

PLANNING AND REGULATORY COMMITTEE

UPDATE SHEET

11 January 2017

Section 1

Item 6 – 15/P/2828/O

Land off Wrington Lane, Congresbury

Committee Site Inspection

A Committee site inspection took place on 10th January 2017.

Additional plans received

Although application 15/P/2828/O is subject to an appeal for non-determination a duplicate application (16/P/1521/O) was submitted to allow for continued negotiation with the Council. This application has not yet been determined. The applicant has now submitted an updated plan for both applications showing the provision of a continuous footway along Wrington Lane from the site entrance to the junction with Kent Road.

The committee report sets out the Council's position in relation to the appeal against non-determination of application 15/P/2828/O. Based on the information available at the time of writing, the report recommends that had the Council had the opportunity to determine the application, it would have been refused for one refusal reason, relating to pedestrian safety and the use of Wrington Lane.

The additional plan now submitted indicates the provision of a continuous footway along Wrington Lane from the junction of Kent Road to the site entrance. This is similar to the footway scheme originally considered with the approved application at Cobthorn Way (ref 15/P/0519/O).

The ability to provide a continuous footway was a matter for discussion for the Cobthorn Way proposal. These included the construction of a footway to the front of 15, 17 and 19 Wrington Lane which had been agreed with the Highway Authority. However, the proposal led to an objection from the owners of 17 Wrington Lane and the objection asserted ownership of the land necessary for the construction of the footway. The proposal was not progressed as a subsequent reduction in the number of units did not require it. Two sections of 'virtual' footway formed by carriageway markings to denote the footway were considered sufficient for the reduced scheme. The footway scheme now proposed is of a higher standard, incorporating footways constructed for the purpose and also includes a 5.5m passing place at the western end.

The applicant has provided a legal opinion to substantiate their view that the highway works can be implemented. Officers have sought our own legal advice on various aspects of this and subject to final views on consider that there are unlikely to be grounds for disputing the appellant's view.

It remains the case that in the absence of a continuous footway along Wrington Lane there is an objection to the proposed development on pedestrian safety grounds. However, subject to confirmation of the applicant's ability to implement such a footway improvement there would appear to be a reasonable prospect that the matter could be addressed via a 'Grampian' style planning

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condition. This would require that these works are carried out in full before the commencement of the proposed residential development. This would provide sufficient mitigation to the development and allow the objection to be withdrawn.

In terms of traffic volumes, the cumulative impact of the Cobthorn Way application and current application will increase peak hour traffic volumes at the western end of Wrington Lane between Wrington Mead and Kent Road from 75 in the morning peak and 100 in the afternoon peak to 132 in the morning and 155 in the afternoon. The relevant guidance shows that peak hour capacities on roads such as Wrington Lane including the proposed measures lie between 400 and 900 per hour. There is therefore sufficient capacity to accommodate the additional traffic.

Additional details on ecological impact

A Habitats Regulation Assessment (HRA) screening decision has been produced in consultation with the applicant's ecological consultants, the Council's ecologists and Natural England. This has been sent to Natural England in anticipation that the screening decision will be agreed and the HRA can be signed off by the Council as the competent authority.

The HRA demonstrates that the development proposals will not result in any direct impacts to SAC roost sites. This takes into account an in-combination assessment with cumulative development within 5km of the site. The application site is considered to be sufficiently separated from the nearest components of the SAC by roads and existing development. With regard to indirect impact, the proposals will retain a significant amount of grassland in the east of the site which will be subject to an appropriate long-term grazing regime designed to maximize the value of the site for foraging Horseshoe bats. The proposals will also provide linkages for commuting bats in the form of new native woodland planting, forming a north-south corridor leading from the SAC roost sites (King's Wood & Urchin Wood), immediately to adjoining habitats to the south and east. The lighting scheme for the proposed development will ensure that light levels along the north-east and eastern boundaries will be low especially adjacent to areas of public open space.

The western part of the site is not of particular value to foraging and commuting horseshoe bat species. Existing development is present towards the north-west, west and south-west of the site, and hence the proposal to develop in the western part of the site will avoid the disruption, isolation or fragmentation of habitats that support commuting and foraging activities of horseshoe bats.

AMENDMENT TO RECOMMENDATION:

Subject to

- a) Consultation on the additional plan and consideration of any new issues not previously raised,
- b) final confirmation that the applicant has prospects for complying with a Grampian condition requiring provision of the footway as shown on drawing 1465/10 before the remainder of the development commences and the applicant agreeing to the use of such a condition being imposed,
- c) Securing agreement with the applicant to the Heads of Terms for a S106 agreement as set out in the Committee report, and

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d) the completion of the Screening Decision on the Habitats Regulation Assessment confirming that there is no likely significant effect on protected species.

the recommended reason for refusal is **WITHDRAWN** and the Council's case at the appeal is conducted accordingly.
