

PLANNING AND REGULATORY COMMITTEE

UPDATE SHEET

8 February 2017

Section 1

Item 6 – 15/P/2828/O – Land off Wrington Lane, Congresbury

AMENDMENT TO RECOMMENDATION:

For clarification the recommendation on page 1 states that the application would have been approved for the reasons attached as appendix 1. However, appendix 1 is the original report to January's committee, which at the time of writing still recommended refusal. The recommendation that the application would have been approved was provided in the update report to the January committee.

Item 7 – 16/P/1521/O – Land off Wrington Lane, Congresbury

Additional information from the applicant

Surface Water Drainage

The applicant has provided additional information on the surface water drainage strategy in response to issues raised by members at the January P&R committee. This includes an indicative plan showing how the surface water can be conveyed across the site towards the attenuation pond situated in the south east corner of the site, and then onwards at greenfield run off rates via land drain to the Congresbury Yeo watercourse. It states that the ability to connect to the watercourse indicated on the drainage strategy is not a material planning consideration as this is covered by other legislation. Nevertheless it is confirmed that Wessex Water, as the statutory undertaker, has an obligation to provide a link between the outfall from the site to the watercourse. This can be secured through negotiation with third parties, and the fall-back position is that Wessex Water have Compulsory Purchase powers, which can be used if necessary to carry out their function.

Consideration has also been given to the existing problem of surface water flows westwards along Wrington Lane. This is a result of pluvial flooding associated with the impermeable nature of the highway, which is not served by highway drainage. There is capacity for existing runoff from Wrington Lane to be accommodated in the new highways drainage network at the site access where there is no current highways drainage. This will help to address surface water runoff issues and ensure concerns relating to surface water flooding restricting site access are adequately addressed.

Officer comments: Details of the surface water drainage strategy have been assessed and accepted by the Council's Flood Risk Management Team. A condition requiring the submission of evidence of agreement on the point of discharge of surface water from the site will ensure an appropriate mechanism is in place before the occupation of any dwelling.

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Highways

A supplementary Transport Assessment report which gives further clarity on matters of highways capacity and pedestrian safety in relation to the provision of a continuous footway along Wrington Lane and drawings to show how the design of the access road will take account of the level differences, and drawings showing vehicle movements to and from the realigned site entrance and junction with Wrington Lane, and driveways of adjacent properties have been provided.

Officer comments: Updated proposals from the applicant to provide a continuous footway along Wrington Lane, have been assessed and accepted by the Council's Highways Officers. An addendum to the highways consultation response confirms that subject to the securing of financial contributions and relevant conditions, there is no highways objection to the application.

In addition to the financial contribution of £6000 towards travel information packs as set out in the committee report, a contribution of £5,000 towards the Council's costs in securing a 20mph speed limit on Wrington Lane in accordance with the details shown on drawing 1465/10B is sought.

Additional plans

An additional drawing reference 1465/10B showing the Wrington Lane Footway Scheme has been submitted. This has made minor adjustments to drawing 1465/10, comprising an additional annotation to show 20mph signage and slight realignment of the site access. These changes are considered to be insignificant and thus not materially different from drawing 1465/10 which has been subject to consultation. For these reasons further consultation is not required.

Additional Third Party comments

29 additional letters of objection have been received. The principal planning points made reiterate the comments reported to date.

One further letter of objection has been received disputing matters of land ownership and map information relevant to the ability of the developer to deliver the proposed Wrington Lane footway shown on plan 1465/10. This is seeking a review of information held by the Ordnance Survey, Land Registry, and North Somerset Council.

Officer comments: For the purposes of determining this planning application and the imposition of a 'Grampian' condition requiring the provision of a footway on land outside the application site, the Council must be satisfied that there is a reasonable prospect of the requirements of the condition being met. Case law indicates that in this instance land ownership is not the defining factor and does not displace the highways status of the relevant land. In terms of a Grampian condition, because the dispute focuses on argument and counter argument the Council cannot consider there are 'no prospects at all' of the footway being provided so the imposition of a Grampian condition for the highways works is lawful and consistent with national policy.

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AMENDMENT TO RECOMMENDATION:

Further to the submission of the additional information referred to above, amendments to the conditions are to be made as follows:

Condition 6. To be reworded as follows:

6. The means of access to the site shall be constructed in accordance with the approved Proposed Site Access Arrangement Plan 1465/01C, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety and in accordance with policy DM24 of the Sites and Policies Plan Part 1

Condition 7. This condition duplicates the details required under condition 6 so the condition is to be deleted and the schedule of conditions renumbered accordingly.

Condition 8. To be reworded as follows:

8. No development of any residential unit on the application site shall take place until the Wrington Lane improvement scheme shown on drawing 1465/10B comprising the construction of a continuous footway, priority road markings and associated carriageway works on Wrington Lane has been constructed in full accordance with the approved drawing 1465/10B.

Reason: In the interests of pedestrian and road safety and in accordance with Policy CS10 of the Core Strategy and DM24 of the Sites and Policies Plan Part 1.

Condition 9. An additional condition to be inserted as follows and the subsequent schedule of conditions renumbered accordingly:

9. No development of any residential unit on the application site shall take place if a revised/amended Wrington Lane improvement scheme to that shown on drawing 1465/10B is received until that revised/amended drawing is first submitted to, and approved in writing, by the Local Planning Authority, and after such approval, has been constructed in full accordance with the approved revised/amended drawing.

Reason: In the interests of pedestrian and road safety and in accordance with Policy CS10 of the Core Strategy and DM24 of the Sites and Policies Plan Part 1.

Condition 10. An additional condition to be inserted as follows and the subsequent schedule of conditions renumbered accordingly:

10. Prior to the commencement of development, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority and shall include details of deliveries (including storage arrangements and timings), contractor parking, and traffic management.

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The construction phase of the development shall thereafter be carried out in accordance with the approved details.

Reason: to ensure the safe operation of the highway

Condition 14 to be reworded as follows:

14. Prior to the commencement of development, details of the design, implementation, maintenance and management of the foul and surface water drainage scheme shall be submitted to, and approved in writing by the Local Planning Authority. Those details shall include:

- a. Evidence of agreement on the point of surface water discharge.
- b. Information about the design storm period and intensity, discharge rates and volumes (both pre and post development), temporary storage facilities, means of access for maintenance to all structures (4 metres minimum), the detailed methods employed to delay and control surface water on site or passing through the site and discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and surface waters;
- c. Any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant);
- d. Flood water exceedance routes, both on and off site;
- e. A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by an appropriate public body or statutory undertaker, management company or maintenance by a Residents' Management Company and / or any other arrangements to secure the operation and maintenance to an approved standard and working condition throughout the lifetime of the development.

The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development is served by a satisfactory system of surface water drainage and to prevent flooding from the site in accordance with paragraph 17 and sections 10 and 11 of the National Planning Policy Framework, Paragraph 103 of the National Planning Policy Framework and the Technical Guidance to the National Planning Policy Framework (March 2015) and policy CS/3 of the North Somerset Core Strategy.

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Item 8 – 16/P/0330/F2 – Land south of A370 Somerset Avenue, Weston-super-Mare

The recommendation to grant permission is subject to: (a) the completion of the further archaeological investigations and (b) the completion of the Habitats Regulation Assessment.

On point (a) the scope and method of the archaeological investigations has been clarified but the investigation has not been undertaken to date. This does not change the recommendation to the committee, but the release of planning permission remains contingent on the satisfactory resolution of this matter, together with any archaeological planning conditions that may be required.

On point (b) further consideration of the Habitat Regulations Assessment Screening Assessments by the Council and Natural England has concluded that the proposal will not result in a 'Likely Significant Effect' on the Severn Estuary Special Protection Area / Ramsar site or on the North Somerset & Mendip Bat Special Area of Conservation. It is therefore be excluded ('screened out') from any further stages of Habitats Regulations Assessment subject to planning conditions.

Conditions

It is noted that Condition 7 is repeated as condition 8 in the report. This is an error and condition 8 should be deleted with the numbering sequence adjusted. In addition minor changes are made to the following conditions:

Condition 7

Within 3 months of the commencement of development, or a later date to be firstly agreed in writing by the Local Planning Authority, a detailed hard and soft landscaping scheme shall submitted to the Local Planning Authority. This shall include the following:

- i) Details of all trees to be retained as required under the previous condition;
- ii) Details of all new hard and soft landscaping, including the size, position, species, stock and spacing of all new trees and other planting and the cultivation and other operations associated with plant and grass establishment. The number of replacement trees will be calculated using the following formula: 1 new tree of size 10-12cm circumference per 100mm trunk diameter of the damaged or dead tree. The positions of new and retained trees shall be shown in relation to all proposed services above and below ground, parking area and visibility splays. Details of tree pit design, a phasing plan / timetable for the planting of new trees and a 10-year maintenance schedule for the new approved trees once planted shall also be provided.
- iii) Details of any street furniture such as raised planters, trees protection grills, retaining structures, seating, railings, bollards, information boards and refuse bins
- iv) Samples of all proposed surfacing materials including the colour and textures for roads, parking spaces, footpaths and cycle paths and kerb stones.

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v) A phasing plan and timetable for the implementation of the landscaping works.

The development and maintenance shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory and high quality approach is taken to landscape, community facilities and open space design is provided in accordance with Policy CS9 & 12 of the Core Strategy.

Condition 16

No rhyme crossing points shall be constructed until the following further details have been submitted to and approved in writing by the Local Planning Authority:

i) Details of foundations and materials;

ii) Confirmation that the design and size of the box culverts allow for the continued passage of wildlife;

iii) Details of retaining walls,

v) Details of the ongoing maintenance requirement

The approved design specifications shall be implemented and maintained in accordance with the submitted details.

Reason: To ensure the development contributes to the protection and enhancement of the site's ecology (to include European protected species and legally protected species) in compliance with to protect bat habitat in accordance with the Conservation of Habitats and Species Regulations 2010 (as amended), the Wildlife and Countryside Act 1981 (as amended); and in accordance with North Somerset's Core Strategy policy CS4 and Site and Policies Plan Part 1, Development Management policy DM8.

Item 9: 16/P/2744/OT2 – Land south of Wolvershill Road, Banwell

Biodiversity

A Habitats Regulations Assessment screening process has been carried out in consultation with Natural England. This concludes that ecological impacts can be mitigated, though additional biodiversity conditions are required (see 'Conditions' below).

As the proposal requires some hedgerow removal which may support European Protected Species such as Dormouse, 'Derogation' Tests must be applied to the application. These are set out below, with the officer's response in italics:

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i) There is no satisfactory alternative;

The site is allocated for residential development in the emerging 'Site Allocations Plan' and there is a significant need to build more houses, including affordable homes. The principle of the development is therefore acceptable and there is no satisfactory alternative.

ii) The proposal would not be detrimental to the maintenance of the populations of the species concerned at a favorable conservation status in their natural range

Habitat loss while regrettable can be replaced which will enable a favourable conservation status to be retained.

iii) The proposal is in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment

There is a need to build more homes and up to 250 new homes including, affordable housing, will result in social and economic benefits that are in the public interest.

Amendments to Conditions

Condition 4: The following list comprises the documents to be included to condition 4 of the recommendation.

Drawings

Application Boundary	EE L01 Rev B
Masterplan	EE 101 Rev K
Landscape Parameters Plan	EE 102 Rev F
Phasing Parameters Plan	EE 103 Rev F
Framework Parameters Plan	EE 105 Rev F
Land Budget Plan	EE 106 Rev K

Documents

Covering Letter	26 th October 2016	
Application Form	26 th October 2016	
Design and Access Statement	April 2016	
Planning Statement	July 2015	
Statement of Community Engagement	July 2015	
Summary Health Impact Assessment	July 2015	
Arboricultural Implications Assessment and Tree Protection Plans	April 2012	

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Covering Letter	26 th October 2016	
Environmental Statement	July 2015 and addendum October 2016	
Environmental Statement Addendum	April 2016	
Employment Led Statement	April 2016	
Bat Activity Surveys	November 2015	
Protected Species Surveys	November 2015	
Breeding Bird Survey	June 2016	
Shadow Habitats Regulations Assessment	August 2016	
Bat Activity Surveys (Final Report)	August 2016	
Overarching Lighting Strategy	August 2016	
Affordable Housing Statement	October 2016	

Other Conditions

Biodiversity conditions are set out in conditions 24-27 of the report. Following further advice from the Council's Ecologist, additional biodiversity conditions are required. These are numbered 28-33 below. The numbering sequence of the subsequent conditions in the report (currently 28-38) will change to 34 to 44.

Condition 28: The development shall proceed in accordance with the avoidance, mitigation and enhancement measures outlined in the submitted: 'Ecological Constraints and Mitigation Parameters Plan' (03/08/16); Sections 6 and 7 within Appendices 7.1 -7.4) of the 'Ecology and Nature Conservation Chapter 7' of the submitted 'Environmental Statement Addendum' for Parklands Eastern Extension, Weston-super-Mare', (Clarkson Woods (2016), and also within: Section 7 of the 'Bat Activity Survey Reports' (2015 & 2016); Section 6 of the 'Breeding Bird Report' (June 2016) and Section 4 of the 'Invertebrate Survey' (Andy Jukes/Parkwood Services (2012)). If amendments to the methodology are required, details of the changes must be submitted in writing and agreed 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)], North Somerset's Core Strategy policy CS4 and Site and Policies Plan Part 1, Development Management policy DM8.

Condition 29: Prior to the commencement of development, a Site enabling/vegetation clearance plan, to include timings and description of all precautionary avoidance and mitigation measures required to avoid harm to legally protected (e.g. bats, reptiles, badgers, nesting birds) and Section 41 species (common toad, brown hare, hedgehog) that could be present on site, and to include a detailed method statement for reptiles, shall be submitted to and approved in writing by the Local Planning Authority. This shall also include: provision of ecological supervision of site clearance, and pre-commencement checks for, or surveys where necessary, for species that may be dynamic in distribution (e.g. badger) and section 41 species, such as brown hare (leverets), common toad. Any

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structural vegetation that will be removed that could support breeding birds, leverets, toads, reptiles, needs to be lowered by stages (scrub to 15cm) under ecological supervision. The use of herbicides is to be avoided. The site enabling/vegetation clearance plan shall be implemented in accordance with the submitted details.

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

Condition 30: The details to be submitted in respect of condition 17 shall implement the proposed species and habitat mitigation planting and habitat creation and enhancement measures outlined within the 'Ecological Constraints and Mitigation Parameters Plan' (2016). The landscape planting shall be implemented in accordance with the approved details and signed off by the ecological consultant with submission of a completion certificate.

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

Condition 31: Details to be submitted in respect of condition 19 shall set out long term safeguarding and management of on-site including:

- The ongoing management of existing habitats;
- Provision for checks of rhynes and removal of rubbish;
- Checks and maintenance of culvert structures;
- A site interpretation board describing the habitats and the required management;
- Any requirements for ecological monitoring;
- Likely costs associated with the ongoing management requirements

The ongoing landscape and habitat 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 (to include European protected species and legally protected species) in compliance with to protect bat habitat in accordance with the Conservation of Habitats and Species Regulations 2010 (as amended), the Wildlife and Countryside Act 1981 (as amended); and in accordance with North Somerset's Core Strategy policy CS4 and Site and Policies Plan Part 1, Development Management policy DM8.

Condition 32: No development shall commence until a plan with details of the specification and location of new bird nesting and bat roosting facilities, together with a timetable for their implementation, have been submitted to and approved in writing by the Local Planning Authority. One such roosting or nesting feature to be provided at a ratio of one per four residential dwellings. The development shall be carried out in full accordance with the approved details.

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Reason: To ensure that adequate habitat is provided for notable bird species in accordance with Policy CS4 of the North Somerset Core Strategy.

Condition 33: No development shall commence until details of the specification and location of at least two horseshoe bat night roosting features within the Grumblepill Rhyne and 60m ecological corridor have been provided, together with a timetable for installation, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in full accordance with the approved details.

Reason: To comply with the Conservation of Habitats and Species Regulations 2010 (as amended); and the NERC Act 2006. To enhance bat habitat in accordance with North Somerset's Core Strategy policy CS4 and Site and Policies Plan Part 1, Development Management policy DM8.

Item 10 – 16/P/2740/RG3 – Hutton Moor Leisure Centre, Hutton Moor Road, Weston-super-Mare

Additional information from the applicant

The applicant has confirmed that the new floor space will be below the 500m² threshold set by policy CS2. There is, therefore, no requirement to achieve BREEAM 'Very Good' standard or 10% renewable energy.

The applicant has submitted a draft Emergency Flood Warning and Evacuation Plan. This is acceptable in principle, although requires further work. An amendment to condition 10 is recommended in this respect.

Additional Third Party comments

One additional letter of observation received requesting that two squash courts are retained within the Sports Centre.

Officer comments: The proposal includes converting one of the centre's three squash courts into a new reception for the gym area, and another will be converted into a fixed cycle workout room which is a particular growth area in the fitness industry. One squash court will be retained to meet the current demand. There are other squash and racketball facilities in the district and the applicants are working with other providers to promote alternative squash and racketball venues across the district (totalling 15 courts across 6 venues).

AMENDMENT TO RECOMMENDATION: the application be APPROVED (for the reasons stated in the report) subject to the conditions set out in the report, and the replacement of condition 10 with the following:

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Condition 10: The development hereby permitted shall not be brought into use until an Emergency Flood Warning and Evacuation Plan has been put in place in accordance with details that have first been submitted to and approved, in writing, by the Local Planning Authority. The Plan shall be maintained and observed thereafter in accordance with the approved details.

Reason: To protect users of the development in times of flood and in accordance with policy CS3 of the North Somerset Core Strategy and policy DM1 of the North Somerset Sites and Policies Plan (Part 1).
