed in strict accordance with the mitigation, enhancement and compensatory measures outlined in Sections 6, Table 6.1 Measures M1 – M13 inclusive; and Table 6.2 Enhancement measures E1-E5 inclusive of the Bristol Airport Staff Car Park Extension EIA Final Report Version 5 (Johns Associates, 2016); and in line with the illustrative landscape proposals. Any amendments to these must be submitted to and approved in writing by the Local Planning Authority before relevant works proceed. The development shall then be implemented in accordance with the agreed changes.

Reason: To ensure compliance with the Conservation of Habitats and Species Regulations 2010 (as amended), the Wildlife and Countryside Act 1981 (as amended)], the Badger Protection Act 1992, Wild Mammals Protection Act 1996, North Somerset's Core Strategy policy CS4 and Site and Policies Plan Part 1, Development Management policy DM8.

10. The details to be submitted in respect of condition number 5 shall be based on Appendix A to the Ecological Impact Assessment and shall include vegetated buffers annotated with widths; and planting schemes.

Reason: To ensure compliance with the Conservation of Habitats and Species Regulations 2010 (as amended), Section 40 of the Natural Environment and Rural Communities Act (2006); , North Somerset's Core Strategy policy CS4 and Site and Policies Plan Part 1, Development Management policy DM8.

11. A Construction Environment Management Plan (CEMP) /or Construction Method Statement, shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development. This shall include details of the method of works, including: site enabling works, vegetation clearance, siting and installation of services, drainage; measures for storage and disposal of waste; implementation of pollution prevention guidelines (PPGs); measures for the protection of ecological features and trees; and provisions to avoid

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harm to legally protected species and wild mammals. Works shall be implemented in strict accordance with the approved methodology.

Reason: To ensure compliance with the Conservation of Habitats and Species Regulations 2010 (as amended), the Wildlife and Countryside Act 1981 (as amended)], the Badger Protection Act 1992, the Wild Mammals Protection Act 1996, North Somerset's Core Strategy policy CS4 and Site and Policies Plan Part 1, Development Management policy DM8.

12. Prior to commencement of development a landscape and ecological management plan (LEMP) for the site shall be submitted to and approved by the Local Planning Authority in writing. This shall include details and a table of works, including monitoring. Ongoing management shall be carried out in accordance with the approved details.

Reason: To ensure the development contributes to the protection and enhancement of the site's ecology in accordance with CS4 of the North Somerset Core Strategy.

13. No external lighting shall be installed until the following details/plans have been submitted to the LPA for approval in writing, to include:

- (i) details of the type and location of the proposed lighting;
- (ii) the proposed lux levels and lighting contour plans, with confirmation that lighting levels of less than 1 lux will be achieved on the internal faces of boundary habitats, unless otherwise agreed.
- (iii) details of proposals to undertake light monitoring checks once the staff car park extension lighting is operational. The results shall be submitted to the local planning authority. If the appropriate lux levels are not being achieved, remedial works shall be undertaken to ensure implementation.

Any external lighting shall be installed and operated in accordance with the approved details.

Reason: To reduce the potential for light pollution in accordance with Policy CS12 of the North Somerset Core Strategy and to protect bat habitat in accordance with the Conservation of Habitats and Species Regulations 2010 (as amended), Wildlife and Countryside Act 1981 (as amended).

14. Prior to the commencement of development, details of compensatory habitat provision for the species rich grassland to be removed from the site, shall be submitted to and approved in writing by the Local Planning Authority. The proposals shall include: i) plans shows the location of the 'receptor' site for 1116 square metres of species rich grassland translocated turf from the application site and; ii) the additional area of 1116 square metres for grassland restoration/enhancement to species rich grassland. This shall include details of the current botanical interest (DAFOR or NVC survey) and soil pH (as part of the justification for selection of the compensatory habitat site(s)); and a translocation protocol and justification for selection of protocol, with reference(s) to previous successful application. The compensatory habitat

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provision shall be implemented in strict accordance with the submitted details including a timetable for carrying out these works. The works shall be carried out in accordance with the approved details.

Reason: To retain and restore species rich grassland and ensure compliance with Section 40 of the NERC Act (2006); in accordance with CS4 of the North Somerset Core Strategy; and Site and Policies Plan Part 1, Development Management policy DM8.

Advice note:

Badgers: Where setts need to be closed as part of the development application, or where works (including site preparation) are likely to contravene the provisions of the Protection of Badgers Act 1992, a Natural England derogation licence must be obtained prior to the commencement of any such works (subject to grant of planning permission).

Item 8 – 16/P/1486/F - Silver Zone Car Park at Bristol International Airport, North Side Road, Felton, BS48 3DY

Correction to text

The “Background” section of the report contains a typographical error. The Secretary of State has confirmed that he does not wish to intervene in the application.

Correspondence received

A letter has been received alleging that the Council has not properly considered the Habitats Regulation Assessment. In this respect, the reports to the 14th September committee made clear that the process could not be completed until further Bat Surveys were undertaken. The final report, including the results of these surveys has since been received and the all the relevant information has been fully taken into account. The additional conditions in the updated recommendation below are required as a result of this further consideration. The recommendation is set out in full for the avoidance of doubt. Members are referred to the full report and update sheet for the 14th September Committee for further details. A further condition (15) has been proposed as a result of the work on the HRA.

Recommendation

Subject to

a) the completion of a ‘Deed of Variation’ to the Section 106 Legal Agreement for planning permission 09/P/1020/OT2 securing implementation of the new ‘Weston Flyer’ public transport services when the airport passenger number reach 8 million passengers per annum or when any part of the seasonal car park is first brought into use (whichever the earlier);

the application be **APPROVED** subject to the conditions set out in the previous report to the Planning and Regulatory Committee on 14 September 2016 (minute PAR 52) with the amended condition 5 and additional conditions 14 and 15 as follows subject to any further additions or amendments as may be required in consultation with the Chairman and Vice Chairman:

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5. No external lighting shall be installed until the following details/plans have been submitted to the LPA for approval in writing, to include:
- (i) details of the type and location of the proposed lighting;
 - (ii) existing lux levels affecting the site;
 - (iii) the proposed lux levels and lighting contour plans, with confirmation that lighting levels of less than 1 lux will be achieved on the horseshoe bat foraging habitats and commuting routes on day one of the operational phase;
 - (iv) details of lighting restrictions that will be in effect to maintain horseshoe bat commuting routes at below 1 lux during the construction phase;
14. Prior to commencement of development a landscape and ecological management plan (LEMP) for the site shall be submitted to and approved by the Local Planning Authority in writing. This shall include a table of works including monitoring. Ongoing management shall be carried out in accordance with the approved details

Reason: To ensure the provisions of the Habitats Regulation Assessment are implemented in accordance with the Conservation of Habitats and Species Regulations 2010 (as amended), Wildlife and Countryside Act 1981 (as amended).

15. Bat monitoring surveys of the site shall be undertaken in accordance with details to be agreed with the Local Planning Authority on the first, second and fifth anniversary of the any part of the car park hereby approved being brought in to use. The results of these surveys shall be submitted within 6 months of the surveys being undertaken. The objective of the surveys will be to determine if horseshoe bat species are continuing to foraging and commute on site. If numbers of greater horseshoe and other bat species using the site have declined, additional/amended mitigation measures shall be implemented in accordance with details and a timetable to be agreed by the Local Planning Authority.

Reason: To ensure that Favourable Conservation Status is maintained in compliance with the Conservation of Habitats and Species Regulations 2010 (as amended)."

Item 10 – 16/P/2094/O & 15/P/2752/O - at Land East of Wolvershill Road, between Orchard Close and Golling Lane, Banwell

Issue 9 – correction.

The sum sought for improvements to the play equipment at Banwell recreation ground and village hall or a new equipped play area on site is £38,038. The Highways and Transport contribution of £120 per dwelling to encourage and promote sustainable transport is set out in issue 3.

Additional Third Party comments

1 additional letter of objection has been received. The principal planning points made are as follows:

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- Traffic hazards from additional use of Wolverhill Road;
- Potential loss of archaeology.

Officer comments:

The highways and archaeological impacts have been fully assessed. The archaeological conditions are being discussed with Historic England and amendments are proposed here.

Amendment to recommendation:

A: 16/P/2094/O. The application be **APPROVED** subject to 1) the completion of a legal agreement securing the following contributions and works:

- (a) financial contribution to improve existing play equipment at the Banwell recreation ground and the village hall or other location;
- (b) financial contribution to improve the playing pitches at Riverside recreation grounds;
- (c) the on-site provision of informal green open space, minimum of 15sqm per dwelling and a commuted sum to cover a 15 year period if the Council is to adopt it;
- (d) financial contribution for improvements to the surface of Godling Lane (PROW/Bridleway no AX2/24);
- (e) financial contribution for the provision of educational facilities;
- (f) financial contribution to encourage sustainable travel and bus use;
- (g) financial contribution for the maintenance of fire hydrants on site;
- (h) financial contribution for the improvement of library facilities;
- (i) the delivery of 30% on site affordable housing; and

2) any revisions to the above or other requirements as may arise as a result of further negotiations, to be agreed between the applicant and the Director in consultation with the Chairman and Vice Chairman. If agreement is not reached then the application may be returned to committee with a recommendation for refusal, and.

3) the planning conditions set out in the report and below together with any additional or amended conditions as may be required as a result of further consideration in consultation with the Chairman and Vice Chairman

B: 15/P/2752/O. Had an Appeal against the non-determination of this application not been submitted, the application would have been **APPROVED** subject to the completion of a legal agreement and conditions as set out above recommendation A.

Revised wording to conditions

Minor alterations are proposed to the recommended conditions as set out below. The amendments are shown in **bold type**

6. The details to be submitted under condition 3 shall include the details for all public open space, wildlife corridors and management/maintenance buffers, SUDS scheme, and a phasing scheme for their delivery and all the following details:

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- a) hard and soft structural landscaping;
- b) a 5m buffer inside the site boundary adjacent to the hedge at the north, east and south boundaries **within which no development shall take place**;
- c) the design and surfacing of, and means of access to all public open space, public footpaths and rights of way;
- d) means of enclosure and boundary treatment and
- e) dog waste bins where required by the local planning authority.

unless otherwise approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure a satisfactory and high quality approach is taken to landscape, community facilities and open space design in accordance with policy DM32 of the North Somerset Sites and Policies Plan Part 1 and policy CS12 of the North Somerset Core Strategy.

- 7 All works comprised in the approved details of landscaping **shall** be carried out during the months of October to March inclusive following occupation of the buildings or completion of the development, whichever is the sooner.

Reason: To ensure as far as possible that the landscaping scheme is fully effective and in accordance with policy DM32 of the North Somerset Sites and Policies Plan Part 1 and policy CS 30 of the North Somerset Core Strategy.

Condition 17 as published is to be deleted and replaced by the following:

17. No development or site preparation works which involve breaking the surface of the site, shall commence until a programme of archaeological work including a Written Scheme of Investigation and a Mitigation Strategy have been submitted to and approved by the Local Planning Authority in writing. The scheme shall include an assessment of significance and research and all of the following:
 1. A programme and methodology of site investigation and recording;
 2. A programme for post investigation assessment;
 3. A mitigation strategy to ensure the retention in situ or relocation of any significant finds or archaeology;
 4. Provision to be made for analysis of the site investigation and recording;
 5. Provision to be made for publication and dissemination of the analysis and records of the site investigation;
 6. Provision to be made for archive deposition of the analysis and records of the site investigation
 7. Nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation.

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Any historic or archaeological features not previously identified which are revealed when carrying out the development hereby permitted shall be retained in-situ and reported to the Local Planning Authority in writing within 2 working days. Works shall cease in the area affected until provision has been made for the retention and/or recording in accordance with details submitted to and approved in writing by the Local Planning Authority

The development shall be carried out in complete accordance with the approved scheme. The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the approved Written Scheme of Investigation and the provision made for analysis, publication and dissemination of results and archive deposition has been secured, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that any archaeological remains are properly investigated, recorded and retained or relocated where necessary in accordance with policy CS5 of the Core Strategy and policy DM6 of the North Somerset Sites and Policies Plan part 1.

18. No development shall commencement until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall include details of:
- the number and frequency of construction vehicle movements,
 - construction operation hours,
 - construction vehicle routes to and from the site with distance details, **and which shall exclude travel through the centre of the village of Banwell,**
 - construction delivery hours,
 - car parking for contractors,
 - specific measures to be adopted to minimise and mitigate construction impacts on the environment (including effects of noise, dust, vibration, waste disposal, piling, ground works and rock removal, and infrastructure improvements if appropriate),
 - a detailed site traffic management plan to control traffic movements within the site during the construction phases,
 - a detailed working method statement to avoid/minimise impacts on protected and notable species and important habitats.
 - a plan showing measures for habitat protection and retention.

The approved Plan shall be implemented and adhered to at all times, unless any amendments are first agreed in writing with the Local Planning Authority.

Reason: To comply with the Conservation of Habitats and Species Regulations 2010 (as amended), the Wildlife and Countryside Act 1981 (as amended) and the NERC Act 2006 and to mitigate the impact of construction traffic during the construction period and in the interests of highway safety in the local and strategic road network in accordance with policies CS1, CS10 and CS30 of the North Somerset Core Strategy and policy DM24 of the North Somerset Sites and Policies Plan Part 1.

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21. A Biodiversity Habitat and Green Open Spaces Management Plan shall be submitted and approved with the Reserved Matters **to be submitted** in accordance with condition 3. The Plan shall cover a ten year period and include measures for establishment, enhancement and management of habitats and open spaces including ponds within the site **and public access thereto**, and shall include planting schedules and details of ongoing management. This shall include a timetable for management activities as well as a monitoring schedule. The plan should also detail the measures for the protection and enhancement of biodiversity, including those specifically for the benefit of European Protected Species, within the site and shall be fully implemented.

Reason: To comply with Policy CS4 of the adopted Core Strategy, policy DM24 of the North Somerset Sites and Policies Plan Part 1 and to comply with the Conservation of Habitats and Species Regulations 2010 (as amended).

Additional condition:

23. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or any Order amending or revoking and re-enacting that Order, no garages shall be erected, other than those expressly authorised by this permission.

Reason: The Local Planning Authority wish to retain control over the erection of garages in order to maintain the integrity and appearance of this development and protect the living conditions of neighbours in accordance with policy DM32 of the North Somerset Sites and Policies Plan Part 1 and policy CS12 of the North Somerset Core Strategy.

Item 11 – 16/P/0032/O - Tickenham Garden Centre, Clevedon Road/ Church Lane, Tickenham, BS21 6SD

Additional information from the applicant

In response to the draft schedule of conditions and S106 planning obligations the applicant has sought to confirm that the open space comprising the “Water Meadow” which includes the LEAP will be managed privately by a properly constituted management company. The costs of running the company, the maintenance and appropriate insurances would be met in full by future occupants of the residential dwellings and the offices. A requirement to establish the management company prior to first occupation of the site can be secured by condition.

A further query has been made by the applicant over the wording of condition 24 relating to the delivery of the B1 employment units on site.

Officer comments:

There is no objection to the principle of forming a management company for this site given its rather isolated location. However it is noted that this approach will require member approval. It may be

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appropriate to consider a flexible S106 that also allowed for Council or Parish Council adoption as an alternative option. Even if a management company is selected a S106 inspection fee for landscape and play installation will still be required. To secure the establishment of a management company two additional conditions have been agreed with the applicant as set out in the recommendation below.

The rationale for condition 24 is to assist with balancing jobs with homes across the district. Without the B1 employment provision the site would be less sustainable therefore the preferred option would be to secure the provision of the B1 units in advance of the residential development as stated with the condition. However if members consider it appropriate to introduce more flexibility in this requirement it would be possible to adjust the trigger point for delivery of the B1 employment units.

Additional comments from Tickenham Parish Council

The Parish Council have reiterated its request to secure the provision of an all-weather footpath from the west of the site to footpaths linking to the village hall and primary school. Without such access residents of the new development would have to use cars to transport children to school or go to the hall for village events. The school and hall form the 'centre' of this ribbon-development village and access to both is important if the residents are to feel and be part of the existing community. The Parish Council believe that the land involved and the proposed development land are in the same ownership and this could be secured through the S106 agreement.

Officer comments

The request for an all-weather footpath was put to the applicant in earlier negotiations and the response was that the footpath could not be delivered for a combination of reasons including cost of delivery, distance and difficulty or uncertainty in obtaining third party agreements for use of the land. It is noted that the applicant has already agreed to meet school transport costs through the S106 and are of the view that there could be a certain amount of overlap to that which has already been met through the agreed obligations. Whilst the request certainly has merit, in these circumstances it is considered unlikely that the footpath could be delivered and therefore this option has not been taken forward.

Correspondence received

A letter has been received commenting on the proposal and the suggested planning conditions. The principal points made are that:

- 1) The section of the B3130 between the two right angle bends, which are affected frequently by incidents, is currently substandard and works will be required.
- 2) Pedestrians crossing the highway to reach the bus stop is a serious concern and requires adequate safety provisions, which may have to be controlled by a Toucan crossing.
- 3) a 2m pavement on the eastern side of the road should be provided so that residents can reach Old Lane and its footpath network.
- 4) Play areas can become a problem area once the developer has left the site.

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- 5) the Section 106 should ensure that the 'meadow' be dedicated to the District Council to oversee the Management Committee.
- 6) the Parish council's proposal for the minimum of a footpath link (preferably with a cycle provision) from the proposed development to Washing Pound Lane should be supported to improve the connectivity of the site.

Officer comments

These issues are addressed in the report and in the comments above

AMENDMENT TO RECOMMENDATION:

The following additional conditions are proposed:

25. A Water Meadow management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscaped and recreation areas, other than small, privately owned, domestic gardens, shall be submitted to and approved by the local planning authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.

Reason: To ensure that the public open space contained within the "Water Meadow" is provided in a timely manner and plans are in place for its long term maintenance in accordance with Policy DM70 of the Sites and Policies Plan Part 1.

26. No development shall take place until a schedule of Water Meadow maintenance for a minimum period of 15 years has been submitted to and approved in writing by the local planning authority. The schedule shall include details of the arrangements for its implementation. Development shall be carried out in accordance with the approved schedule.

Reason: To ensure that the public open space contained within the "Water Meadow" is provided in a timely manner and plans are in place for its long term maintenance in accordance with Policy DM70 of the Sites and Policies Plan Part 1.

Item 14 – 16/P/1538/F - The Orchard, 252 Pill Road, Abbots Leigh, BS8 3RA

Additional Third Party comments

The Director of People and Communities has submitted further information. The principal points made are that

- The application is supported subject to a condition stipulating local residency.
- there are currently 7 individuals who are potential candidates with a further 3 others who may need this provision in the future. They cannot, however, guarantee that there will be a sufficient number of individuals to fill the facility.

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- There are no existing facilities in North Somerset which provide supported living for people with this level of complex needs. This is likely to be less expensive than providing care in a resident's home and would provide more autonomy and choice.
- The proposal would also follow national policy guidance on provision for people with learning difficulties as well as People and Communities' housing strategy.

Officer comments:

While the support goes some way to justifying a very special circumstance is it considered that as the need found is low and that it cannot be guaranteed that there would be a sufficient number of residents to fill the accommodation. As the potential client base is only low it is possible that it would be necessary for the provider to seek tenants from other local authorities. Although there are currently no existing facilities providing this type of care and it would follow national and local policy on provision for people with learning difficulties this is not considered to be of sufficient weight to support a very special circumstance or to outweigh national or local planning policy on development in the Green Belt.

Amendment to recommendation

Reason 1: Insert "and policy DM40" after "DM12"

Reason 3: Following further consideration reason 3 is deleted

Item 15 – 16/P/2173/F - Waits Farm, Knightcott Road, Banwell, BS29 6HR

Additional information from the applicant

Additional information has been received regarding the bat survey

Officer comments:

The previous development was for building 3 to be used as an open car port with internal bat roosting boxes hung on the internal walls. This proposal for building 3 is the demolition of the barn structure and a replaced with the new dwelling within the same foot print of the existing building. This addendum to the bat survey confirms new bat roosts will include two number habitat boxes, one number on each gable end respectively. It is considered that the bat boxes are acceptable and will enhance bat habitat in accordance with Policy CS4 of the North Somerset Core Strategy and Policy DM8 of the North Somerset Sites and Policies Plan part 1 and the advice with Biodiversity and Trees SPD. The application can now be approved without any further reports.

Amendment to recommendation:

Condition 8 is amended so that the word 'of' is inserted between the words 'details' and 'the'