

PLANNING AND REGULATORY COMMITTEE

UPDATE SHEET

13 August 2014

Section 1

Item 6.1 – 14/P/0687/O – Bleadon Quarry, Bridge Road, Bleadon, BS24 0AT

Outline planning for a mixed use scheme of 42 No. dwellings and 500sq.m of Use Classes A2, B1 and D1 floor space with details of access for approval; with landscaping, layout, scale and appearance to be reserved for subsequent approval

Bleadon Parish Council

The Parish Council has no objection to the principal of the application subject to certain caveats that were raised at the public meeting.

Officer comments: Many of issues raised are resolved by the comments and revised conditions set out below.

Committee Site Meeting

A Committee site meeting took place on 7th August 2014. The following issues were discussed.

Officers comments:

Mulberry Lane Access

Although this is an 'Outline' application the details of the three accesses are not 'reserved' and are required to be determined by members as part of this submission. The illustrative plan submitted with the application shows the ownership pattern at the southern end of Mulberry Lane. The objective of the applicant/owner is to provide pedestrian access from the quarry into the village via Mulberry Lane. On the illustrative plan, Marshall's own the 'red' section of the route and the 'yellow' section is adopted highway.

In terms of the land in their ownership, Marshalls (or their successor in title) can grant private rights over that part of the land in their ownership on plot sales or the sale/lease of commercial buildings or can voluntarily dedicate a footpath for public use by entering into a public path creation agreement – section 25 Highways Act 1980.

In terms of the central 'orange' section of the route, Marshall's are not claiming that they have a legal right over this section but a prescriptive right.

Only the Courts can decide whether or not 'public use' would be held to be a radical change, and as a result of the development a substantial increase in the use of the easement, with the risk that the new development will not have the benefit of rights over the 'orange' section.

Currently no information has been supplied as to the identity of the owner of the 'orange' section. If Marshall's wish to apply to be registered as having the benefit of an easement over this section, they will need to be produced and the address of the freehold owner. If title cannot be produced and the owner is not known the Land Registry will make an entry in the registers of title of Marshall's land of the claim, but the easement claimed will not be binding on the owner of the servient land until it has been properly established and registered. Until then the person exercising the easement will have to address any challenge raised against the claimed easement.

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Condition 35 will address construction details and provide 'no through road' signs (in combination with the street name plate) in order to overcome the concerns regarding inappropriate use and to protect the living conditions of local residents. This will require a sum of £1000 for the provision of two replacement lane names/no through road signs and implementation work to be added to the S106 Agreement.

Bridge Road Access

Officers are satisfied that the applicant has taken all reasonable steps to mitigate highway safety impacts at the Bridge Road access. The perceived 'betterment' of the revised access location and the cessation of an industrial use means an objection on the grounds of unsafe access is not sustainable. As the site has extant consent, the residential intensification of use of the site is minimal and moving the access to the proposed location is considered to be an improvement on Bridge Road.

Traffic control measures will consist of:

- (1) introduction of raised table
- (2) 20 mph speed restriction
- (3) restraint kerbs on the back edge of the table to prevent vehicles leaving the road
- (3) Yellow lines within the visibility splay
- (4) White lining on the Bridge Road A370 junction.

It is important to recognise that the planning application will see the removal of almost all HGV movements to and from the site except during construction and a small number of service vehicles. Therefore the overall condition of the carriageway should improve and potential for damage to the kerb reduced. Furthermore, as part of the application and the proposal for a speed table at a relocated quarry access provides the opportunity to remove and replace the existing kerbs some of which have been dislodged.

A370

An additional £1000 is required for lining works at the A370/Bridge Road junction to overcome concerns about vehicles cutting across the mouth of the junction to access the garage site. The lining scheme would 'virtually' realign the carriageway here (in the absence of physical works) to prevent the inappropriate movements. The development site intensifies the use of this junction.

Rock Face Stability

Condition 32 has been tightened (see below) to accommodate concerns raised.

Employment

The revised description of the development (see above) together with the revised conditions 22 and 30 will provide additional flexibility on uses allowed in the employment buildings.

Drainage

Drainage issues will be resolved through condition 9 and 10.

Planning Obligations.

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Since writing the report, further revisions have been made to the S106 package to accommodate highway improvements. The applicant would deliver all the new access works through a s278 highway agreement. The bus stop and pedestrian crossing on the A370 and works on the A370 will be delivered by the Council through the S106 planning agreement. It is confirmed that all S106 funds for Community, Open Space and Sports provision will be spent in the village. The provision is as follows:

• Education (primary & secondary school places)	£688,797
• Education (transport)	£81,000
• On-site LAP	£30,870
• On-site Public Open Space	£17,250 (commuted sum)
• Sport Provision	£13,440
• Libraries	£20,563
• Community (Coronation Hall)	£27,308
• Footpath Improvement	£2,300
• TRO	£3,000
• New bus stops and A370 crossing	£48,000
• Travel Plan & Sustainable Transport	£6,800
• Two new Mulberry Lane signs	£1,000
• Lining works at the A370/Bridge Road junction	£1,000
• Safety improvements at A370/Accommodation Rd	£5,000

AMENDMENT TO RECOMMENDATION

RECOMMENDATION: Subject to departure procedure and the completion of a legal agreement (the detailed heads of terms of which to be agreed in consultation with local ward members) securing off-site Highway Works and on-site provision towards: (a) Affordable housing, (b) Public open space and (c) Employment units together with financial contributions towards: (d) Built sports and leisure facilities, (e) Playing pitches, (f) Education, (g) Libraries, (h) Employment Provision; (i) Footpaths and (j) Transport & Highway Works, 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:

Conditions 6, 8, 22, 30, 32 as revised below to provide further clarification and flexibility.

Additional conditions 34, 35, 36 as set out below.

6. Before the Bridge Road access is first brought into use, the area between the nearside carriageway edge and lines drawn between a point 2.4m back from the carriageway edge along the centre line of the access and points on the carriageway edge 35.0m from and on both sides of the centre line of the access, shall be cleared of obstruction to visibility at and above a height of 0.6m above the nearside carriageway level, and thereafter maintained free of obstruction at all times.

Reason: In the interests of road safety and in accordance with Policy CS10 of the North Somerset Core Strategy and policy T/10 of the North Somerset Replacement Local Plan.

8. The approved rear parking and manoeuvring facilities to Magnolia Cottage, Quarry House, The Poplars and Laurel House shall be provided for, together with vehicular access thereto prior to

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occupation of the first dwelling. Thereafter, these parking areas shall be retained and maintained for the duration of use by these properties, and shall not be used for any other purpose whatsoever.

Reason: To ensure that satisfactory provision is made for the parking of vehicles off the highway at all times in order to maintain the site access visibility splay in the interests of highway safety in accordance with Policies T/10 and GDP/3 of the North Somerset Replacement Local Plan.

22. The employment units (Use Classes A2, B1 or D1) shall not be occupied until a Sustainable Travel Plan, which sets out strategic measures that seeks to reduce the number of single occupier vehicle trips to and from the site, has been submitted to and approved by the Local Planning Authority. The approved Travel Plan shall thereafter be implemented in accordance with its recommendations, unless otherwise agreed, and shall thereafter be reviewed to the satisfaction of the Local Planning Authority.

Reason: In order to reduce the number of single occupier vehicle trips to and from the site in compliance with locational and sustainable policies contained in National Planning Guidance and Policy T/11 of the North Somerset Replacement Local Plan.

30. The basic shell of the five employment units (Use Classes A2, B1 and D1) totaling a minimum footprint of 500m² shall be constructed and made available in accordance with details and specifications to be submitted to and approved by the Local Planning Authority prior to the 30th dwelling being occupied.

Reason: In the interests of promoting the units and sustainable construction and in accordance with paragraph 17 and section 10 of the National Planning Policy Framework and policies CS1 and CS2 of the North Somerset Core Strategy.

32. "Prior to the commencement of development, a scheme for geotechnical monitoring and management of the rock faces, and who will be responsible for this work, shall be submitted to and approved by the Local Planning Authority. The scheme shall demonstrate how the monitoring and management will continue throughout the life of the quarry faces together with appropriate revisions to be made to management and/or slope geometry should stability considerations necessitate them. The approved scheme shall thereafter be implemented in accordance with its recommendations to the satisfaction of the Local Planning Authority."

Reason: In order to manage and reduce the risk of rock falls around the site in the interests of public safety in compliance with Policy CS3 of the North Somerset Replacement Core Strategy.

34. The proposed Mulberry Lane footpath shall be constructed in such a manner, together with access barriers and signage, as to ensure that the development, before it is brought into use, shall be served by a properly consolidated and surfaced footpath between the development and existing highway in accordance with details to be submitted to and approved by the Local Planning Authority. The proposed hillside footpath shall also be constructed in such a manner, together with handrails and signage, as to ensure that the development, before it is brought into use, shall be served by a properly consolidated and surfaced and stepped-footpath between the development

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and existing public footpath in accordance with details to be submitted to and approved by the Local Planning Authority. Both accesses shall be open and fully operational prior to the occupation of the first dwelling.

Reason: To ensure that the development is served by an adequate means of access and in accordance with Policy CS10 of the North Somerset Core Strategy and policy T/10 of the North Somerset Replacement Local Plan.

35. Before the dwellings are first occupied, new resident's welcome packs shall be issued to purchasers which should include information of bus and train timetable information, information giving examples of fares/ticket options, information on cycle routes, a copy of the Travel Smarter publication, car share, car club information etc., together with complimentary bus tickets for each household member to encourage residents to try public transport. The content of such packs shall have been approved in writing by the Local Planning Authority.

Reason: In the interests of sustainable development and in accordance with Policy GDP/3 of the North Somerset Replacement Local Plan.

36. No more than 42 dwelling shall be constructed on the site

Reason: In order to ensure that the development does not have the effect of overloading Bridge Road in accordance with Policy T/10 of the North Somerset Replacement Local Plan

Section 2

Item 6.2 – 14/P/0654/F – Auto Scuderia Ltd, 142 Long Ashton Road, Long Ashton, BS41 9LT

Further information

Section 106 Requirements

The requirement for a market recovery clause in relation to affordable housing has been waived because the developer intends to complete the build within 3 years and has agreed to pay the contribution upon occupation of the first dwelling.

The plan showing the visibility splay has not been submitted, due to the absence of the developer's highway engineer. However, this aspect can be covered by an amended condition 8.

AMENDMENT TO RECOMMENDATION:

Following negotiations on affordable housing contributions, the following recommendation is made:

Subject to the completion of a legal agreement or unilateral obligation securing (a) £61,500 affordable housing contribution payable on occupation of the first dwelling and (b) completion of the development within 3 years of the grant of planning permission, the application be **APPROVED** (for the reasons stated in the report above) subject to the conditions in the report, any other additional or amended conditions as may be required and the following amended condition 8