

PLANNING AND REGULATORY COMMITTEE

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Section 1

Item 6 – 17/P/0233/F - Former BT Radio Research Laboratory, Long Lane, Backwell

Additional comments from Access Officer

The Access officer has confirmed that the Council is unable to condition the payment of contributions from the proposed dwellings for future maintenance of the section of the Restricted Byway between the limit of Highway adoption and the gate and stone stile (the stretch in front of Home Farm). It is therefore agreed that the applicant is informed in advice note that they should consider making a contribution towards the upkeep of the footpath surface in agreement with the local landowner.

The Council is not responsible for maintaining the track beyond the bend, next to Magpie Cottage, and on up past the entrance to Home Farm to the gate for motorised traffic as the track is not adopted highway. There is also no minimum maintenance standard for a public right of way.

It is understood that the track beyond the gate to the main site gates is in good condition but again the above would apply as this section is a public footpath only and is not adopted highway.

Officer comments: It is suggested that an advice note is added to the decision notice informing the applicant that they should consider making a contribution towards the maintenance of the footpath leading to the site and agree this with the local land owner.

Section 2

Item 7 – 16/P/3009/RG3 – Gordano School, St Marys Road, Portishead, BS20 7QR

Additional information from the applicant

The archaeological desk top evaluation has now been received and is satisfactory, subject to an archaeological watching brief condition. Scheduled Monument Consent will also be required.

CHANGE TO RECOMMENDATION:

That the application be **APPROVED** subject to the 5 conditions in the report and the following additional condition 6:

6. No new groundworks shall take place within the site until the implementation of a programme of archaeological work has been secured, in accordance with a written scheme of investigation, which has first been submitted to and approved in writing by the Local Planning Authority. The programme of archaeological work should provide a controlled watching brief during groundworks on the site, with provision for excavation of any significant deposits or features encountered, and shall be carried out by a competent person(s) or organisation and completed in accordance with the approved

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written scheme of investigation. This programme of work shall not commence until Scheduled Monument Consent has been granted.

Reason: To ensure that archaeological interests are properly dealt with in accordance with policy CS5 of the Core Strategy and policy DM6 of the adopted Sites and Policies Plan part 1.

Item 8 – 17/P/0356/LDE – Dowlais Farm, Lower Strode Road, Clevedon, BS21 6UU

Amendment to recommendation

A further review of the legal position with regards to the determination of this application has been undertaken. This indicates that the application must be referred to the Secretary of State for determination. This is in accordance with the General Regulations set out under the Town and Country Planning Act General Regulations 1992. Therefore the recommendation needs to be amended to reflect this.

CHANGE TO RECOMMENDATION:

A) That the certificate of lawfulness is recommended to be **GRANTED** and the application is referred to the Secretary of State for determination.

B) In the event that the Secretary of State determines that it does not fall for him to determine the application, then the application is **GRANTED**.

Item 9 – 16/P/0956/F – 40 Manor Road, Weston super Mare, BS23 2SU

Additional Third Party comments

Three additional letters of objection have been received. The additional principal planning points made are as follows:

- Application should not be considered again as it was refused before
- This application would be worse than first proposal as it would be a multi-occupancy dwelling in future
- Property would be a tower block overbearing to and overlooking properties at the rear
- Proposal is causing undue stress, uncertainty and dismay to local residents

Officer comments:

- *The local planning authority is required to consider all applications submitted, irrespective of whether they have already been refused on a site.*
- *Additionally, all applications must be assessed on their own merit and on the basis of the information submitted at the time of the application. Potential future uses such as multiple-*

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occupation (HMOs) cannot be considered as there is no evidence submitted that suggests such proposed use.

- *The height of the building is that of 2-storeys at the front and 3-storeys at the rear, which would not be considered to be a tower block*
 - *Unfortunately, the stress caused by the application to neighbouring residents is not considered a material planning matter.*
-

Item 10 – 17/P/0436/PDT – Land at Clevedon Golf Course, Castle Road, Clevedon

Additional information from the applicant

Amended plans

Amended plans drawing no.100B, 101B, 200C, 300B have been submitted and an email dated 23 March 2017 from the applicant to show which point the measurement was taken from the fence line as shown on drawing no. 200 C to the proposed site for the mast.

Officer comments: *The proposed measurement for 15.9m to the fence line corresponds with the proposed site location, the proposal will be based on the plans submitted not on the area taped on site.*

Additional Third Party comments

3 additional letters of objections have been received. The principal planning points made are as follows:

- The felling of trees.
- The access along the rear boundary of no. 9 Linkside will impact upon the garden and sitting room of this property.

Officer comments:

- *During the site visit there appear to be evidence of the removal of one tree from the site, the removal of the tree has not been carried out by the applicant*
- *The impact upon the neighbouring dwelling is likely to be for a short period of time to allow the installation of the mast and would not result in a significant noise and disturbance. Whether the access track will encroach on land owned by the occupant of no. 9 is a civil matter between the golf club owners and the neighbour.*

Site Visit: A joint site visit was carried out on the 4 April 2017 between the planning case officer, the council's tree officer, the applicant and the managers of the Clevedon Golf Club. During the site visit the manager of the Golf Club confirmed that no vehicles would be permitted on the fairway for construction or for maintenance, and access would only be permitted along the rear boundary fence of the properties on Linkside that back onto the golf course.

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This area consists of scrubland, trees, overgrown brambles and hedgerow. The formation of a vehicular track in this location will involve extensive site clearance of vegetation which will result in loss of trees and potential impact upon protected species.

A taped area within the middle of the copse purports to mark the site of the mast but this location does not correspond with the site plan or site location plan. Based on the submitted plans and additional information from the applicant, the proposed site would be on the edge of the copse. This proposal can only be assessed on the basis of the information submitted with the application.

The tree officer considered that the new mast would compromise the health of the trees surrounding the mast due to the constant cutting back of the tree canopy. It is also likely that a small number of trees would be affected by installation of the mast and the installation associated apparatus. Prior approval for a mast can only be refused if the siting and appearance of the mast is considered unacceptable. It is concluded that installation of the mast would result in the loss of significant number of trees and vegetation surrounding the site. It is considered that the proposal would result in harmful impact upon the character of the area and upon biodiversity, therefore the siting of the mast and its appearance is not acceptable and therefore the recommendation should be changed to recommendation B) that prior approval is refused.

Correction to committee report: replace “6” Linkside to “9”

Change of recommendation to B)

That **prior approval is required** and is **REFUSED** for the siting and appearance of the development for the following reason:

Amendment to recommendation:

1) Insufficient information has been submitted to allow a full assessment of the impact of the proposals on the existing trees on site and, in the absence of details to the contrary, the proposal for installation of the mast and the access for construction and maintenance of the mast is considered likely to result in the significant loss of trees which would adversely affect the biodiversity of the area, and is therefore contrary to policy DM8, DM9, DM10 and DM32 of the Sites and Policies Part 1, policies CS/4, CS/5, and CS/9 and CS/12 of the North Somerset Core Strategy, section 7 and 11 of the NPPF and the supplementary planning document 'Biodiversity and Trees' and of the Conservation of Habitats and Species Regulations 2010 (as amended) and the Natural Environment and Rural Communities Act 2006.

Item 11 – 17/P/0517/PDT – Highways land adjacent to Worlebury Golf Club, Monks Hill, Weston super Mare, BS22 9SX

Additional information from the applicant

- The applicant submitted additional information regarding the additional coverage in the email it states that *“I accept there is no significant gain in 2G coverage. However looking at 3G and 4G coverage plots they show a vast improvement to coverage in the area of Worlebury. In the*

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existing coverage plots there is no coverage, in the proposed the hole is filled for both 3 and 4G. We are looking to provide our customers with good 3 and 4G coverage, rather than just 2G (voice only) technology.'

- The council requested details of other sites namely Worlebury Woods and the existing masts at the water tank. The applicant replied that alternative sites have been investigated but that none meet the requirements to meet the uplifted coverage.
- The applicant was also asked to consider the repositioning of the mast in front of the golf shop. The applicant has considered this but indicates that there is insufficient space to do so without impeding pedestrian movement, underground services or the WSM Town Council notice board.

Officer Comments:

Section 5 of the NPPF states that applications for telecommunications development (including for prior approval under Part 24 of the General Permitted Development Order) should be supported by the necessary evidence to justify the proposed development. In this case evidence has been provided that demonstrates that the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure. This is sufficient to meet NPPF requirements.

In terms of health impact, the applicant is required to submit a statement that self-certifies that, when operational, International Commission guidelines will be met. This has been done in this case and is sufficient. The NPPF makes clear that LPAs should not seek to prevent competition between different operators, question the need for the telecommunications system, or determine health safeguards if the proposal meets International Commission guidelines for public exposure. It is considered that the applicant has demonstrated poor 4G coverage within the Worlebury area. Any other site will be assessed on its own merits and cannot be dealt with during the assessment of the prior approval for this application.

Amended plans

Amended plans have been received to specifically correct the site location plan scaled at 1:50000 drawing no. 100 B.

Officer comments: *The location of the mast was clearly identified as being on the junction of Worlebury Hill Road, and Monks Hill as shown on the Site location plan scaled at 1:1250 and 1:100. However to ensure that the plans correspond the plans has now been amended.*

Additional Third Party comments

27 additional letters of objection/support have been received. The principal planning points made are as follows:

- The site has already had planning permission refused on appeal on visual and intrusive grounds

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- Noise impact
- Poor design
- Other sites have not been considered
- Impact upon natural habitat within the SNCI
- Environmental Impact Assessment.

Officer comments:

- *There is no record of a previous prior approval application on this specific site.*
- *Levels of noise caused by installation cannot be assessed under the prior approval process and the only consideration is the siting and appearance.*
- *The applicant has submitted information that other sites have been considered as part of their application and have considered other sites during the course of the application.*
- *Under the Town and Country Planning (EIA) regulations 2011 the LPA need not adopt a screening opinion for a development of this nature.*
- *Other matters regarding insufficient assessment of sites, shared technology, coverage areas are not matters that are not assessed under the prior approval process and the only consideration is the siting and appearance*

Section 4 – Item 14 - Delegation Arrangements for Planning Applications

A further possible improvement to the Protocol has been identified which would assist preventing avoidable delays to non-contentious matters.

From time to time detailed drafting of legal agreements after the Committee has considered a planning application can lead to the need to clarify or make an adjustment to the agreed heads of terms. Currently, these would need to be referred back to the Committee for confirmation which can result in delay to the conclusion of the agreement and the issuing of the planning permission. To avoid this, it is suggested that the Protocol is amended to allow such changes to be made under delegated powers provided the Chairman, Vice Chairman and relevant ward member(s) are in agreement. This would be consistent with existing delegated powers for officers to determine requests to amend or modify existing S106 agreements. If the Chairman, Vice Chairman or Ward Member(s) were in not all in agreement the matter would be referred back to Committee in the current way.

Annex B page 9 – proposed additional wording:

In addition to the following proposed text on page 9:

“Applications where the Planning and Regulatory Committee has resolved to grant planning permission subject to the applicant entering into a planning obligation (such as a S106 legal agreement) and where the required obligation is not completed either:

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- a) within 24 weeks (168 days) of the date when the application was first received as a valid application; or
- b) before ten working days prior to any extended target date previously agreed in writing by the applicant

may be delegated to the Director of Development and Environment to determine in consultation with the Chairman, Vice-Chairman and Ward Member(s) without further reference to the Committee on the basis of there being no planning obligation”

the following text be added:

“Applications where the Planning and Regulatory Committee has resolved to grant planning permission subject to the applicant entering into a planning obligation (such as a S106 legal agreement) and where subsequent amendments to draft heads of terms of legal agreements previously agreed by the Committee are needed, these are delegated to the Director of Development and Environment subject to agreement by the Chairman, Vice-Chairman and Ward Member(s) without further reference to the Committee”

Recommendation

The proposed change be included in the in the changes to the Protocol set out in Annex B.