

**SECTION 1 – ITEM 6**

<b>Application No:</b>	18/P/4846/FUL	<b>Target date:</b>	11.03.2019
<b>Case officer:</b>	Lee Bowering	<b>Extended date:</b>	
<b>Parish/Ward:</b>	Clevedon Clevedon South	<b>Ward Councillors:</b>	Councillor Crosby
<b>Applicant:</b>	C/O Agent		
<b>Proposal:</b>	Redevelopment of the site to form a retirement living plus (Extra Care) development of 57 units (C2 Use), a children’s nursery and associated parking, landscaping. New vehicular and pedestrian access from Kenn Road		
<b>Site address:</b>	Land at 173 - 175 Kenn Road, Clevedon		

**REFERRED BY COUNCILLOR CROSBY**

**Summary of recommendation**

It is recommended that the application be **APPROVED** subject to a S106 agreement and conditions. The full recommendation is set out at the end of this report.

**Background**

The application as submitted initially proposed the erection of a retirement living plus development comprising 63 apartments and the erection of a health and medical centre together with associated access and parking. It was subsequently amended in July 2019 to a retirement living plus (Extra Care) development of 57 units (C2 Use) and children’s nursery.

**The Site**

The site comprises an area of 1.13 hectares and is located on the west side of Kenn Road immediately to the north of the existing Tesco store and service yard. The site is currently occupied by vacant warehouse units which have a gross ground floor area of approximately 2,416 sq. metres.

The site is accessed from Kenn Road via the existing highway roundabout junction that provides access to the Tesco store car park, the adjoining Tesco service yard, a mini roundabout and short length of internal road that provides access to the site with turning opportunities for the service yard.

The rear garden areas of the adjoining dwellings, located on the south side of St Michael Avenue, adjoin the sites northern boundary with existing shrub and trees reinforcing some of the existing rear residential boundary fences. A mature conifer tree screen, in excess of five metres high, exists along the site’s west boundary, beyond which lies the rear garden areas of dwellings in the roads Cherry Hay and Closemead.

Several existing trees are located adjacent to the Kenn Road frontage and along part of the sites northern boundary and these are subject to Tree Preservation Order 620.

### **The Application**

Full permission is sought for the redevelopment of the site with a three and two-storey building comprising 57 retirement living apartments (Extra Care) together with the erection of a single storey building for use as a children's nursery. The two proposed buildings / uses will be served from a shared new proposed vehicle and pedestrian access formed onto Kenn Road north of the existing roundabout junction. The existing vacant employment buildings on site will be demolished.

#### **Retirement Living Apartments:**

- West part of site comprising 'T' shaped build footprint 67m x 20m and 56m x 15.5m with an overall ridge height of 11.40m;
- 31 x one bedroom and 26 x two-bedroom apartments;
- Age restricted to 70 plus providing flexible care and support on site 24 hours a day;
- Refuse Store and Buggy Store;
- Bistro and associated kitchen facilities;
- Guest suit and staff accommodation;
- 45 car parking spaces;
- 14 to 17 employees.

#### **Children's Nursery:**

- East part of site adjoining Kenn Road measuring 32.5m x 17.0m with mono pitch roof detail;
- 81 place day nursery for children aged 3 months to 5 years;
- Open between 07:00 hours and 19:00 hours;
- 27 staff to be engaged on site at any one time when nursery up to full capacity;
- 20 space car park which includes 8 drop off spaces and 1 disabled space;
- One enclosed outdoor play space area for the younger child comprising soft rubber and artificial grass surfacing;
- One enclosed outdoor play space for the older child comprising harder surface finish.

### **Relevant Planning History**

<b>Year</b>	<b>Reference</b>	<b>Proposal</b>	<b>Decision</b>
1996	96/1365	Warehouse extension and the creation of additional car parking spaces	Approved
1994	94/1489	Business headquarters with associated warehouse, office, service area and car parking	Approved
1993	1678/93	Erection of an industrial building for the manufacture and assembly of	Approved

electrical goods

1993	1992/91	Development of food store, together with associated petrol filling station, service area, car parking and access, and business (B1) floor space, together with associated service areas and car parking	Approved
1992	0454/92	Demolition of existing factory and office buildings	Approved
1983	2897/82	Alterations to existing access and formation of new boundary	Approved

**Policy Framework**

The site is affected by the following constraints:

- Within the settlement boundary for the town of Clevedon
- Protected trees on site frontage and part northern boundary (Tree Preservation Order 620 refers)
- Within Flood Zones 2 and 3 and SFRA tidal flood zone 3A
- Surface water recorded of road frontage at point of access

**The Development Plan**

North Somerset Core Strategy (NSCS) (adopted January 2017)

The following policies are particularly relevant to this proposal:

<b>Policy Ref</b>	<b>Policy heading</b>
CS1	Addressing climate change and carbon reduction
CS2	Delivering sustainable design and construction
CS3	Environmental impacts and flood risk management
CS4	Nature Conservation
CS5	Landscape and the historic environment
CS9	Green infrastructure
CS10	Transport and movement
CS11	Parking
CS12	Achieving high quality design and place making
CS13	Scale of new housing
CS14	Distribution of new housing
CS15	Mixed and balanced communities
CS20	Supporting a successful economy
CS25	Children, young people and higher education
CS26	Supporting healthy living and the provision of health care facilities
CS31	Clevedon, Nailsea and Portishead
CS34	Infrastructure delivery and Development Contributions

West of England Joint Waste Core Strategy (adopted 25 March 2011)

The following policies are particularly relevant to this proposal:

<b>Policy</b>	<b>Policy heading</b>
Policy 12	General Considerations

Sites and Policies Plan Part 1: Development Management Policies (adopted 19 July 2016)

The following policies are particularly relevant to this proposal:

<b>Policy</b>	<b>Policy heading</b>
DM1	Flooding and drainage
DM2	Renewable and low carbon energy
DM9	Trees
DM10	Landscape
DM19	Green infrastructure
DM24	Safety, traffic and provision of infrastructure etc associated with development
DM25	Public rights of way, pedestrian and cycle access
DM26	Travel plans
DM27	Bus accessibility criteria
DM28	Parking standards
DM29	Car parks
DM32	High quality design and place making
DM33	Inclusive access into non-residential buildings and spaces
DM34	Housing type and mix
DM36	Residential densities
DM40	Retirement accommodation and supported independent living for older and vulnerable people
DM47	Proposals for economic development within towns and defined settlements
DM69	Location of sporting, cultural and community facilities
DM71	Development contributions, Community Infrastructure Levy and viability

Sites and Policies Plan Part 2: Site Allocations Plan (adopted 10 April 2018)

The following policies are particularly relevant to this proposal:

<b>Policy</b>	<b>Policy heading</b>
SA2	Settlement boundaries and extension of residential curtilages
SA4	Employment Allocations

**Other material policy guidance**

National Planning Policy Framework (NPPF) (July 2018)

The following is particularly relevant to this proposal:

Section No	Section heading
2	Achieving Sustainable Development
6	Building a strong, competitive economy
8	Promoting healthy and safe communities
9	Promoting sustainable transport
12	Achieving well designed places
14	Meeting the challenge of climate change, flooding and coastal change
15	Conserving and enhancing the natural environment

#### Supplementary Planning Documents (SPD) and Development Plan Documents (DPD)

- Residential Design Guide (RDG1) Section 1: Protecting living conditions of neighbours SPD (adopted January 2013)
- North Somerset Parking Standards SPD (adopted November 2013)
- North Somerset Landscape Character Assessment SPD (adopted September 2018)
- Biodiversity and Trees SPD (adopted December 2005)
- Creating sustainable buildings and places SPD (adopted March 2015)
- Solar Photovoltaic (PV) Arrays SPD (adopted November 2013)
- Travel Plans SPD (adopted November 2010)
- Development contributions SPD (adopted January 2016)
- North Somerset and Mendip Bats Special Area of Conservation (SAC) Guidance on Development: SPD (Adopted January 2018)

#### Consultations

Copies of representations received can be viewed on the council's website. This report contains summaries only.

**Third Parties:** 112 letters of objection have been received. The principal planning points made are as follows:

#### Objections

- Increase in traffic, congestion and close proximity to Tesco roundabout; Inadequate and wrong positioning of access/danger to road users; Visibility splay issues with parking on both sides of Kenn Road; Inadequate parking provision.
- Close to boundary with adjoining properties resulting in loss of light, increased overshadowing and noise; and loss of privacy;
- Over development out of keeping with character of area; Size and scale of development too high; Building profile is now a largely featureless three-storey wall of windows; More open space needed on development;
- Increase danger of flooding, pollution/health risk;
- Affect local ecology;
- Conflict with local plan;
- Strain on existing community facilities;
- No need for another nursery as there exists surplus capacity within the existing local nurseries; Existing smaller nurseries will be forced to close;
- No need for another retirement home in Clevedon, need affordable housing.

Clevedon Civic Society has raised objections to the application on the basis of:

- Loss of employment land and modern commercial buildings.
- Creation of unwelcome emphasis on development for the elderly in the town, in opposition to the objectives of the emerging Neighbourhood plan which envisages a more balanced community in future.
- Serious shortcomings in the proposed layout in terms access arrangements, road safety, poor living conditions for future residents; and poor design and materials.

Nine letters of support have been received. The principal planning points made are as follows:

- Placement within existing children's nurseries within Clevedon considered to be too expensive therefore the proposed nursery will give choice and give rise to more competitive rates for those seeking child care in Clevedon;
- Nursery provides longer hours of child care for under two-year olds;
- Proposal provides other options for working parents in Clevedon;
- Employment opportunities for people looking for work in childcare.

### **Clevedon Town Council:**

The Town Council commented on the amended plans as follows:

"Clevedon Town Council OBJECTS to the amended plans submitted on the 25 November 2019. There is concern with the plans for a new nursery being placed so close to a confluence of roads and the obvious health implications that this brings. Also, that there is insufficient car parking spaces for users of the proposed nursery.

The comments that Clevedon Town Council previously submitted in objection to the whole development of this site, also still stand."

The previous comments are set out below:

"OBJECTS to the application.

Members are concerned with insufficient parking within the proposal for residents, staff and visitors together with the re-siting of the Kenn Road bus stop.

Concern with the height of the building on the North-West side creates loss of light and privacy to residents in St Michaels Avenue.

Committee members discussed the revisions made to the planning proposal. Concern is still being raised regarding the scale of the building in that it is too large and overbearing on neighbouring properties. There is also no proven need for another children's nursery in Clevedon. Provision for a new entrance on Kenn Road for vehicle access is causing apprehension with the Planning Committee and Highways Authority with an already busy road and heavy traffic users either into the Tesco site or surrounding properties. Carbon dioxide particulates will increase considerably in this area, with the proposed children's nursery very close to the roadside. Concern was also expressed that an increase in housing for older people is contrary to the proposals for the forthcoming Neighbourhood Plan for demographic reasons. Members of the Committee suggested affordable housing and workshops providing employment opportunities as priority developments for this site"

**Other Comments Received:**

Environment Agency

Providing the Local Planning Authority is satisfied that the requirements of the Sequential Test under the National Planning Policy Framework are met, the Environment Agency would have no objection, in principle, to the proposed development, subject to a condition requiring the finished floor levels to be set at a minimum of 6.6mAOD.

Avon & Somerset Police

Raises issues regarding boundary fencing and planting to allow good levels of natural surveillance. The boundary should be clearly defined and prevent the grounds being used as a potential shortcut through and clearly differentiate between public and private space. The use of welded mesh fencing or railings offers opportunities for natural surveillance over the site. A lockable barrier would prevent nuisance vehicles using the nursery parking area when the nursery is closed.

**Principal Planning Issues**

The principal planning issues in this case are (1) the principle of the proposed developments, (2) the access, visibility and parking arrangements associated with the proposed uses, (3) the layout, siting and design of the proposed buildings, (4) the impact of the proposed development on the living conditions of neighbouring dwellings, (5) the existing and proposed drainage constraints (6) the environmental considerations associated with the proposed development and (7) other matters.

**Issue 1: The principle of the proposed developments**

The site is currently occupied by two vacant industrial buildings/office uses (Class B1/B8) located within the settlement boundary of Clevedon where a range of land uses already exist within a typical mixed urban environment. The site is currently a brownfield site suitable for either reuse in its present form or comprehensive redevelopment.

Policy SA4 of the Site Allocations Plan recognises the importance of protecting the district's existing employment sites and, in accordance with the guidance within the NPPF, adopts a flexible approach to the consideration of alternative use of employment sites.

The two existing buildings have been vacant since August and October 2017 at which time marketing of the site for Class B1/B8 use was undertaken with the sales brochure promoting employment use as the key driver in the marketing campaign. The applicant's marketing agent has stated that there has been, and continues to be, lack of interest from employment occupiers. Officers have undertaken enquiries and have found no evidence to dispute this claim.

The North Somerset Employment Land & Sites Review (ELSR) June 2018 states that the Council has a large quantum and wide range of existing employment land. The Review concludes that there is currently approximately 68 ha of allocated developable employment land in a range of locations. Whilst this figure is now slightly lower due to the ongoing developments in Weston-super-Mare, the loss of the B1/B8 employment use from the site would not adversely impact on the available stock of vacant floor space which exists throughout the district within well-established business parks. Furthermore, it is considered that the proposal maintains two business uses on the site that will individually

attract local employment opportunities which will counteract any perceived loss associated with the resulting change of land use.

In respect of Policy SA4, it is therefore concluded that it can be demonstrated that there is no realistic prospect of the occupiers coming forward for the site's existing use, and that the range and quality of land available to meet future business needs is not adversely impacted. The proposal therefore satisfies policy SA4 of the Sites and Policies Plan Part 2; Site Allocations Plan.

The redevelopment comprises two distinctive elements - the proposed retirement living apartments which falls within Class C2 and, the proposed children's nursery which is a use falling within Class D1 of the Use Classes Order. Both elements are considered to be appropriate forms of development for this particular site with existing dwellings located on the east side of Kenn Road and to the immediate north and west of the site. The proposed nursery is located on the south-eastern part of the site furthest away from neighbouring residential properties and will occupy an underused part of the existing site. The site is located within a sustainable location on a bus route, within walking distance of the town centre and immediately next door to a large Tesco store.

The need for a further children's nursery has been challenged locally by residents of Clevedon and the owner/operators of existing local nurseries. The applicant however maintains that there is a need locally for the nursery which is proposed to operate longer hours and includes a younger age group than locally available. It is not for the planning system to interfere with the resource availability and market forces should be allowed to prevail unhindered by the planning application process.

In terms of the residential element, there is commitment to providing retirement living with a package of care provision for those in the later years of life. The applicant has confirmed that the average age of occupancy for the type of accommodation proposed is typically 83 years of age. The applicant has cited the minimum age of 70 years to qualify for an apartment within the proposed building that will provide a range of facilities for use by residents of the individual apartments. The appropriate planning condition is recommended to ensure the future availability of the accommodations for the current designed purpose.

It is considered that the proposed independent living apartments and the proposed nursery will contribute towards providing a balanced community and that the proposal is compliant with policies CS15, and CS25 of the North Somerset Core Strategy and policy DM40 of the Sites and Policies Plan Part 1.

## **Issue 2: The access, visibility and parking arrangements associated with the proposed uses**

The site is currently accessed from a short spur of internal roadway that serves the Tesco service yard. There is however the risk of conflict between vehicle movement associated with the use of the Tesco service yard and the future residents and visitors of the retirement apartments and those dropping off and collecting young children from the proposed nursery. It is for this reason that the applicant has proposed the new site access onto Kenn Road.

The nursery element of the development is predicted to generate 32 trips in the AM peak and 36 trips in the PM peak. This is close to that predicted for the medical centre and is unlikely to have a significant impact on traffic conditions locally. The site is anticipated to generate a total of 45 trips in the AM peak and 46 trips in the PM peak, with 272 trips anticipated over a 12-hour period.

The applicant has completed speed surveys along Kenn Road which indicate 85<sup>th</sup> percentile speeds of 28.4mph which equates to required visibility of 39.7 metres. The required visibility to the south towards Kenn Road (Tesco) roundabout passes through considerable mature vegetation, including a mixed native hedgerow as well as Maple and Oak. The required level of visibility can however be secured with the removal of existing lower level vegetation subject to the necessary root protection measures for the existing protected trees which are located behind the required visibility line.

A Traffic Regulation Order (TRO) may also be required to control on street parking to assist visibility. A TRO consultation by the highway authority would require a developer contribution secured by way of a Section 106 agreement if the application is approved. The applicant has submitted a revised Transport Statement and a Stage 1 Road Safety Audit (RSA) for Access Arrangements. The RSA has not identified any major safety aspect with the proposed site access. Vehicle tracking detail based on the latest plan submission is greatly improved and is currently being assessed by the road safety officer at the time of drafting this report.

The applicant has revised the parking provision and added additional spaces for the children's nursery. The plan indicates 20 spaces of which 9 spaces are allocated for parent drop off, including 1 disabled and 11 spaces for staff parking. The number of parking spaces now proposed is considered to meet the Council's standards. A gate barrier is proposed between the retirement living area and the children's nursery to prevent conflict between parking spaces for the two developments. 45 car parking spaces are proposed for the residential element of the development which is considered to be acceptable. A condition is recommended to secure cycle parking provision for staff.

The applicant has submitted a Travel Plan that outlines the travel plans for the two proposed buildings and how the travel plan arrangements will be developed and reviewed with the Council on an ongoing basis. The appropriate planning condition is recommended to ensure policy compliance with DM26 of the Sites and Policies Plan Part 1.

It is considered overall that the number of parking spaces proposed for both the retirement living proposal and the proposed children's nursery is acceptable. The two proposals are therefore compliant with the North Somerset Councils Car Parking Supplementary Planning Document, policy CS11 of the Core Strategy and policy DM28 of the Sites and Policies Plan Part 1.

To future proof the site, the car park should include passive provision to allow for electric vehicle charging. The appropriate planning condition is recommended

### Issue 3: The layout, siting and design of the proposed buildings

#### Retirement living

The footprint of the proposed retirement living building makes best use of the irregular shaped site which is constrained by the adjoining turning head that lies outside the application site area. As originally submitted, the neighbouring properties in St. Michaels Avenue would have been both overlooked and overshadowed by the three-storey height and mass of the proposed building, particularly at the north-east corner where the separation distance is at its closest to neighbouring properties on this boundary.

Following negotiation with the applicant, the footprint of the proposed building has been moved between 7.5 metres and 4.0 metres further into the site whilst pushing the whole length of the proposed building 4 metres westwards towards the rear of the site, and closer to the west boundary which is defined by the tall conifer/Leylandii hedge that separates the site from the rear garden areas of Close Mead and Cherry Hay. There is however no guarantee that the continued landscape effectiveness along this particular boundary will exist for the life of the development. The assessment of the application is therefore made on the principle of a permitted two-metre high fence existing on the boundary and not the existing conifer/Leylandii hedge which is in excess of 5 metres in height.

The north west projecting wing of the proposed building has been reduced from three to two storey in height which has resulted in the removal of two apartments from the scheme on the footprint of the proposed building located closest to neighbouring properties in St. Michaels Avenue and Cherry Hay. It is considered that this reduction in height to this part of the proposed building overcomes the overbearing impact that the proposal would otherwise have had upon the residents of numbers 22, 24, 26 & 28 St Michaels Avenue and 15 Cherry Hay.

The revised built form and revised position of the proposed building is supported by a number of submitted shadow plans which show the extent of shadow cast from the height and profile of the proposed building at different times of the day, and at specific times of the year. The shadow plans also show for the same periods the extent of shadow cast from the existing buildings that are to be demolished.

Whilst the shadow cast is different at certain times of the year, the resulting impact on the majority of those properties affected by future shadows would be an improvement on the existing situation. The exception would be a couple of properties which, for a limited part of the day during the late autumn and winter months, would fall within the shadow of the proposed retirement building.

The two existing large industrial buildings are located closer to the neighbouring rear garden boundaries of the properties in St Michaels Avenue, than the proposal with a significant part of the site hard surfaced with little or no planting, other than planting on the site frontage and the tree/hedge on the west boundary. It is considered that whilst the proposed retirement living building is large, the overall design and form of building, together with the plans to provide landscaped gardens, provide an acceptable form of development for the site.

The proposed external materials will inform the design features, although final samples will need to be agreed by condition to ensure the use of acceptable external materials to the

building, car parking areas and pathways within the site. The submission of landscape details would need to be conditioned with appropriate measures put in place to reinforce existing boundary and screening detail.

### Children's Nursery

The proposed children's nursery building is contemporary in appearance and has been designed with the needs of staff, young children and their security in mind. The building is simple in form but appropriate in scale for the particular site circumstances which will be partially screened by the existing trees. The external materials for the building itself and car park areas including the outdoor play space areas and associated fencing will need to be conditioned to ensure the use of appropriate materials suitable for the use which is intended.

Whilst in principle the proposed access arrangements into the site are now generally acceptable, there is however a requirement for the protection of the existing trees which exist in close proximity to either side of the point of access. The appropriate landscape conditions will therefore be recommended to ensure that the construction of the proposed access road does not result in root compaction to the detriment of the future health of the trees. A landscape management plan for the site will be secured by condition to ensure that routine maintenance is put in place to keep the required visibility splay free of vegetation and obstruction.

It is considered that, subject to complying with the recommended conditions, the proposals are capable of complying with policy CS12 of the Core Strategy and policy DM32 of the Sites and Policies Plan Part 1.

### **Issue 4: Other impacts of the proposed development on the living conditions of existing neighbouring dwellings**

#### Children's Nursery

The proposed children's nursery is single storey in height and does not physically adjoin existing residential property. There will however be some limited amount of noise from the children when the outdoor play areas are in use however this is likely to be occasional and for a short period of time. It is considered therefore that the proposed building and its use will not adversely impact upon existing living conditions of residents in the vicinity of the site.

#### Retirement Living

The proposed building lies broadly parallel to the rear garden areas of nine properties located to the north in St Michaels Avenue (Nos. 14 to 20, 20a, 22 to 28 (even)) with a further six properties located to the west in Close Mead (Nos. 8 to 14) together with No. 15 Cherry Hay.

The height and massing of the proposed building, as initially submitted, was considered to be too close to the site's northern boundary and ultimately the rear garden areas and elevations of the immediate neighbouring properties located beyond in St Michael's Avenue. For the most part, the amended siting of the proposed building has moved approximately 4 metres further away from the properties in St. Michaels Avenue, but

closer to the rear boundary and dwellings in Closemead. Currently the existing high boundary hedge on the west boundary is in good condition and for the life of this established boundary will provide an effective privacy screen between the site and the rear garden areas of the neighbouring properties in Closemead and Cherry Hay. The negotiated reduction in height of part of the three-storey north wing with the now proposed two-storey pitch roof part, reduces the otherwise vertical and elevational massing of the proposal when viewed from the rear of neighbouring properties in St. Michaels Avenue, Cherry Hay and Closemead.

The proposed separation distance at ground floor level between the existing rear elevations of all neighbouring dwellings, with the exception of numbers 22, 24, 26 & 28 St. Michaels Avenue, and the nearest external facing elevation of the proposed retirement building now exceeds the 21-metre separation distance that is required to protect the privacy and living conditions between existing and proposed dwellings as referred to within the Council's Residential Design Guide SPD. The SPD however only refers to the minimum separation distance required between the rear of existing and proposed two storey dwellings, whereas the proposal for the most part comprises a three-storey development. It is therefore considered reasonable to seek a greater separation distance to mitigate the risk of overlooking as a result of the three-storey height of building.

The four existing dwellings, numbers 22, 24, 26 & 28 St. Michaels Avenue back onto the two-storey, gable ended, side wall of the proposal and as such the 12 -metre minimum separation distance (side wall to main elevation) SPD requirement applies. At its closest this two-storey part of the proposed building exceeds 17m from the nearest part of the neighbouring dwelling (22 St Michaels Avenue) and therefore exceeds the minimum requirement by 5 metres. Furthermore, at its closest, the two-storey part of the proposed building is 10.50 metres from the site's northern boundary. It is considered appropriate however to require the first-floor window within this elevation that serves a corridor to be obscure glazed so as to reduce the risk of overlooking and privacy loss to the residents of number 22, 24 and 26 St. Michaels Avenue.

The three-storey north facing part of the proposed building varies from 21.50 metres to 28 metres from the site's northern boundary with the rear garden areas of the dwellings in St. Michaels Avenue located beyond. The separation distance between the north elevation of the proposed building and the closest part of the dwellings, numbers 14 to 22 St Michaels Avenue, varies between 30 metres and 33 metres with a separation distance to the first floor of these neighbouring properties ranging from 34 metres to 38 metres. The separation distances between existing dwellings in St. Michaels Avenue and the proposed building are far in excess of the minimum SPD requirements and provide sufficient additional separation distance to compensate for the second-floor height of accommodation. In order to protect privacy of surrounding dwellings from overlooking from the 'Juliette' balconies, which do not project beyond the face of the proposed building, but behind which there are full height windows, a condition is recommended to ensure that the glazed lower part of the balcony is opaque, thus preventing downward views into neighbouring properties.

The west facing elevation of the proposed building to the nearest dwelling west of the site is 12 Closemead which, at ground floor level, is 22 metres away with a separation distance at first /second floor in excess of 26 metres. The ground floor separation distance between the proposal and the rear elevations of numbers 8, 9, 10 and 11 varies from 31 metres to 23 metres with the first/second floor separation distances for these same dwellings varying

from 33 metres to 26 metres which again is in excess of the SPD requirements and makes provision for the three storey height of the proposed building albeit not to the same extent as the separation distances achieved between the proposed building and the rear of the existing dwellings located in St. Michaels Avenue.

Whilst the building is large and on a different scale and built form to the neighbouring two storey dwelling, the proposal is not considered to be sufficiently close to existing development in planning terms, to result in an overbearing and harmful form of development that is detrimental to the living conditions of neighbouring residents.

The retirement living car parking spaces are located beyond the rear garden boundaries of nos. 4 to 18 (even) St Michaels Avenue with a turning area located behind Nos. 20 and 20a. The parking spaces and turning area do not however physically adjoin the existing residential boundaries and the risk of noise and disturbance to neighbouring properties will be minimal given the infrequent vehicle movement from the spaces associated with a C2 use during a 24-hour period. External lighting controls to protect the living conditions of neighbouring properties will be necessary and the appropriate detail agreed by condition.

It is therefore considered that the proposal will not have an adverse impact upon the living conditions enjoyed by the occupants of adjoining dwellings and as such the proposal complies with Council's Residential Design Guide – Section 1 (SPD) and policies CS12 of the Core Strategy and DM32 of the Sites and Policies Plan Part 1.

#### **Issue 5: The existing and proposed drainage constraints**

The site is located within Flood Zone 3A and as such the NPPF requires the proposals to be assessed against the Sequential and Exceptions Test. To aid this process the applicant has submitted their own Sequential and Exceptions Test as part of the application submission. A total of seven sites were identified locally in and around Clevedon, although one of those sites, Cherry Orchard, located in Cherry Avenue, has since been developed.

#### Sequential Test

Of the sites identified to be of sufficient size to accommodate the proposals, there are no other suitable site with a lower flood risk than the application site. Furthermore, there is no other site better placed within Clevedon that is reasonably available given that most of the existing development, and any potential sites, are located within a higher risk area on land located on the south side of the town within Flood Zone 3A. The requirements of the sequential test are therefore complied with.

#### Exceptions Test

The applicants submitted Flood Risk Assessment has demonstrated that the site will mitigate the existing high risk of flooding from tidal sources to an acceptable level and that it has a low risk of flooding from all other sources. The development will not increase the risk of flooding elsewhere once the works are completed and will incorporate the following range of measures that will be put into place prior to occupation of the buildings so that the necessary actions can be taken in the event that a significant flood event occurs:

- Finished floor levels at a level of 6.60m AOD;

- Development to be registered with the Environment Agency's flood warnings service;
- Evacuation to higher floor levels in the event of flood defence breach;
- Children's Nursery to action well-rehearsed plans in conjunction with an agreed plan overseen by the emergency services or other responsible party;
- The installation of a positive surface water drainage system;
- The drainage proposals shall also ensure that in the critical storm events for the 1 in 100-year return period (plus 40% allowance for future climate change) there will be no flooding of any buildings within the site boundary and ensure that properties off site are not exposed to an increase in flood risk as a consequence

It is considered that the sustainability benefits and safety from flood risk are appropriate and that the Exception Test for the site is satisfied.

#### Surface Water (on site)

The applicant has submitted an updated Flood Risk Assessment following an initial holding objection from the Council's Flood Risk Management Team. This has now been assessed and is now acceptable subject to the submission of further details that will be required by condition.

#### Surface Water (off site)

The flood risk maps for Clevedon identify that the section of road located immediately adjoining the proposed point of access is vulnerable to flooding. It is unclear whether the proposed development will compound this localised surface water drainage issue. It is however the Council's responsibility, as the Highway Authority, to manage any surface water build up on the public highway. As mentioned above further surface water drainage details for the site will be sought and these will need to mitigate against the risk of increased surface water run-off from the site onto the highway.

### **Issue 6: The environmental considerations associated with the proposed development**

Further details will be sought by way of conditions imposed which will seek to secure the latest energy saving measures in the construction and operational running of both buildings. Details seeking energy saving external lighting will also be sought together with details providing for any required external plant and extractor system associated with the operational running of the buildings.

The sustainable location of the site provides the opportunity for reducing reliance on fuel driven vehicles with a requirement for future proofing for the provision of on-site electric charging points made available to staff of both buildings, including those elderly residents who retain the ability to drive. The buggy store integral to the retirement building will further provide an incentive for those residents less physically capable to use a more sustainable form of electric transport. The development of a sustainable on-site surface water drainage system will further contribute towards meeting the challenges of climate change.

The applicant has submitted an Air Quality Assessment in response to third party representations received concerning air quality at, and in the vicinity of the site, with

specific reference to the level of risk posed to young children and the elderly, by vehicle emissions.

The AQ assessment has modelled air pollutant concentrations for NO<sub>2</sub> and PM<sub>10</sub> using the Design Manual for Roads and Bridges (DMRB), published by Highways England. This is an industry recognised method of screening air pollutants. Air pollutant concentrations have been predicted at a number of receptors around the development as well as the development itself.

The air quality assessment has predicted that the maximum modelled annual mean concentration of NO<sub>2</sub> will be 12.54 µg m<sup>-3</sup> at the development, compared to the air quality objective of 40 µg m<sup>-3</sup>, significantly below the annual mean air quality objective. For PM<sub>10</sub> the maximum annual mean concentration at the development is predicted to be 13.68 µg m<sup>-3</sup> again significantly below the annual mean air quality objective of 40 µg m<sup>-3</sup>.

Although PM<sub>2.5</sub> hasn't been assessed directly, the 1km grid square 2019 background maps provided by DEFRA, which incorporates the site indicates, that background levels of PM<sub>2.5</sub> are 9.2 µg m<sup>-3</sup> significantly below the annual mean air quality objective value of 25µg/m<sup>3</sup>.

Research by the Air Quality Expert Group, prepared for DEFRA in 2012, suggests that the ratio between PM<sub>10</sub> and PM<sub>2.5</sub> for roadside sites ranges between 0.58 to 0.70. Using these ratios on the predicted PM<sub>10</sub> annual mean would suggest that the annual mean PM<sub>2.5</sub> concentrations for the development will be significantly below the air quality objective. Any increase in vehicle movements close to the site as a result of the development will make little difference to the air quality.

In light of the above it is considered that air quality has been sufficiently assessed and that the planning application is compliant with both the NPPF, 2019 and Policy CS3 of the North Somerset Core Strategy. Based on the above, no further assessment or monitoring is considered necessary.

Both buildings will be accessed from a private roadway and therefore it is likely that private waste contractors will be engaged to service the removal of waste from the respective sites. Details providing for a waste management plan will therefore be sought from the applicant by way of a planning condition thereby satisfying the planning policy requirements in this regard.

## **Issue 7: Other matters**

### Noise

The application is supported by a noise assessment which generalises on background noise levels associated with a business / residential use operating on the site. Whilst there is potential for some limited increase in existing background noise levels from the outdoor use of the proposed nursery, the proposed children's nursery is however some distance from the nearest residential property and would be separate by the busy Kenn Road, which already provides an elevated background noise level. The noise generated by vehicles traveling along the internal roadway and manoeuvring within the respective sites is unlikely to generate an unacceptable level of noise above that usually found within an urban town environment.

A condition is however recommended to ensure control over the form and type of any/all external plant to be installed in connection with both proposed uses, so as to ensure no adverse impact on neighbouring /nearby residential properties thereby satisfying the requirements of policy CS 3 of the Core Strategy.

### Ecology

The frontage of the site and south east corner support several trees of varying size and type together with a mix of shrub planting that has matured to provide an informal boundary detail to the Kenn Road. Evidence of slow worms have in the past been reported on the site and there is evidence of bats within the local area. The existing trees on the site are likely to provide habitat and foraging opportunities for bats and therefore the appropriate conditions are recommended for the protected species.

### Materials

The concerns of the Clevedon Civic Society have been taken into consideration when assessing the application and further details concerning pallet of materials will be sought by way of planning condition.

All other matters raised by the consultees have been taken into consideration, but none are of such significance as to outweigh the considerations that led the recommendation below.

### **Community Infrastructure Levy**

The Council's Community Infrastructure Levy (CIL) Charging Schedule took effect on 18 January 2018. This means that the development may be liable to pay the CIL. The Charging Schedule and supporting information can be viewed on the website at [www.n-somerset.gov.uk/cil](http://www.n-somerset.gov.uk/cil).

### **Natural Environment and Rural Communities (NERC) Act 2006**

The proposed development will not have a material detrimental impact upon bio-diversity.

### **The Town and Country Planning (Environmental Impact Assessment) Regulations 2017**

The proposed development has been screened separately under the above Regulations and has been found not to constitute 'EIA development'. An Environmental Statement is not, therefore, required.

### **The Crime and Disorder Act 1998**

The proposed development will not have a material detrimental impact upon crime and disorder.

### **Local Financial Considerations**

The Localism Act 2011 amended section 70 of the Town and Country Planning Act 1990 so that local financial considerations are now a material consideration in the determination of planning applications. This development is expected to generate New Homes Bonus contributions for the authority. However, it is considered that the development plan and

other material considerations, as set out elsewhere in this report, continue to be the matters that carry greatest weight in the determination of this application.

## **Conclusion**

This is a brown field site that has been marketed without success for employment purposes despite being located within a sustainable location within the town. Equally the site lends itself to the uses proposed for the same sustainable locational reason. The proposed uses will generate over 40 jobs which will benefit the local economy whilst making use of a site that has no realistic prospect of coming forward for its original planned B1 / B8 usage. The proposal satisfies policy SA 4 of the Sites and Policies Plan Part 2; Site Allocations Plan.

Policy DM 40 supports proposals for independent living providing the proposal is located within a sustainable location which this site is. Furthermore, local residents have not raised any objection in principle to the proposed independent living care scheme which is considered by many local residents to be an acceptable and preferred land use for the site given the neighbouring residential character of the area on three sides of the site.

Whilst the proposed on-site parking provision is considered acceptable for the intended C2 use, there would however be a requirement for additional on-site parking provision should the apartments be used for an unrestricted C3 residential usage. The appropriate planning condition restricting the future use of the building to that of the C2 use is therefore recommended to ensure compliance with policy DM40.

The focus of objection to the proposed children's nursery challenges the need for the nursery when it has been suggested that adequate capacity currently exists locally within existing nursery facilities. It is not however for the planning process to interfere with market forces which will ultimately determine whether there is enough capacity within the market place to support the proposal in addition to the existing children's nursery.

It is considered that the proposed children's nursery will provide a good learning foundation for pre-school age children and that this aspect of the applicant's proposal is compliant with policies CS15, CS25 and DM40.

The location of the proposed new access has proven extremely challenging for the highway engineers and arboriculturalist to agree on the position of the access and the alignment of the roadway without causing harm and destruction to the existing protected roadside trees. In principle it has been established that a safe and secure means of access into the site can now be achieved provided the necessary visibility is secured and measures put in place to protect the existing trees from root compaction. More information is required on this and further detail can also be secured by condition to ensure that road safety and visibility requirements are met. It is however considered necessary to secure funding for a Traffic Regulation Order (TRO) so as to ensure that no vehicles park within the required visibility lines. It is considered that the works associated with the creation of the proposed vehicle access from Kenn Road, are capable of being resolved for the purpose of satisfying the requirements of policies CS10 and DM24.

Both proposed schemes provide the required level of on-site parking with the exception of cycle parking provision which will be secured by condition for the purpose of policy compliance CS11 and DM28. There will however be a requirement to secure details of all

external lighting within the car park areas and in particular within those areas to the rear of existing dwelling in St. Michaels venue. The appropriate lighting condition is recommended so as to protect the living conditions of neighbouring properties from unacceptable light pollution thereby satisfying policies CS3 and DM32.

The revised siting of the proposed retirement apartments together with the removal of the two apartments from the scheme enhances the space and separation distances for those existing properties located to the north of the site in St. Michaels Avenue. Residents to the north and west of the site remain concerned over the three- storey height of the proposed building which is not unusual for the height of the modern independent apartment building currently being built throughout the country and indeed recently within several similar urban locations within North Somerset. The proposal is policy compliant with the SPD concerning the issue of privacy and provides good separation distance between the proposed building and the existing neighbouring properties to the North and West of the site. The proposal satisfies the requirements of policies CS12 and DM32.

The proposal has been tested against the Sequential and Exceptions Test, as required by the NPPF and having satisfied the Sequential Test has passed the Exceptions Test. The applicants updated Flood Risk Assessment provides the intention for the handling and discharge of surface water drainage across the whole of the site. Further detail will nevertheless be required by condition for the purpose of satisfying policies DM1 and CS3.

Representations received concerning air quality arising from vehicle emissions at, and in the vicinity of the site, has been sufficiently assessed by the relevant officers who have concluded that no further assessment or monitoring is considered necessary as the emissions levels recorded in Clevedon are significantly below the annual mean air quality objective value of  $25\mu\text{g}/\text{m}^3$  and therefore pose no risk to young children and the elderly.

The appropriateness of locating both a nursery and an elderly person's development in proximity to Kenn Road nevertheless remains a local concern given that both sets of occupants may be considered to be vulnerable to health issues arising from issues of poor air quality than the general population. The applicant has responded to this concern by acknowledging that nationally there are recent reports about  $\text{PM}_{2.5}$  which recognise that there are potential health effects from this size fraction of dust no matter how low the levels are. The applicant has further acknowledged that the desire from a planning point of view should be to reduce the risk of exposure, however NPPF confirms that the primary aim is for compliance with the limit values or national objectives. The proposal has been assessed having regard to the 2018 Defra Local Air Quality Management Technical Guidance for such uses and the proposal will not conflict with these.

The issues of waste management, noise, ecology and the comments of the Clevedon Civic Society and other consultee responses have been given full consideration in assessing the application and the appropriate conditions are recommended.

It is considered that the proposal is policy compliant for the reasons stated within the body of the report.

**RECOMMENDATION:** Subject to:

(a) the submission of further plans to allow the assessment of the impact of the proposed access on the existing trees and, on the basis that acceptable arrangements can be made;

- (b) securing detailed plans that provide the necessary root protection measures for the existing protected trees located on the site frontage;
- (c) confirmation that the proposed vehicle tracking is acceptable;
- (d) satisfactory further surface water disposal details; and
- (e) The completion of a section 106 legal agreement securing financial contributions towards the funding of a Traffic Regulation Order.

the application be **APPROVED** (for the reasons stated in the report above) subject to the following conditions and any other additional or amended conditions as may be required in consultation with the Chairman and Vice Chairman and local member:

1. The development hereby permitted shall be begun before the expiry of three years from the date of this permission.

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.

Approved Plans

2. The development hereby permitted shall be carried out in accordance with the approved plans and documents to be listed on the decision notice.

Reason: For the avoidance of doubt and in the interest of proper planning.

Use

3. The use of the larger of the two buildings hereby permitted shall be restricted to that of a C2 Use Class (Retirement Living with Care) as described in the application. The premises shall be used for no other purpose, including any other purpose in Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order.

Reason: The Local Planning Authority wishes to retain control over the use of the premises in the interests of providing health care for the elderly and in accordance with policy CS26 of the North Somerset Core Strategy and policy DM40 of the North Somerset Sites and Policies Plan Part 1.

4. The use of the smaller of the two buildings hereby permitted shall be restricted to that of a D1 Use Class (Day/Children's Nursery) as described in the application. The premises shall be used for no other purpose, including any other purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order.

Reason: The Local Planning Authority wishes to retain control over the use of the premises which has been designed for the specific needs of the proposed children's nursery and the associated parking provision and hours of use and in accordance with policies CS12 and CS25 of the North Somerset Core Strategy and policy DM68 of the North Somerset Sites and Policies Plan Part 1.

Hours Restriction

5. The children's nursery hereby approved shall operate between the 07:00 hours and 19:30 hours Monday to Saturday and shall not operate at any time on Sundays or on Bank or Public Holidays unless otherwise agreed by the Local Planning Authority in writing.

Reason: To protect the living conditions of neighbouring residents from unnecessary noise and disturbance at unreasonable hours, in accordance with by Policy CS3 of the North Somerset Core Strategy and in accordance with policy DM24 of the North Somerset Sites and Policies Plan Part 1.

Occupancy Restriction

6. The Retirement apartments hereby approved shall not be occupied other than by persons who have attained the age of 70 years or the spouse or partner of such persons including a widow or widower.

Reason: The permission has been granted on the strict understanding that the accommodation requirements are for retirement living with care and as such the Local Planning Authority do not wish to see the apartments used other than for the designed purpose of meeting the care and support needs of the elderly, unless otherwise agreed by the Local planning Authority in writing, and in accordance with policies CS15 and CS26 of the North Somerset Core Strategy and policy DM40 of the North Somerset Sites and Policies Plan Part 1.

Construction Management Plan

7. No development shall take place, including any demolition, until a Construction Management Plan has been submitted to, and approved in writing by the Local Planning Authority. The Construction Management Plan shall provide/confirm the following details:
- (i) The hours of construction.
  - (ii) Details of how the hours of delivery/export of materials and particularly those involving HGV's will be managed to avoid conflict with peak periods of vehicle and pedestrian's movement.
  - (ii) Loading and unloading of plant and materials.
  - (iii) Storage of plant and materials used in constructing the development.
  - (iv) The erection and maintenance of security hoarding.
  - (v) Wheel washing facilities or other measures to prevent or clear mud or debris from the highway
  - (vi) Measures to control the emission of dust and dirt during construction
  - (vii) A scheme for recycling/disposing of waste resulting from demolition and construction works

The approved Plan shall be adhered to throughout the construction period.

Reason: In the interest of public safety and to minimise the impact on the development of nearby residents as required by Policy CS3 of the North Somerset Core Strategy and in accordance with policy DM24 of the North Somerset Sites and Policies Plan Part 1.

Demolition

8. Demolition of the existing buildings shall take place prior to the construction of the children's nursery and furthermore shall take place between 08:00 hours and 18:00 Monday to Friday, 08:00 hours to 13:00 hours on Saturdays, and shall not take place at any time on Sundays or on Bank or Public Holidays.

Reason: To ensure that the overall site is developed in a coordinated manner and to protect the living conditions of neighbouring residents from unnecessary noise and disturbance at unreasonable hours, in accordance with by Policy CS3 of the North Somerset Core Strategy and in accordance with policy DM24 of the North Somerset Sites and Policies Plan Part 1.

Finished Floor Levels

9. The finished floor level of the development hereby approved shall be set at a minimum finished floor level of 6.6 above Ordinance Survey Datum (AOD).

Reason: To ensure accordance with the approved plans and to reduce residual flood risk to the development and future occupants 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.

Obscure Glazing

10. Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015, the north-facing window that serves the corridor within the two storey part of the retirement living building hereby approved, shall, unless otherwise agreed with the Local Planning Authority in writing, be permanently retained as non-opening and shall be permanently glazed with industry standard level 3 obscure glass in accordance with details to be submitted to and approved by the Local Planning Authority.

Reason: In the interests of privacy and to protect the living conditions of the neighbouring properties from being overlooked in accordance with policy DM37 of the North Somerset Sites and Policies Plan Part 1 and in accordance with the North Somerset Residential Design Guide - section 1 Supplementary Planning Document.

11. 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 the proposed first and second floor Juliette balconies located on the north and west elevations of the proposed retirement living apartments hereby approved, including the first floor balcony detail on the east facing

apartment, located within the two storey part of the building, shall be permanently glazed with industry standard level 3 obscure glass or similar opaque glazing in accordance with details to be submitted to and approved by the Local Planning Authority. The height of glazing required above the respective first and second floor finished floor levels shall be no less than 1.40 metres high.

Reason: To prevent downward views into the neighbouring properties and in accordance with policy CS12 of the North Somerset Core Strategy and policy DM32 of the North Somerset Development Management Sites and Policies Plan Part 1.

### Landscape

12. A landscape management plan for the site shall be submitted to and approved by the Local Planning Authority prior to the construction of the foundations. The plan shall identify the future intended maintenance and management responsibilities for the overall site and shall provide details of all routine ground maintenance works to be undertaken including the removal of discarded leave mould and clearance of any new plant growth within the visibility line formed at the proposed vehicle access junction with Kenn Road.

Reason: To ensure that the site is maintained in a tidy condition and that the visibility splay is kept free of vegetation and obstruction in the interests of road safety and in accordance with Policies CS10 and CS12 of the North Somerset Core Strategy and policies DM24 and DM32 of the North Somerset Sites and Policies Plan Part 1.

13. No site clearance, preparatory work or development shall take place until a plan for the protection of the retained trees (the tree protection plan) including those outside the site boundary that may be affected by the development and the site specific statements for working methods in relation to demolition, construction, landscaping in accordance with Sections 5 to 8 of British Standard BS5837: 2012 - 'Trees in relation to design, demolition and construction - recommendations' (the arboricultural method statement) has been agreed in writing by the local planning authority. These measures shall be carried out as described and approved.

Reason: To ensure that no excavation, tipping, burning, storing of materials or any other activity takes place within this protective zone and in accordance with policies CS4 and CS9 of the adopted North Somerset Core Strategy and the adopted supplementary planning document Biodiversity and Trees and policies DM8 and DM9 of the North Somerset Sites and Policies Plan Part 1.

14. Notwithstanding the submitted landscape plans, no development above damp-proof course level shall commence until full details of a landscaping scheme including full details of the size, species and spacing of plants and trees have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that a satisfactory landscaping scheme is prepared and in accordance with policy CS9 of the North Somerset Core Strategy and policies DM10 and DM32 of the North Somerset Development Management Sites and Policies Plan Part 1.

15. For the duration of the development works existing trees/hedgerows which are to be retained shall be protected by a suitable barrier erected and maintained at a distance from the trunk or hedge specified, in writing, by the Local Planning Authority. The Authority shall be informed at least seven days before works start on site so that barrier position can be established. Within this protected area there shall be no excavation, tipping or stacking, nor compaction of the ground by any other means.

Reason: To ensure that no excavation, tipping, burning, storing of materials or any other activity takes place within this protective zone and in accordance with policy CS9 of the North Somerset Core Strategy and policies DM10 and DM32 of the North Somerset Sites and Policies Plan Part 1.

16. 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 dwellings or completion of the development, whichever is the sooner.

Reason: To ensure that a satisfactory landscaping scheme is implemented in accordance with policy CS9 of the North Somerset Core Strategy and policies DM10 and DM32 of the North Somerset Sites and Policies Plan Part 1.

17. Trees, hedges and plants in any development phase shown in the landscaping scheme to be retained or planted, which during the development works or during a period of ten years following implementation of the landscaping scheme in that development parcel, which are removed without prior written approval from the Local Planning Authority or which die, become seriously diseased or damaged, shall be replaced in the first available planting season with other such species and size as are to be agreed with the Local Planning Authority.

Reason: To ensure as far as possible that the landscaping scheme is fully effective and in accordance with policy CS9 of the North Somerset Core Strategy and policies DM10 and DM32 of the North Somerset Sites and Policies Plan Part 1.

#### Boundary detail

18. Details of the proposed boundary fencing and fencing to the two children's nursery external play areas, shall be submitted to and approved by the Local Planning Authority prior to its installation. The approved boundary fencing shall be provided in full prior to the first use of the buildings hereby approved.

Reason: To ensure that the fence detail provides a secure boundary visually acceptable within the context of the adjoining residential and commercial setting and in accordance with policy CS12 of the North Somerset Core Strategy and policy DM32 of the Sites and Policies Plan Part 1.

#### Waste storage

19. The development hereby approved shall not be occupied until the space and facilities provided on site for the storage and collection of waste have been

constructed and implemented in accordance with the approved plans. Thereafter the approved space and facilities for the storage and collection of waste shall be permanently retained unless otherwise agreed in writing with the Local Planning Authority.

Reason: The Local Planning Authority wishes to encourage sustainable waste collection initiatives in the interests of local amenity and sustainable waste management and in accordance with policies CS1 and CS7 of the North Somerset Core Strategy and policy DM32 of the North Somerset Sites and Policies Plan Part 1.

#### Materials

20. No works shall be commenced until sample panels of the external building materials to be used in the construction of the two buildings hereby approved together with surface materials to be used in the construction of the access roads, pathways and parking areas, have been submitted to and approved, in writing, by the Local Planning Authority. Construction shall be only in accordance with the approved materials unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the external materials used are visually acceptable and suitable for purpose in accordance with policy CS12 of the North Somerset Core Strategy and policy DM32 of the Sites and Policies Plan Part 1.

#### Energy

21. The retirement living building hereby approved shall not be occupied until measures to reduce the predicted energy demand and CO2 emissions by 15% above that required to comply with Part L Building Regulations have been installed. Such measures shall be applied at the date of construction through micro renewable or low-carbon technologies, unless, for reasons of viability and/or deliverability, a different standard is agreed. These must be fully operational in accordance with the approved details that have been first submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved technologies shall be permanently retained unless otherwise first agreed in writing by the Local Planning Authority.

Reason: In order to secure a high level of energy saving by reducing carbon emissions generated by the use of the building in accordance with policies CS1 and CS2 of the North Somerset Core Strategy and policy DM6 of the North Somerset Sites and Policies Plan Part 1.

22. The children's nursery building shall be constructed to a minimum BREEAM standard rating of 'Very Good' and after the development is completed a formal assessment of it shall be undertaken by a licensed BREEAM assessor and a copy of the assessors report along with a copy of the certificate shall be submitted to the Local Planning Authority prior to the first occupation of the development.

Reason: In the interests of promoting good design and sustainable construction in accordance with Policies CS1 and CS2 of the North Somerset Core Strategy.

23. The development hereby approved shall not be brought into use until passive provision that allows for electric vehicle charging has been designed and incorporated into the approved car park areas. Such provision shall establish all the associated ducting, chambers and junctions for the carrying of power cables. The provision should be designed to accommodate a minimum of 7kW / 32 amps power capacity with at least one marked bay in each pocket of parking.

Reason: To allow for charging points to be installed without the need for undertaking works that require breaking ground to install cabling retrospectively and in accordance with policy CS1 of the North Somerset Core Strategy.

Access

24. The two premises hereby approved shall not be occupied until the public accesses have been made suitable for use by disabled people in accordance with details that have first been submitted to and approved, in writing, by the Local Planning Authority.

Reason: In order to ensure that there is safe, convenient and attractive access to the property for people with physical and sensory disabilities and in accordance with policy CS12 of the North Somerset Core Strategy and policy DM33 of the North Somerset Sites and Policies Plan (Part 1).

Noise

25. Details of all proposed fixed plant, ventilation, extraction and flue systems, including odour control systems and boiler vents, associated with the development, including details of any/all means of enclosure of such plant, shall be submitted to and approved by the Local Planning Authority in writing prior to installation. The details to be submitted shall include noise predictions covering all plant together with background noise levels as measured at the site boundary.

Reason: To protect the living conditions of nearby residents and in accordance with policy CS3 of the North Somerset Core Strategy.

26. The rating level of all external plant either singly or in combination, shall not exceed background noise levels when assessed in accordance with BS4142:2014 at the nearest noise sensitive property.

Reason: To protect the living conditions of nearby residents and in accordance with Policy CS3 of the North Somerset Core Strategy.

27. No deliveries shall be taken at or despatched from the site outside the hours of 08:00 hours to 18:00 hours Mondays to Fridays and 08:00 hours to 13:00 hours on Saturdays and at no time on Sundays or Bank or Public Holidays, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To protect the living conditions of nearby residents and in accordance

with Policy CS3 of the North Somerset Core Strategy.

Ground Contamination

28. No development shall take place until an assessment of the nature and extent of contamination on site has been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site. Moreover, it must include:
- (i) a survey of the extent, scale and nature of contamination;
  - (ii) an assessment of the potential risks to:
    - human health,
    - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
    - adjoining land
    - groundwaters and surface waters,
    - ecological systems,
    - archaeological sites and ancient monuments.
  - (iii) an appraisal of remedial options, and proposal of the preferred option(s).

Reason: In order to ensure that land is suitable for the intended uses and in accordance with Policy CS3 of the North Somerset Core Strategy.

29. Unless the Local Planning Authority confirms in writing that a remediation scheme is not required, no development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal of remedial options, and proposal of the preferred option(s), and a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason: In order to ensure that land is suitable for the intended uses and in accordance with Policy CS3 of the North Somerset Core Strategy.

30. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the Local Planning Authority.

Reason: In order to ensure that land is suitable for the intended uses and in accordance with Policy CS3 of the North Somerset Core Strategy.

Flood Risk

31. No above ground work shall commence until surface water drainage works have been implemented in accordance with details that have been submitted and approved in writing by the local planning authority. Surface water should be disposed of via a sustainable drainage system in accordance with the principles set out in the National Planning Policy Framework, associated Planning Practice Guidance and the non-statutory technical standards for sustainable drainage systems. The results shall be provided to the local planning authority with the submitted drainage details. The system shall be designed such that there is no surcharging for a 1 in 30-year event and no internal property flooding for a 1 in 100 year event + 40% allowance for climate change.

The submitted details shall:

- a) provide information about the design storm period and intensity, the method employed to delay, control and reduce the surface water discharge rate and volume from the site by a restricted rate equivalent to a 30% betterment on the pre-development 30-year return period discharge and the measures taken to prevent pollution of the receiving groundwater and/or surface waters; and
- b) provide a plan indicating flood exceedance routes, both on and off site, in the event of a blockage or rainfall event that exceeds the designed capacity of the system.

Reason: To secure a working drainage system in order to reduce the risk of flooding, and in accordance with policy CS3 of the North Somerset Core Strategy policy and policy DM1 of the North Somerset Sites and Policies Plan (Part 1- Development Management Policies).

32. No above ground work shall take place until details of the implementation, maintenance and management of the approved sustainable drainage scheme have been submitted to and approved, in writing, by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details.

The details to be submitted shall include:

- a) a timetable for its implementation and maintenance during construction and handover; and
- b) a management and maintenance plan for the lifetime of the development

which shall include details of land ownership; maintenance responsibilities/arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable urban drainage scheme throughout its lifetime; together with a description of the system, the identification of individual assets, services and access requirements and details of routine and periodic maintenance activities.

Reason: To reduce the risk of flooding and to ensure that maintenance of the SUDs system is secured for the lifetime of the development, and in accordance with policy CS3 of the North Somerset Core Strategy policy and policy DM1 of the North Somerset Sites and Policies Plan (Part 1- Development Management Policies).

### Root Protection measures

33. Detailed working drawings showing the proposed vehicle access and new road junction way into the site from Kenn Road and the relationship to the existing trees to be retained on or close to the east boundary of the site shall be submitted to and approved by the Local Planning Authority prior to the commencement of development. The submitted detail shall include drawings to a scale of 1/50 showing no fewer than three cross sections of how the proposed road will be constructed to ensure no compaction to the existing tree roots. The gradient and any change in site levels, together with the finished proposed surface of the access road in context to existing ground levels and the existing adjoining pavement level along the frontage of the site with Kenn Road, shall be clearly detailed. The approved detail shall thereafter be implemented strictly in accordance with the approved detail unless otherwise subsequently agreed by the Local Planning Authority in writing.

Reason: To ensure that an acceptable means of vehicle access roadway into the site is provided without causing adverse harm to the existing trees and in the interests of road safety in accordance with policies CS10 and CS12 of the North Somerset Core Strategy and policies DM24 and DM32 of the North Somerset Sites and Policies Plan, Part 1 and the North Somerset Parking Standards SPD.

### Highways

34. The proposed access road into and out of the site from Kenn Road shall be completed in accordance with the approved plans prior to the occupation of the first of the approved apartments, or the commencement of the use of the children's nursery whichever is the earlier.

Reason: To ensure that a satisfactory means of vehicle access to and from the existing public highway is provided and in accordance with policy DM24 of the North Somerset Sites and Policies Plan Part 1.

Parking

35. The car parking areas shall be constructed in accordance with the approved plans with the individual spaces clearly line marked prior to first occupation of the two respective approved buildings.

Reason: To ensure that the necessary on-site parking provision is provided in the interests of road safety and in accordance with policy CS11 of the North Somerset Core Strategy and policy DM28 of the North Somerset Sites and Policies Plan, Part 1 and the North Somerset Parking Standards SPD.

Cycle Parking

36. The development hereby approved shall not be brought into use until covered cycle parking provision, that accommodates the required number of spaces in accordance with the North Somerset Parking Standards SPD, has been provided on site in accordance with details of the proposed structure(s) that are first to be submitted to and agreed by the Local Planning Authority in writing. The approved structures shall always thereafter be maintained in good accessible condition, in the future.

Reason: To ensure that adequate provision for cycle parking is provided for staff and visitors to the site(s) and maintained as such in the future in accordance with policy CS11 of the North Somerset Core Strategy and policy DM28 of the North Somerset Sites and Policies Plan, Part 1 and the North Somerset Parking Standards SPD.

Gates

37. Details of the proposed vehicle and pedestrian gates, including means of operation and management of the gates (including security of the site), shall be submitted to and approved by the Local Planning Authority prior to installation. The approved gates and any associated control mechanism to each gate shall thereafter be installed and in the future operated in the agreed managed form to the satisfaction of the Local Planning Authority, unless otherwise agreed in writing.

Reason: To provide a safe and secure site and in the interests of pedestrian and public safety in accordance with policy CS10 of the North Somerset Core Strategy and policy DM25 of the Sites and Policies Plan Part 1.

Travel Plan

38. The development hereby approved shall not be brought into use until a Travel Plan for each respective use on the site, has been submitted to and approved by the Local Planning Authority in writing. The submitted Travel Plan shall include initiatives to promote active and sustainable travel from first occupation and within the time frame specified within the travel plan.

Reason: To ensure the travel plan is fully implemented in accordance with policy DM26 of the North Somerset Sites and Policies Plan Part 1, policy CS10 of the

North Somerset Core Strategy and the North Somerset Travel Plans SPD  
November 2010.

Ecology (Including lighting)

39. The development shall not take place except in strict accordance with the measures detailed in Section 5.2 and 5.3 of the Reptile Report and prepared by WYG dated October 2018.

Reason: To ensure compliance with the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended)], Protection of Badgers Act 1992 and the Wild Mammal Protection Act 1996; North Somerset's Core Strategy policy CS4 and Site and Policies Plan Part 1, Development Management policy DM8. All sites should achieve net ecological gain in accordance with the NPPF, UK Government 25 Year Environment Plan.

40. Prior to construction an Ecological Management Plan for boundary habitats and slow worm mitigation areas must be prepared for the site and approved by the Council. This should include an ecological work plan schedule for a period of 5 years. This must include retention of trees, boundary and buffer native/fruited tree and shrub planting, grassland/wildflower seeding and wildlife management of buffer habitats.

Reasons: To ensure compliance with the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended)], Protection of Badgers Act 1992 and the Wild Mammal Protection Act 1996; North Somerset's Core Strategy policy CS4 and Site and Policies Plan Part 1, Development Management policy DM8. All sites should achieve net ecological gain in accordance with the NPPF, UK Government 25 Year Environment Plan.

41. No development above dampproof course level shall take place until details of all external lighting, including location, height, type and means of support / fixing together with a lighting plan has been submitted to and approved by the Local Planning Authority. The submitted detail should include periods of illumination and seek to avoid lighting above 0.5 Lux on boundary trees, hedgerows and other boundary habitats. The agreed lighting shall thereafter be installed and maintained in accordance with the approved plans / details.

Reasons: To protect the living conditions of neighbouring residents from unacceptable light spillage and to ensure compliance with the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended)], Protection of Badgers Act 1992 and the Wild Mammal Protection Act 1996; North Somerset's Core Strategy policies CS3 CS4 and Site and Policies Plan Part 1, Development Management policy DM8. All sites should achieve net ecological gain in accordance with the NPPF, UK Government 25 Year Environment Plan.

42. Prior to any demolition, a bat emergence survey must be carried out for the buildings to confirm there are no bats roosting. This survey should also include any trees proposed for felling which are suitable as a roost. This survey must take

place between May and August in any year unless otherwise agreed with the Local Planning Authority in writing.

Reason: To ensure compliance with the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended)], Protection of Badgers Act 1992 and the Wild Mammal Protection Act 1996; North Somerset's Core Strategy policy CS4 and Site and Policies Plan Part 1, Development Management policy DM8. All sites should achieve net ecological gain in accordance with the NPPF, UK Government 25 Year Environment Plan.

43. A Construction Environment Management Plan (CEMP) shall be submitted to and approved by the Local Planning Authority before works commence. This shall include: details of site enabling works, details of specific measures to avoid and mitigate harm to legally protected and Section 41 species and wild mammals, to include provisions for such species if they are found during construction; and specification of buffers and fencing for the protection of ecological features and trees. Works shall be implemented in strict accordance to the approved methodology.

Reason: To ensure compliance with the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended)], Protection of Badgers Act 1992 and the Wild Mammal Protection Act 1996; North Somerset's Core Strategy policy CS4 and Site and Policies Plan Part 1, Development Management policy DM8. All sites should achieve net ecological gain in accordance with the NPPF, UK Government 25 Year Environment Plan.