

PLANNING AND REGULATORY COMMITTEE

UPDATE SHEET

22 January 2020

Section 1

Item 6 - 18/P/4846/FUL Land at 173 - 175 Kenn Road, Clevedon

Committee Site Inspection

A Committee site inspection took place on 20 January 2020

Additional information/request from the applicant

A plan showing the extent of the root protection area in context to the proposed access road has been received to demonstrate the proximity of the existing trees located on either side of the proposed access from, and onto Kenn Road.

The applicant has requested that a phasing plan condition be imposed to accommodate the implementation of the two different uses on the site and that the relevant conditions recommended be amended to reflect the requirements of the phasing plan. A request to vary the wording of the BREEM energy condition 23 (report condition 22) and the Travel Plan condition 39 (report condition 38) has been requested to enable both uses to development independently and allow enough post development time to development submit the necessary reports.

The applicant has also requested that the contribution towards the Traffic Regulation Order study be dealt with by way of the Highway s.278 instead of the recommended s.106 route.

Officer comments:

It is technically possible to construct the proposed access roadway without loss of protected mature trees close to the site frontage. It will be necessary to install a reinforced protective matting over the existing root structures which will involve hand digging to form a gentle slope over the root structure from the end of the 'bell-mouth' access point, which is the extent of the adopted highway, before returning to existing ground level immediately beyond the tree canopy and existing root structures. A further condition is recommended to achieve this.

An additional condition requiring a phasing plan is considered reasonable given the scheme involves separate proposed buildings. This is included in the amended recommendation below

The applicants request to vary the wording of conditions 23 and 39 is considered to be acceptable and will provide the applicant with the necessary flexibility and timeframe to submit the post development BREEM Report and to put in place the respective Travel Plan arrangements that will be associated with both uses. This is included in the amended recommendation below.

Conditions (using the revised numbering) 13, 14, 15, 17, 21, 29, 32, 33, 39, 41 and 42 are amended to take into consideration the phasing plan in new condition 3 and the associated trigger point(s) for the submission of further detail for each phase.

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It is the Council's recognised practice to secure a financial contribution, which in this instance is required for a Traffic Regulation Order study, by way of a s.106 Agreement and not under the s.278 Highways Act route which is considered less secure in acquiring the form of contribution sought.

Requirements (b), (c) and (d) of the recommendation have been satisfied and can be removed from the recommendation which is amended accordingly (below).

AMENDMENT TO 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; and

(b) 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:"

Note: The recommended conditions are as listed in the report with the exception of an additional condition and others amended and renumbered as set out below.

Additional condition (subsequent conditions renumbered accordingly).

3. Prior to the commencement of development, a plan that identifies development phases or parcels for the whole site shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To enable the development to be implemented in a coordinated manner and in accordance with policy CS12 of the North Somerset Core Strategy and policy DM32 of the North Somerset Sites and Policies Plan Part 1.

Amended conditions (using updated numbering to reflect additional condition 3)

- (Amended wording shown in **bold**. The rest of the condition wording is unchanged)
- 13 A landscape management plan for **each phase of** the site shall be submitted to and approved by the Local Planning Authority prior to the **occupation of that phase**. 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

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- 14 No **phase of** development, **including site clearance or preparatory work** shall take place until a plan for the protection 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.
- 15 Notwithstanding the submitted landscape plans, **no phase of development prior to the occupation of each phase** 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.
- 17 All works comprised in the approved details of landscaping shall be carried out **for each phase of the development** during the months of October to March inclusive following occupation of the **respective building on each phase**, or completion of the development, whichever is the sooner.
- 21 No **phase of** works shall be commenced until sample panels of the external building materials to be used in the construction of **each phase** 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.
- 23 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 assessor's report along with a copy of the certificate shall be submitted to the Local Planning Authority **within 12 months of** the first occupation of the development.
- 29 **No building or engineering operations (other than the demolition of the existing buildings) shall take on any phase of the development** 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 **for the that phase**. 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,

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- 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).

32 No above ground work shall commence until surface water drainage works **for the relevant phase** 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.

33 No above ground work shall take place until details of the implementation, maintenance and management of the approved sustainable drainage scheme **for the relevant phase** 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

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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.

39. **No phase of** development hereby approved shall be brought into use until a Travel Plan for each respective **phase** 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.
41. Prior to construction **of each phase** an Ecological Management Plan for boundary habitats and slow worm mitigation areas must be prepared for **the relevant phase** 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.
42. No **phase of** 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 **for that phase** 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.

Item 10 - Naming of New Street, Banwell

Updated details:

The Director of Development and Environment has delegated power to exercise all the functions of the Council in relation to street naming under the Public Health Acts. Under section 17 Public Health Act 1925 notice of a proposed new street name can be sent to the council by the person proposing to name the street. Under section 18 Public Health Act 1925 the council may by order assign a name to any street, amongst other matters.

Background:

The Developer submitted a request to name the street 'Derek Mead Way' on 17 October 2018, the council objected to this application within the statutory period. Although there is a right of appeal to the magistrate's court, the developer did not lodge an appeal in 2018. The area of land in question is a new development containing a number of new streets. In October 2019 council officers advertised the proposed name 'Derek Mead Way' under Section 18 of the Public Health Act 1925. There is a right of appeal to the Magistrates Court. A number of responses were sent to the magistrate's court objecting to the proposed street name with one comment in support of the street name. Most of the objections were received from residents

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of Locking Parish. Officers understand that the objectors were advised by the Magistrates Court that at least one of them would need to pay the Magistrate Court's fee in order for an appeal to be heard. The Magistrate Court's fee was not paid within the timescale specified by them and therefore no Magistrates Hearing took place.

Consultations have taken place with Banwell Parish Council, in whose area the new road would sit. Banwell Parish Council have confirmed that they are happy with the use of 'Derek Mead Way' to the proposed road. Locking Parish Council were also notified of the proposed street name and commented as per the main report in that if the road extended to the former RAF Locking land convention be retained for RAF linked road names.

Due to the nature of the objections and the fact that the legislative process did not proceed to any resolution officers are seeking to consult members for their views.

The majority of the objections mistakenly refer to another street which is informally known by some as the 'North South Link Road' and many are provided on the basis that if the road extends into the former RAF Locking area, that the existing naming convention following an RAF theme should be maintained in that area. The comment of support referred to the fact that the land that the street is being built on was owned by Mr Mead who had brought much to the area of Weston-super-Mare.

Amended recommendation:

That the committee's views are sought on the proposal to make an order to name a new street in the Parish of Banwell (as outlined in red on the enclosed map) as 'Derek Mead Way' prior to a final decision being made by the Director of Development and Environment.