

**SECTION 1 – ITEM 7**

<b>Application No:</b>	17/P/1250/F	<b>Target date:</b>	17.08.2017
<b>Case officer:</b>	Roger Willmot	<b>Extended date:</b>	
<b>Parish/Ward:</b>	Nailsea	<b>Ward Councillors:</b>	Cllr James Tonkin
<b>Applicant:</b>	BDW Trading Ltd; Nailsea Town Council; Karen Dyer, Wendy Baker, Nicola Pletts, Bernard Gray		
<b>Proposal:</b>	Proposed development of 171 dwellings (Use Class C3 including affordable homes), open space (including children's play spaces and replacement playing fields including drainage and associated infrastructure), landscaping, sustainable urban drainage, vehicular accesses, pedestrian and cycle accesses, related infrastructure and engineering works		
<b>Site address:</b>	Land west of Engine Lane, Nailsea, BS48 4RH		

**ORIGINALLY REFERRED BY COUNCILLOR TONKIN**

**Summary of recommendation**

It is recommended that, subject to the completion of a legal agreement, and receipt of a satisfactory Habitats Regulations Assessment and responses from the applicant concerning requests for additional contributions, drainage and flood risk details, amended highways technical details, possible enhanced biodiversity value to landscape scheme details and works to create a cycle route, the application be **APPROVED** subject to conditions. The full recommendation is set out at the end of this report.

**Background**

A previous report on this application (see Appendices 1,2 and 3) was approved subject to a section 106 agreement and conditions relating to the comments of National Grid and Sport England being agreed. For a considerable period, it has been necessary to explore these requirements as National Grid more closely defined their contractor's requirements to implement its Development Consent Order for the Hinkley to Avonmouth underground power lines. That work has now commenced on site.

This has led the applicant to have to amend the scheme to reduce the dwelling numbers and alter the layout of the dwellings and details of the replacement pitches to satisfy the relevant parties. There have been some consequential changes to the technical studies that accompany the application.

The main changes are:

- a. Reduction in net developable area
- b. Reduction from 183 to 171 dwellings
- c. Increase in public open space, though central pen space has been reduced to maintain block structure for housing
- d. Amendments to build form around central open space, which is an ecologically led feature
- e. Widened open space around perimeter to meet requirements of National Grid

The applicants wish to address drainage design at this stage to obviate the need for planning conditions on this aspect.

### **The Site**

The application site is located to the southwest of Nailsea, to the west of Engine Lane. It measures approximately 8.4ha and comprises predominantly open fields and part of the Nailsea and Backwell Rugby Club, which is located to the north of the site. There is a small copse of mature trees with a small pond in the centre of the site. Work has now commenced on work on part of the site to lay 132Kv underground cables under a Development Consent Order (DCO). There is a hedge along the boundary of the site with Engine Lane and east-west along the southern edge of the site.

To the south of the site is a public bridleway and beyond this are open fields and a farm accessed from Netherton Wood Lane. There is a residential property (Gaulacre) located to the south east corner of the site. To the west of the site is a public footpath and open fields. There is another public footpath which runs through the north of the site. A water main runs north-south through the site. To the east of the site is Engine Lane and existing residential development within the settlement boundary of Nailsea. To the north east is the West End Industrial Estate.

### **The Application**

The full application now proposes:

- The erection of 171 dwellings, of which 51 (30%) would be affordable, at average net density of 45 dwellings per hectare.
- Open space – including a LEAP and a LAP and replacement playing fields alongside Engine Lane
- Sustainable urban drainage including two ponds
- Two new vehicular accesses off Engine Lane
- Pedestrian accesses parallel to two vehicular site accesses and also via the existing bridleway located along the southern boundary
- The parking strategy provides a total of 357 allocated parking spaces, and 24 visitors' unallocated off-road parking spaces; of the allocated spaces, 314 are hardstandings and 38 are in garages(7mx3m), 5 wheelchair spaces.
- Building heights are mainly 2-storey with occasional 2.5 storey dwellings around the central POS.
- Three character areas-on Engine Lane frontage, around the POS and the majority of the dwellings on the rest of the site.

The proposed market housing (120 dwellings) would comprise:

2 bed houses (31%); 3 bed houses (49%); and 4 bed houses (20%).

The proposed affordable housing (affordable and shared ownership) would comprise a mix of 12 one bed apartments (23%); 19 two bed houses (37%); 13 three bed houses (26%); and 7 four bed houses (14%) arranged by tenure as follows:

Affordable rented (42):            Shared ownership (9):

8 x 1 bed apartments	4 x 1 bed apartments
16 x 2 bed houses	3 x 2 bed houses
11 x 3 bed houses	2x 3 bed houses
7 x 4 bed houses	

### **Relevant Planning History**

See previous report in Appendix 1.

### **Policy Framework**

The site is affected by the following constraints:

- Outside the settlement boundary for Nailsea
- Coal authority development low risk area
- Public footpath LA13/6 runs along the western boundary; Public footpath LA13/5 runs north of the application site; Public bridleway LA4/40 runs along the southern boundary of the site
- Within 5km consultation zone for Bats Special Area of Conservation

### **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
CS16	Affordable housing

CS19	Strategic gaps
CS20	Supporting a successful economy
CS25	Children, young people and higher education
CS26	Supporting healthy living and the provision of health care facilities
CS27	Sport, recreation and community facilities
CS31	Clevedon, Nailsea and Portishead
CS34	Infrastructure delivery and Development Contributions

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
DM3	Conservation Areas
DM4	Listed Buildings
DM6	Archaeology
DM7	Non-designated heritage assets
DM8	Nature Conservation
DM9	Trees
DM10	Landscape
DM19	Green infrastructure
DM20	Major Transport Schemes
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
DM30	Off-airport car parking
DM32	High quality design and place making
DM33	Inclusive access into non-residential buildings and spaces
DM34	Housing type and mix
DM35	Nailsea housing type and mix
DM36	Residential densities
DM37	Residential development in existing residential areas
DM38	Extensions to dwellings
DM48	Broadband
DM68	Protection of sporting, cultural and community facilities
DM69	Location of sporting, cultural and community facilities
DM70	Development infrastructure
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>
SA1	Allocated residential sites (10 or more units)
SA5	Designated Local Green Space
SA6	Undesignated Green Spaces

### **Other material policy guidance**

#### National Planning Policy Framework (NPPF) (February 2019)

The following is particularly relevant to this proposal:

<b>Section No</b>	<b>Section heading</b>
2	Achieving Sustainable Development
4	Decision-taking
5	Delivering a sufficient supply of homes
8	Promoting healthy and safe communities
11	Making effective use of land
12	Achieving well designed places
14	Meeting the challenge of climate change, flooding and coastal change
15	Conserving and enhancing the natural environment
16	Conserving and enhancing the historic 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)
- Residential Design Guide (RDG2) Section 2: Appearance and character of house extensions and alterations (adopted April 2014)
- North Somerset Parking Standards SPD (adopted November 2013)
- North Somerset Landscape Character Assessment SPD (adopted September 2018)
- Biodiversity and Trees SPD (adopted December 2005)
- Travel Plans SPD (adopted November 2010)
- Affordable Housing SPD (adopted November 2013)
- Development contributions SPD (adopted January 2016)
- North Somerset and Mendip Bats Special Area of Conservation (SAC) Guidance on Development: SPD (Adopted January 2018)
- Accessible Housing Needs Assessment SPD (Adopted April 2018)
- Creating Sustainable Buildings and Places in North Somerset: Guidance for energy efficiency, renewable energy and the transition to zero carbon development March 2015

### **Consultations**

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

**Third Parties:** 181 letters of objection were received on the original application. These are all reported in summary form within the report on the original scheme. (See Appendix 1).

Officer comment:

*It is considered unlikely that these comments will have changed as most relate to the principal of development rather than the detailed design, which has revised and reduced in dwelling numbers. Those nearest to the site that might be most directly affected by the proposed changes to the layout were notified of the amended plans and site notices were posted in surrounding roads.*

18 letters of objection have been received on the amended plans submitted on 20<sup>th</sup> April 2020. The additional principal planning points made are as follows:

- the traffic impact and loss of open space more severe now Youngwood Lane and Uplands sites to be developed
- the pandemic situation has highlighted the need for open green spaces for mental and physical wellbeing. Green spaces proposed in the development are not large enough to provide compensation
- impact on air quality is of more concern since the approval of the Youngwood Lane site
- impact on air quality will be managed during the construction process. Construction is a major contributor to air pollution, especially small particulate air pollution;
- inconsistent with approach to density on No 6, St Mary's Grove
- land protected by covenant to protect its use as open space
- housing mix detailed on these drawings not affordable, all on periphery and will be last to be constructed. No plan in place to deliver this "affordable housing" for Nailsea people and therefore technically no support for the plans.
- the application should be treated as a new planning application, thus allowing for full transparency for the people of Nailsea to review and debate;
- need to make sure locals who live and work in Nailsea are benefiting from this development
- low carbon future is what the village needs along with the rest of society.
- replacement rugby pitches will be shoehorned into what is currently scrub patches of land and footpaths. Unclear what the plans are for car parking for the rugby club events, weekly junior practices and all other clubs and events that take place in and around the rugby club. Currently, car parking for these events is either on Engine Lane itself which causes one side of the Lane to be effectively shut off from traffic or on the field proposed to be developed.
- current work being carried out on behalf of the National Grid clearly shows that Engine Lane could not cope with the excess traffic that a new estate and the work constructing it would cause.
- More appropriate for school site
- implications of working hours on site

Nailsea Action Group:

- pleased to see that the new plans for the site retain the dry-stone wall and hedgerow along its boundary. However, most if not all of the points made in response to the original planning application still apply.
- Much has changed since the 2017 application when it was claimed that there was no other opportunity for development in Nailsea and in particular in the south-west corner
- significant increase in housing and population with little direct access to open green space

- The 2020 plan is a 6.5% reduction in dwellings compared to a loss of open space of approximately 10%
- still questions around the additional flooding risks posed
- strongly advocate that the land to the west of Engine Lane should be retained, as public open green space as per the original intention of Nailsea Town Council.
- widely believed that the whole work will take longer than is currently forecast. The construction of the replacement sports pitches cannot be started until the undergrounding work is complete, and then time has to be given to settlement, topping up, re-settlement, seeding/turfing and its firming up.

8 letters of support were received on the application as originally submitted. No additional letters of support have been received.

**Nailsea Town Council** (on original application): “As the Town Council is the joint applicant the Committee will make no comment on the application.” No comments received to date on the amended plans

**Tickenham Parish Council (TPC) (on original application):**

As set out in appendix 1. No comments received to date on the amended plans

**Other Comments Received:**

**Natural England**: comments on revised scheme and Shadow HRA awaited

**Environment Agency, Wessex Water; Bristol Water; North Somerset Levels IDB; Avon Fire and Rescue; Wales and West Utilities; Western Power Distribution**

As set out in appendix 1. No comments received on the amended plans.

**Sport England**

The scheme is a lot more positive towards the replacement playing field land and rugby pitches following the National Grid issue was identified. Comments from the RFU are provided as follows:

- The proposed pitch sizes are with accordance to the RFU guidance.
- The number of pitches being replaced are the same as the club had access to on the development land.
- To protect the clubs long term use of these natural turf pitches, the RFU would expect these new pitches to have Type 4 pipe drainage with sand grooves as per the Sport England Design Guidance Note.
- Sport England would want to see the replacement playing field land and replacement pitches constructed to the recommended RFU / SE standard and delivered prior to loss of the playing field land to housing. Those Sport England conditions were sent to the Council in an earlier response to this application (we can re-send if needed).
- We are happy to review a draft of the proposed LPA planning conditions to mitigate Sport England's original concerns.

Subject to those planning conditions being included within the decision notice Sport England does not object to this planning application.

## **National Grid**

Part of the land which is subject to the submitted Planning Application lies within limits defined by the Hinkley Connection Project Development Consent Order (DCO). It is required to allow the removal of part of the existing 132kV overhead electric line and its subsequent undergrounding (the 'W Route' works), comprising:

- installation of temporary site compound;
- construction of temporary diversion of the 132kV overhead electric line;
- installation of underground 132kV electric cables and fibre optic cables; and
- the removal of the "W Route" 132kV overhead electric line.

NG started work on the site on 6 January 2020 and works are due for completion in spring 2022. To access the site, the developer will be required to work in collaboration with NG.

NG does not, object in principle, to the Planning Application and its amendment. However, it is imperative that the grant of the amended Planning Application does not compromise or delay NG's ability to deliver the Hinkley Connection Project in accordance with its statutory and contractual duties.

The delivery of the Project is of a critical national importance. National Policy Statements set out national policy for energy infrastructure and need for development of new nationally significant electricity generating and network infrastructure, like Hinkley Point C Connection, to meet the presumed transmission demands. The implementation of Hinkley Point C Connection is therefore essential to facilitate the export of low carbon electricity from the South West and South Wales and Gloucestershire Regions and maintain the UK's energy security of supply of electricity. The National significance of the Hinkley Connection Project coupled with the DCO consent are material considerations in deciding whether or not to grant planning permission for the amended Planning Application.

NG have carried out extensive engagement with the Applicant. Recent discussions have been held with regard to the final easement width, the location of the cable joint bays and the Applicant's ability to comply with the replacement of the sports pitch provisions, to ensure agreement can be reached between both parties.

Prior to the submission of the amended plans, NG provided information relating to the required easement width through the Engine Lane site (16m) in respect of the residential element of the Planning Application. NG made clear to the Applicant that the 16m easement width was not in relation to the replacement sport pitches. The 16m easement in respect of the residential element of the proposed development was indicated by NG to the Applicant to assist the Applicant with the progress of their design equally ensuring that NG's required easement to deliver the works is secured. It should be noted that the DCO boundary and therefore NG's rights over the land are wider than 16m.

NG has reviewed the amended Planning Application, in particular P20-0001 12-National Grid Requirement Plan and P20-0001 01K-Site Layout Plan. It is noted that these plans do not accurately or at all show the full extent of the NG's DCO Order Limits to provide North Somerset Council with the actual overlap of the two projects, nor the plans correctly show the extent of the 16m agreed easement across the housing site only. The plans submitted by the Applicant with the amended Planning Application show the easement across the



housing site and replacement sport pitches, although the agreement between NG and the Applicant was made only in respect of the residential housing site.

It has been noted that plan P20-0001 01K-Site Layout Plan indicates in the key the 'Development Control Order Line' which we assume is in reference to the DCO Order Limits, however this is not marked on the plan. NG therefore requests that above plans are updated and resubmitted to North Somerset Council as detailed above and agreed with NG.

NG and the Applicant will continue discussions regarding the interaction between the Project and planning application. However, until an agreement is reached between the parties and the above referenced documents are updated to accurately show the details as requested, NG maintains its objection to the grant of planning permission for the amended Planning Application. However, should the Local Planning Authority decide to grant the permission, in the absence of agreement between the parties, National Grid request that such permission must be subject to an appropriate condition to be discussed and agreed with NG which will safeguard the timely delivery of the nationally significant Hinkley Connection Project.

Officer comments:

*It is understood the plans have been amended to reflect NG's concerns and ongoing discussions are now focused on the specific needs of NG that may require incorporation into a planning condition. It is believed that agreement will be reached shortly, and the Council will be formally advised of this.*

**Crime Prevention Design Adviser**

Soft landscaping is shown creating defensible space between private and public areas widely around the site and each dwelling provided with cycle storage in garage or shed in back garden.

Communal areas, such as LEAP/LAP and seating facilities have the potential to generate crime, the fear of crime and anti-social behaviour and should be located with regard for wayfinding and natural surveillance. The centrally located LEAP shows dwellings are positioned to overlook the open space, however the hedgerow around the POS has the potential to grow and block all view over the LEAP and the footpath links within the area. The hedgerow should be maintained at 1meter in height to maximise natural surveillance over the public open space.

The LAP to the south west of the site appears to have poor levels of overlooking properties with views over the LAP restricted with soft landscaping. Are the LEAP and LAP enclosed with railings/fenced and gated? Planting adjacent to footpaths will need regular maintenance.

This amended plan shows no formal footpath link from the south of the site towards the central LEAP by the fenced management corridor. A knee rail shown here too. The path in front of plots 68 and 69 offer a potential desire line to access the centre of the site. If this is an intended pedestrian route it should be as wide as possible and not run directly in front of these dwellings.

The majority of Affordable units are shown with 1.2m chain-link sub divisional fencing. Other dwellings are provided with 1.8m high sub divisional fencing. This increases security to vulnerable rear elevations where the majority of burglary is committed.

### **Principal Planning Issues**

The principal planning issues in this case are (1) the principle of development in this location, (2) sustainability, (3) quality of design and impact upon the character and appearance of the area, (4) housing mix, (5) loss of playing fields, (6) highways and parking considerations, (7) ecology and biodiversity considerations, (8) flood risk and drainage, (9) rights of way, (10) arboricultural/tree considerations, (11) loss of agricultural land, (12) impact upon the living conditions of nearby residents, (13) impact upon Hinkley Point C connection, (14) archaeology, (15) planning contribution requirements; and (16) Other matters.

#### **Issue 1: Principle of development in this location**

Section 38 (6) of the Planning and Compulsory Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. This is consolidated in paragraphs 11 and 196 of the National Planning Policy Framework (NPPF). The relevant parts of the development plan for the site comprises the adopted policies within the Core Strategy Jan 2017 and Sites and Policies Plan Development Management Policies July 2016 and Site Allocations Plan April 2018.

The site lies outside but adjacent to the settlement boundary for Nailsea. Policy CS14 of the Core Strategy states that “the three towns of Clevedon, Nailsea and Portishead act as service centres for their surrounding areas and will be the focal points for locally significant scales of development, including provision for the majority of the district housing provision outside of Weston.” It goes on to state that 5,100 new additional dwellings should be delivered in Clevedon, Nailsea and Portishead and Policy CS31 clarifies that 1,100 should be delivered in Nailsea.

Policy CS31 also states “Clevedon, Nailsea and Portishead will maintain and enhance their roles in providing facilities, employment opportunities and services for their populations and local catchments. At these towns, new housing development within and adjoining settlement boundaries which is of an appropriate scale and of a high-quality design that respects each town’s distinctive character and local environment, delivers necessary infrastructure improvements and enhances overall sustainability will be supported. Residential proposals must have regard to local housing needs.”

Policy CS31 also requires that proposals must be capable of being integrated into the existing fabric of the settlement, not create significant adverse impacts in relation to services facilities and infrastructure including any cumulatively significant adverse impacts and that it must have safe and convenient walking routes to schools and other services and facilities within the town within a reasonable walking distance. Specifically, for Nailsea it requires that proposal have a broad range of housing types to cater for all housing requirements. These requirements were originally assessed in December 2017 and considered to comply with Policy. Any changes since that date are assessed in the report below.

Policy CS31 also requires that for residential proposals where they are outside of the settlement boundary and in excess of about 50 dwellings they must be brought forward as allocations through Local Plans or Neighbourhood Development plans. Since the original report was considered the site is now allocated in an adopted plan, The Sites and Policies Plan-Site Allocations Plan.

Policy SA1 of the adopted Site Allocations Plan identifies this site for housing development for 183 dwellings, with the site-specific requirements being:

- Access off Engine Lane.
- Strong hedge boundaries to be retained where practicable. Where this is not possible, replacement hedgerows should be provided.
- Footpath on western side of Engine Lane.
- Full Transport Assessment required.
- Replacement or improved sport facilities required
- Proposals to provide a mix of housing in accordance with Policy DM35 of the Sites and Policies Plan Part 1: Development Management Policies.
- Consideration of fact that site is within 5km consultation zone for Bats SAC.
- Proposals will require a coal mining assessment.
- Higher level of surface water attenuation and run off required

It should be noted that currently the Council can only demonstrate 4.4 years supply of housebuilding land. In this respect, paragraph 11 of the NPPF states that:

*“Plans and decisions should apply a presumption in favour of sustainable development.....*

*For decision-taking this means:*

*c) **approving development proposals that accord with an up-to-date development plan without delay;** or*

*d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*

*i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed;*  
*or*

*ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”(emphasis added)*

In this context , “*out of date*” includes, applications involving the provision of housing, where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in NPPF paragraph 73); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years

The application site will make an important contribution to the Council’s housing requirement and the proposals accord with the principles of Policies CS14 and CS31 of the Core Strategy and the adopted Site Allocations Plan. The more specific requirements of these policies are considered in the report below. Whilst other uses such as open space

and schools have been suggested by objectors, provision is already made in the Development Plan for these needs within the time period of the Plan.

## **Issue 2: Sustainability**

The NPPF states that there are three strands to sustainable development: economic, social and environmental. This issue was considered at the time of the original Plan and report (Appendix 1) and has not changed.

In terms of social benefits, it was considered that the proposal would deliver policy compliant levels of affordable housing integrate well with the existing built form and pedestrian connectivity between the site and the existing settlement and would also provide extensive public open space and the provision of replacement new playing fields. It will be noted below (Issue 6) that as a result of more recent work concerning sustainable travel, some further improvements and contributions have been requested.

In terms of environmental role, subject to confirmation, it is considered that the development would protect, maintain and enhance the biodiversity interest of the site. This is covered in more detail below (Issue 7). Solar PV systems will be installed on suitable roof spaces to deliver 15% of the developments predicted energy as required by Policy DM2 and the SPD (Creating Sustainable Buildings and Places in North Somerset: Guidance for energy efficiency, renewable energy and the transition to zero carbon development March 2015). The inclusion of Electric Vehicle charging points for a proportion of the dwellings is proposed as a condition.

Whilst they are not unique to this site the scheme will bring some benefits to the local economy and this was considered previously and remains unchanged, other than that the ability of the construction sector to recover from the Coronavirus emergency has become more critical. There are a number of services, schools and facilities located in Nailsea town centre, which is approximately 2.2km from the site, and also a good number of local facilities including bus stops and food stores within a reasonable walking distance. It is also considered that the proposal would provide a cohesive network of walking routes creating adequate permeability *within* the site and appropriate connections to the existing pedestrian network. None of these matters are changed by the new Plan.

Overall, therefore the proposal was considered sustainable in terms of its location and design at the time of the original plan and this has not changed. It will help to enhance the sustainability of Nailsea.

## **Issue 3: Quality of design and impact upon the character and appearance of the area**

The existing site comprises predominantly open land which has been used primarily for grazing, with a limited stretch used by part of the rugby club as training pitches. The site lies within the “K1: Nailsea Farmed Coal Measures” landscape character area including dry stone walls, sinuous pastoral fields and gentle topography. The Landscape and Visual Impact Assessment (LVIA) which is considered sound, found from a landscape character perspective, the site is of low value. The site is not subject to any national or local landscape designations and development will represent a negligible impact on the broad surrounding landscape type and will provide positive enhancement in terms of landscape elements, amenity and biodiversity.

The Design and Access statement underpinning the application and the layout provides for a large area of open space in the centre of the site which maintains the existing area of trees. This was considered suitable for the site at the time of the original report and this principle remains unaltered in this revised scheme. The house design package is very similar to that previously resolved to be approved. The matters raised by the Crime Prevention Design Adviser are noted but, in this case, have to be balanced with the significant ecological design principles. The matters raised concerning the quality of some boundary treatments will be raised with the developer. Notwithstanding comments from objectors, the proposed density of development is acceptable and lower densities are proposed along the Engine Lane frontage to reflect the existing character of development immediately to the East. Only detail of the layout has changed.

It is understood that all dwellings are now Nationally Described Space Standard compliant. They comply therefore with part of Policy DM42.

The proposal is considered to comply with policies CS12 and CS31 of the Core Strategy and Policies DM32 and DM36 of the Sites and Policies Plan and Policy SA1 of the Site Allocations Plan in design terms.

#### **Issue 4: Housing mix**

Policy DM35 in the Sites and Policies Plan Part 1 is a specific policy for Nailsea which seeks to redress the current imbalance in property type in Nailsea and seeks to encourage smaller units. It states proposals for new residential development within Nailsea and on allocated sites will be permitted provided that they contain a range of housing type which meet the needs of the local population and that they should contain some or all of the following:

- One-bedroom properties
- 2-3-bedroom properties aimed at young families
- A range of 2-3-bedroom properties, including houses, apartments and bungalows aimed at people downsizing
- Age restricted properties

On housing developments of 10+ dwellings no more than 20% of all dwellings should be 4 bedroomed or more (after taking account of the allocation of affordable housing).

Whilst some objectors have commented that the proposed housing mix does not reflect nearby existing residential context nearby, the proposal would comply with the policy as it proposes a range of housing types and tenures and a mix of 1, 2 and 3 bedroomed properties. This scheme accords with that policy. The proposal also includes 30% affordable housing (51 dwellings) with a tenure split of 82% social rent and 18% shared ownership in line with Core Strategy Policy CS16 and the Council's Affordable Housing SPD.

#### **Issue 5: Loss of playing fields**

The proposal involves building on existing training pitches at the Nailsea and Backwell Rugby Club. Replacement pitches are proposed to be provided on land to the east of the existing pitches. The new playing fields will include 5 new playing pitches of varying sizes to cater for a range of junior age groups.

Policy DM68 of the Sites and Policies Plan Part 1 states that land and buildings in existing use for a sporting facility are protected for that purpose unless the land is allocated for another purpose in another planning document. Development of such sites for other uses will only be permitted if certain criteria apply. In this case the proposal must meet the following criteria:

*Where acceptable alternative provision of at least equivalent community benefit is made available in the same vicinity and capable of serving the same catchment area. In such cases, all of the following criteria must be met:*

- a) the new site is at least as accessible to pedestrians, cyclists and motor vehicles; and*
- b) the replacement facility is at least equivalent in terms of size, usefulness, attractiveness and quality to the facility it replaces; and*
- c) in the case of a replacement for an existing facility, the replacement will be available for use before use of the existing facility is lost.*

This reflects the NPPF guidance at paragraph 74 and Sport England's Policy E4.

In terms of criteria a and b, the proposed replacement pitches which are immediately adjacent to the existing site satisfy these criteria and Sport England remain satisfied with the proposal as in 2017, subject to a contribution to compensate for a small under provision. Conditions will ensure that the replacement playing fields and pitches are of sufficient quality. With regards criterion c, negotiations and the lapse of time that has meant NG have already commenced work on site, will ensure suitable continuity of pitch availability for the Rugby Club. These replacement pitches will be provided before any existing ones are lost. Thus, the proposal is in compliance with Policy DM68 but will be supported by condition.

### **Issue 6: Highways, public transport and parking considerations**

Policy DM24 of the Sites and Policies plan requires that new development should not prejudice highway safety and states that development giving rise to a significant number of travel movements will only be refused on transport grounds if it is likely to have a severe residual cumulative impact on traffic congestion or on the character and function of the surrounding area or is not accessible by non-car modes or cannot be readily integrated with public transport, cycle way and footpath links, and bridleways where appropriate. It also states that development which gives rise to a significant detrimental impact on travel patterns, or exacerbates existing transport problems, will only be permitted where acceptable counter measures or mitigation is possible.

The development based on the original dwelling numbers was considered in the original report in Appendix 1 which concluded it was unlikely to have a severe residual cumulative impact on traffic congestion or on the character and function of the surrounding area or not be accessible by non-car modes. It therefore complied with Policy DM24. (See Appendix 1). The development will have some impact on travel patterns, and acceptable mitigation is set out below.

The applicant considered the impact of the development at the proposed two new site access junctions with Engine Lane. The testing is robust, and it is agreed that both proposed junctions will operate satisfactorily without a material detrimental impact on localised junction flow and capacity.

An assessment of increased traffic flow (in all cases below, based on the 183-dwelling scheme) has been provided and it is concluded that the development will not have a severe impact on the operation of junctions in the vicinity. Volumes of increase would be likely to be noticeable to residents but would be well within the capacity of these roads and could not be considered as material under the terms of NPPF. The successful appeal at Youngwood Lane does not change this view.

There are however some junctions and links where concern was expressed and the need for improvements were considered.

Priority Junction crossroads of North Street, Hanham Way and Queens Road:

The application indicates that 46 and 50 additional vehicles will use this junction during the AM and PM peaks respectively. This will experience capacity constraints as a result of the Nailsea SAP development sites and needs safety improvements. A S106 contribution of £5,000 has been agreed to investigate capacity and highway safety improvement at this junction.

Other routes and junctions were also considered:

Causeway Link:

The consideration of this is set out in Appendix 1. Hanham Way leads to the Causeway, C Class highway which joins the B3130 Clevedon Road via Washing Pound Lane and Church Lane to the north. This link could provide an alternative route for vehicles travelling towards Bristol via the B3130 / B3128 Tickenham Hill junction or towards Clevedon via the B3130 avoiding Nailsea Town Centre. The development will generate an additional 26 and 28 vehicle movements in the AM and PM peaks respectively on the Causeway. Notwithstanding the concerns of Tickenham Parish Council and that the Causeway is constrained in nature with pinch points the increase in traffic volume as a result of the development is not significant and would not be deemed a severe impact as defined in paragraph 32 of the NPPF.

Netherton Wood Lane / Chelvey Road Link:

Local concern was raised regarding the additional traffic the proposed development may generate on relatively narrow single-track lanes to the south of the development site which provide an alternative route to the A370 at the Brockley signalised junction. This was also considered at the time of the original report in Appendix 1. It was concluded that there are alternative route choices for drivers, but it is likely that the nature of the rural road network to the south of the development site will limit the number of drivers choosing these routes.

Signalised cross roads of West Town, Station Road, and Dark Lane

The A370 is a strategic route linking Weston-Super-Mare to Bristol, and its operation is a key concern. Concerns have been raised in respect of the cumulative impact of development at the Backwell crossroads junction given that this junction currently suffers from capacity constraints in the peak periods.

The impact of this development will increase vehicle volumes by 35 vehicles in the AM peak and 39 vehicles in the PM peak. Given the existing capacity constraints at this junction, there will be an increase in queueing but not so significant as to warrant refusal. In addition, there are few physical measures that can be implemented to alleviate capacity constraints at this junction and therefore requiring the developer to support sustainable

measures that result in a modal shift away from the private car represents the best approach to mitigation of the impacts on the junction.

Further investment to encourage use of the train is likely to be the most significant of these, though not the only one and thus contributions to support such a shift are sought. The nearest rail station to the development site is Nailsea and Backwell Station located on Station Road approximately 0.9km to the north of the Backwell crossroads junction. The existing station car parks are currently well utilised and there is a requirement to provide additional car parking capacity at the station which would in turn alleviate additional demand at the Backwell Crossroads junction. The applicant is liable for CIL which was introduced following the original decision and improvements can be made by the Council if required.

The nearest bus stops within walking distance of the proposed development are located on St Mary's Grove, Hannah More Rd and Queen's Road. There are services which operate from these stops including the X8 service to Bristol via Nailsea and Backwell Station, X9 service to Bristol via Long Ashton and 88A/C service linking with Portishead, Clevedon and Yatton. On this basis, it is considered that the site is relatively well served by public transport, particularly during the peaks. There is a requirement to upgrade the existing infrastructure to provide improved waiting facilities and Real Time Information (RTI) systems. As such, a S106 contribution of £10,000 has been agreed to upgrade these existing bus stop facilities. In addition, there is a requirement for the applicant to provide a contribution of £120 per dwelling (£21,960 total) towards travel information packs, public transport taster tickets and cycle vouchers for each residential unit.

The Framework Travel Plan provided lacks the required detail as set out in the SPD including SMART targets and a detailed action plan. Given that this is a full planning application with no matters reserved, it is considered appropriate that a full Travel Plan be submitted to the LPA for approval prior to occupation of development. A condition is recommended.

Since the original report, the applicant has been asked to consider whether a bus platform could be provided on the western side of Engine Lane if on a bus route, possibly for local community bus/school bus. The applicant's response is awaited but it is considered that this would necessitate either a projection into the carriageway or would result in the loss of perimeter hedgerow to accommodate a platform and footpath link to it. The hedge is a valuable landscape and ecological feature and encroachment into the NG easement which might attract an objection

It is understood that there are safe routes to both primary and secondary schools that meet the distance criteria and no requirement for contributions was expected on the original scheme. These distances have not changed. Whilst the Site Allocations Plan seeks the provision of a footpath on western side of Engine Lane the developer has now been requested to provide a 3.0m wide tarmac shared pedestrian and cyclist path within the open space on the eastern side of the site instead of the 2.0m wide hoggin path shown. This will depend on the restrictions that National Grid and Western Power exert over foundations, permanent surfacing or roots. It would form part of a wider network of such paths in Nailsea that would link this and other sites to the Rail station at Backwell and to the town centre. The applicant is considering the requests for both provision of the path and contributions of approximately £118k towards this as part of a mitigation strategy for the cumulative effects of the Nailsea site allocations and LCWIP cycle route 2 (Engine



Lane to Town Centre) which were not requested when the application was originally reported to committee. They have also questioned the wisdom of the cycleway entering the site at its southern end, only to emerge again from behind the retained hedge onto Engine Lane, having had to negotiate the two access roads before this point.

These requests originate from the Nailsea Mitigations Strategy, the overarching Active Travel Strategy (ATS) and the Local Cycling and Walking Infrastructure Plan (LCWIP). Officers will provide the Committee with further clarification on the status of these and the views of the applicant on the requests.

The Council is developing an Active and Green Neighbourhoods Strategy. The principles of which are that walking, and cycling will be the first choice of travel, provision for the private car should be subordinate. In keeping with these principles, the development's speed limit should be limited to 20mph. The internal layout should follow the principles of Manual for Streets and should provide 'blended' crossings of the two access roads with protection for non-motorised users close to the mouth of the junction.

The proposed development is to be served by two access points onto Engine Lane itself. A stage 1 road safety audit of the proposed junctions has been provided and amended plans are awaited which will address the concerns. Planning condition(s) may be necessary.

The applicant has submitted a Non-Motorised User Audit which considers walking and cycling routes to and from the development to key facilities in the area. It is noted that concerns were raised in 2017 regarding the lack of a formal pedestrian crossing facility on Engine Lane to accommodate additional pedestrian crossing demand generated by the development proposal. However, the scale of development proposed and likely level of pedestrian crossing movements on Engine Lane would not meet the required criteria for the provision of a controlled pedestrian crossing.

Internally to the estate, the roads have been designed to create a clear hierarchy to create variety within the layout and with some adjustment will meet the Council's Highways Development Design Guide. An amended layout plan is awaited to address these concerns. The road widths are important to ensure refuse and emergency vehicles can negotiate the roads without over-running gardens or footways or causing conflict with parked vehicles. Some additional technical details regarding refuse presentation and tracking of refuse and emergency vehicles is required and can be covered by condition if not resolved prior to committee.

The total number of parking spaces is sufficient to meet adopted standards, albeit there are several plots where minor adjustments are required to meet other technical, convenience or safety requirements and these are expected to be included in the revised plans. Suitable storage area for cycles is provided including within garages and garden sheds which satisfies requirements in this respect.

Overall, subject to planning contributions and conditions, the proposal is considered to comply with Policy DM24 of the Sites and Policies Plan and CS11 of the Core Strategy as well as the Council's Parking Standards SPD and Travel Plans SPD. The package of S106 Contributions has previously been negotiated, including:

- A sum of £21,960 for resident travel information packs
- A sum of £10,000 for public transport infrastructure improvements

- A sum of £5,000 for capacity and highway safety improvement at North Street / Hanham Way / Queens Road junction

As stated above, additional contributions have been requested in connection with the proposed mitigations for development sites and to improve links to the town centre to which the applicant's response is awaited.

### **Issue 7: Ecology and biodiversity considerations**

A shadow Habitats Regulation Assessment (HRA) was adopted by the Council and agreed with Natural England in connection with the earlier version of the layout. An updated Ecological Impact Assessment and Lighting Strategy has been submitted together with an updated Shadow HRA for this revised layout.

At least 10 bat species were recorded foraging and/or commuting within the site during the bat survey. Several light-sensitive species were recorded including greater (GHB) and lesser horseshoe bats (LHB). GHB activity within the site was high. LHB activity within the site was considered low. The habitats within the site were generally of low (Sub-Parish) ecological value, except for standing open water, mature broadleaved trees and species-rich hedgerows, which are of moderate (Parish) value. Based on these results the site was assessed as being of 'District' level importance to GHB associated with the North Somerset and Mendip Bats SAC. These surveys were renewed in 2019 and the results of the 2019 update surveys are consistent with 2016 survey results.

A Shadow HRA has been submitted for the Council to assess and adopt if agreed. Stage 1: screening of likely significant effects and stage 2: appropriate assessment. Due to the relatively high number of GHBs recorded within the site compared to LHBs, the assessment of impacts on bats associated with the North Somerset and Mendip Bats SAC ('the SAC bats') in this section focusses primarily on greater horseshoe bat. Potential effects of the development on the North Somerset and Mendip Bats SAC, the development proposals have been assessed against the conservation objectives of the SAC. Potential avoidance/mitigation measures have not been considered at this stage, in accordance with the European Court judgement [C-323/17 (12 April 2018)]; this concludes that it is not appropriate, at the Screening stage, to take account of the measures intended to avoid or reduce the harmful effects of the project on that site.

Net loss of foraging habitat has been quantified in line with the metric provided in the North Somerset and Mendip Bats SAC Guidance on Development (version 2.1, March 2019) so this is up to date. This concludes that there would be a loss of habitat, requiring 2.73 Ha of compensatory habitat; of which landscape proposals would provide 1.03ha of greater horseshoe habitat, with a residual deficit of 1.69ha (not including any loss of units associated with the off-site land that is converted to create horseshoe habitats). Without mitigation, construction lighting has potential to disturb greater horseshoe bats commuting through and along the site boundaries, which could in turn impede their access to foraging sites. This would be a negative, short-term effect at district level. Post-construction effects would involve change from a predominantly rural landscape to an urban one that is likely to reduce the overall permeability of the site for bats. Without mitigation, this could occur through the effects of habitat removal, introduction of built form and new lighting. Without consideration of the avoidance and mitigation measures it is not possible to conclude that there would be no Likely Significant Effect on the integrity of the SAC as there could be

potential loss of greater horseshoe bat foraging habitat and loss, fragmentation and isolation of flight paths and commuting corridors.

Design features have been proposed to avoid or minimise impacts on horseshoe bats associated with North Somerset and Mendip Bats SAC. Measures to avoid or minimise impacts on horseshoe bats associated with North Somerset and Mendip Bats SAC include:

- retention of a 'green corridor' through the site, including the mature parallel north-south hedgerows through the centre of the site which would be unlit (i.e. less than 0.5 lux) to allow GHBs to continue passing through and around the southern and western boundaries post-development. Where the central corridor is reduced to a single hedgerow/treeline, a minimum dark buffer (less than 0.5 lux at up to 2m above ground level) of 5m on either side of the linear feature, would be provided. The layout would ensure that there would be a dark flight-line available through the site on both the western and eastern side of a retained hedgerow/tree-line. Reduction of road width to a single lane at breaks in the north-south corridor and avoidance of lighting at these breaks, would minimise possible fragmentation.
- Hedgerows within the site are retained wherever possible. The western site boundary would be enhanced through the planting of an adjacent parallel native species-rich hedgerow to improve this boundary as a flyway for horseshoe bats. The new hedgerow would be offset from the existing boundary by a 2m wide maintenance strip.
- Hedgerows along the central dark corridor which abut public open space, would be managed to maximise their function as flyways for horseshoe bats; where possible, hedgerows will be allowed to become a minimum of 3m wide by 3m tall to provide sheltered corridors with feeding perches.
- The SuDS ponds would provide drinking and foraging opportunities
- Wildflower meadow would be provided within the Public Open Space and as a buffer along hedgerows bordering the development footprint; managed to have a long sward to maximise its quality as a foraging resource.
- A sensitive lighting plan to minimise potential negative lighting effects from public realm lighting. All lighting would be switched off between midnight and 5am. The lighting proposals follow the principles and guidance set out in Guidance Note 08/18 Bats and artificial lighting in the UK (Bat Conservation Trust/ILP, 2018), in addition to the North Somerset and Mendip Bats SAC Guidance for development SPD.
- Residential lighting from properties has also been modelled since the 2017 decision and the 2020 case study identified that there could be light-spill above 0.5 lux, at up to 9m from a small number of residential properties, dependent on the type of lighting/shades installed. Consequently, consideration would be given to design features such as recessed lighting, solar control films or specialist glazing on the elevations of these units where they face the dark corridor; this is the subject of a condition.

A series of additional mitigation measures are proposed, in addition to the design and avoidance measures outlined above and these can be controlled by condition individually or through the Construction Environment Management Plans and a Construction Ecological Management Plan (CECoMP) for the development. Post-construction, Phase Management of retained and new landscape features for greater horseshoe bats (as summarised under 'Design and avoidance measures' above) would be detailed within the

Landscape and Ecological Management Plan (LEMP). The LEMP would detail management objectives and actions to ensure appropriate long-term habitat management for the benefit of bats.

The proposed development design and sensitive lighting strategy is designed to ensure that there is no detrimental effect on the ability of horseshoe bats to navigate through the site or wider landscape, either during construction or operation of the development. There would be no Likely Significant Effect of the development alone on the Conservation Objectives associated with horseshoe bats within the North Somerset and Mendip Bats SAC. In respect of an 'In combination' assessment, the HRA of the North Somerset Council Site Allocations Plan (NSC 2016) states that the main potential for effects on horseshoe bats relates to housing allocations within Bands A or B of the Bat Consultation Zone. The HRA concludes that application of relevant policies on nature conservation would ensure there is appropriate mitigation for any adverse effects on horseshoe bats and there would be no Likely Significant Effects on the North Somerset and Mendip Bats SAC.

Taking the development in isolation, it is considered that there would be no Likely Significant Effect on the integrity of North Somerset and Mendip Bats SAC. However, there are potential in-combination effects if other green-field developments in the vicinity were implemented. Those in the Site Allocations Plan that was adopted in 2018 have been taken into account in examining cumulative impacts. This effect could be addressed through the implementation of a strategic mechanism, towards which any development resulting in loss of foraging habitat would contribute, to ensure the provision on compensatory foraging habitat within an appropriate timeframe. This is consistent with the 2017 HRA which was undertaken by NSDC and approved by Natural England.

The Shadow HRA considers that there would be a risk of a Likely Significant Effect on North Somerset and Mendip Bats SAC as a result of the development of the site, *in combination with development of other allocated or approved sites*. This potential effect primarily reflects the likely combined loss of greater horseshoe bat foraging habitat on the western side of Nailsea associated with these developments. These in-combination effects would be addressed through a strategic mechanism to provide replacement foraging habitat for SAC bats within an appropriate timeframe; a financial contribution towards such a mechanism would be provided for developments where a residual net loss in greater horseshoe bat foraging habitat was identified through the HEP. Developing and implementing the strategy would be the responsibility of North Somerset Council in consultation with Natural England and other stakeholders. The size of the contribution reflects the extent of habitat creation required, as identified by the Habitat Evaluation Procedure (HEP; refer to EclA Addendum Report). The financial contribution for horseshoe bat mitigation for the 2017 application resolution (calculated using the HEP) was £63,655.00. This figure was agreed by the Council in consultation with Natural England. Barratt Homes (the Developer) have confirmed that they would also accept a contribution at this level for this 2020 application.

The updated HRA and Mitigations are still being assessed at time of writing to confirm they can be adopted and put to Natural England for its approval.

The absence of great crested newt and reptiles from the site was reconfirmed through the update surveys completed in 2019. As in 2017, a number of badger setts were recorded

within the site boundary, although it is understood that some of the setts were to be closed under Natural England Licence in relation to ongoing powerline works.

A landscape management plan has been submitted and this is welcomed. It is important the link between ecological and landscape management is as strong as possible, since the main public open space (POS) is based on an important ecological corridor. Additionally, the perimeter POS and features such as the pond should maximize biodiversity benefits to assist with rewilding objectives of Council.

Therefore subject to confirmation of the HRA being satisfactory, together with mitigations, conditions and the planning contributions set out above, it is considered that the proposal would comply with Policy CS4 of the North Somerset Core Strategy and DM8 of the Sites and Policies Plan Part 1 and regard has been paid to the requirements of the Conservation of Habitats and Species Regulations 2017 (as amended) and the Natural Environment and Rural Communities Act 2006.

### **Issue 8: Flood risk and drainage**

When the Council previously resolved to grant full planning permission, was subject to a condition requiring pre-commencement information regarding the proposed surface water drainage scheme and management, operation and maintenance of the proposed sustainable drainage scheme.

The applicant has submitted revised information with a request that the detailed surface water drainage matters be addressed as part of this planning application, to obviate the need for pre-commencement conditions which are generally discouraged by central government. The latest surface water drainage scheme is broadly in line with that agreed previously, with attenuation provided in two basins and controlled discharge to the IDB drainage network via a length of new ditch. This ditch is to be located outside the development / ownership boundary. The FRA states legal agreements have been secured, however evidence of these has not been provided. Further works to the downstream culvert beneath West End Lane are provided and evidence of their acceptability to the IDB has been provided.

The proposed surface water drainage network across the residential development area discharge rate, negating the need for long term storage, is considered an acceptable approach. The surface water drainage scheme drawings for the sports pitches are provided however details of the attenuation are not included.

The surface water drainage scheme submitted for planning provides a broad overview of the proposed surface water drainage scheme, but no references are included within the drawing to allow cross-checking with the Micro-Drainage Network calculation.

Notwithstanding, the following elements are noted:

- The total contributing area, within the calculations, of 2.96ha is consistent with the total site impermeable area (including 10% urban creep) stated on the Proposed Impermeable Areas drawing (ref: 17014\_C-PL03, Rev 2, dated 14<sup>th</sup> April 2020).
- A surcharged outfall of 500mm has been used which is consistent with the depth of the outfall ditch.
- The calculations indicate flooding of up to 22m<sup>3</sup> from individual manholes and a total flood volume of circa 63.7m<sup>3</sup> in the 1 in 100 year + 40% climate change event. Exceedance routing is indicated on drawings however without corresponding

reference numbers, it is unclear where the flooding will occur and how this will be retained and managed on site.

Given the risk of flooding across the site, there are several locations where this could discharge off-site in an uncontrolled manner. Alongside this, the assumed land drainage pipe network through the green corridor does not connect to the proposed basins and as such this also has the potential to collect and discharge flood flows off-site in an uncontrolled manner. There appears enough space available to sustainably manage the respective flood flows and therefore further consideration should be given to minimising the potential flood volumes. In order to avoid the need for pre-commencement or other drainage conditions additional details of the attenuation basins are needed and consideration should be given to the failure of these embankments.

The FRA states the SuDS features, including infiltration systems, swales/ditches and detention basins, are to be offered for adoption by NSC or a management company. NSC does not typically adopt SuDS features and as such, further information on the management company responsible for their maintenance will be needed but can be addressed at a later point depending on discussions with the applicant.

Given the request by the applicant not to apply pre-commencement conditions regarding surface water drainage matters, officers consider the application documents as submitted are insufficient and further information has been requested to show agreements that will enable the ditch connection through third party land; details of surface water drainage for the proposed sports pitches; a detailed surface water drainage scheme plan suitable for cross checking with the Micro-Drainage Network calculations; further consideration to minimise and sustainably manage potential flood volumes; cross-sections of the proposed attenuation basins; contingency plans should attenuation Basin embankments fail; maintenance of the SuDS features. If this is not yet known, the development could be conditioned with a maintenance condition to be discharged prior to the occupation of the site.

### **Issue 9: Rights of way**

The proposals remain largely unchanged from the previous plan and report in 2017, aside from a request to consider creating a link onto Engine Lane from the perimeter path on the Engine Lane boundary to create a more direct link. Otherwise this is as reported in Appendix 1. The new development will lead to increased pressure on local routes and accordingly a sum has been negotiated to enable the pressure to be absorbed. The proposals are therefore considered to comply with Policy DM25 of the Sites and Policies Plan Part 1.

### **Issue 10: Arboricultural/tree considerations**

As set out in Appendix 1, the proposal would comply with Policy CS9 of the Core Strategy which requires green infrastructure to safeguarded, improved and enhanced and Policy DM9 of the Sites and Policies Plan which seeks to ensure the suitable retention and protection of existing trees and the provision of enhancement tree planting in design proposals. It is considered that the position remains the same with the amended plan.

### **Issue 11: Loss of agricultural land**

This was considered in the previous report in Appendix 1 and its loss was balanced against the significant need for more housing, which remains a point to which significant weight must be attached.

### **Issue 12: Impact upon living conditions of nearby residents**

The revised layout will have no material change in its impact on neighbours. This was assessed at the time of the earlier report. The nearest neighbouring properties are on the opposite side of Engine Lane to the east and Gaulacre Cottage which is to the south. Gaulacre Cottage and would be separated from the development by the proposed open space over the wide National Grid easement. None are close enough to be affected by privacy, overshadowing or overbearing impacts. The proposal is therefore considered to comply with policy DM32 of the Sites and Policies Plan Part 1 and the Residential Design Guide SPD.

### **Issue 13: Impact upon Hinkley Point C connection**

The proposal is now considered unlikely to prejudice the National Grid DCO. Indeed, it is the case that National Grid would not allow this to happen and enjoy powers to protect their interests. Work is now under way and is expected to be complete by 2022. It is the National Grid proposal that conversely has had an impact on the development of this development. It will continue to have some effect, both on the phasing of the development and replacement pitches, its layout and the open space. It is believed that these matters have now been resolved. National Grid had already agreed to allowing the two access roads to be formed across their easement and this will be timed to avoid difficulty with the two construction projects.

Confirmation is awaited that National Grid does not object. A planning condition may be necessary to protect this position and ensure that the sports pitches can be provided in a timescale that satisfies Sport England, which was the difficulty at the time of the 2017 report.

### **Issue 14: Archaeology**

Nothing has changed in respect of archaeology since this was previously reported. (See Appendix 1). Therefore, the proposals are considered to comply with Policy DM6 as well as CS5 of the Core Strategy.

### **Issue 15: Development Contributions and Community Infrastructure Levy**

Policy CS34 of the Core Strategy and Policy DM71 of the Sites and Policies Plan Part 1 set out the requirement and mechanism to seek developer contributions to mitigate the impacts of a development proposal. This application is for 171 dwellings and therefore subject to developer contributions.

- A comprehensive package of s106 requirements is proposed and this will address transport concerns, subject to the applicant's response to the request for contributions to the Nailsea Mitigations Strategy and the LCWIP.

- Affordable housing at policy compliant 30%, together with policy compliant accessible housing.
- Public Rights of Way improvements
- Contributions to off-site drainage works
- Contribution to Strategic off-site Bat Habitat mitigation scheme

Planning permission is not formally granted until the legal agreement has been signed.

Matters such as Education, Leisure, and Libraries are now covered by the Council's Community Infrastructure Levy (CIL) Charging Schedule which took effect on 18 January 2018. This means that the development is liable to pay the CIL.

The Council is not permitted to enter into S106 agreements requiring infrastructure that is to be funded through the CIL. A formal list (known as the "Regulation 123 List") has been published on the above webpage setting out which infrastructure will be funded through the CIL and which will remain the subject of S106 planning obligations.

### **Issue 16: Other matters**

Other matters have been raised by consultees, namely in connection with covenants and the decisions of Nailsea Town Council and whether it is in the best interests of the town financially. These are not issues that have weight in the consideration of the planning merits of this application. Increased air and light pollution have also been raised as issues. The lighting scheme will be expected to follow modern standards to minimise upwards night sky pollution and particularly to minimise impacts on protected bat species. As regards noise and air pollution, construction works will be required to follow a Construction Management Plan which will be required by planning condition which is intended to minimise the impacts of this phase. The area is not an Air Quality Management Area where there is currently considered to be poor conditions.

The concerns of residents about the application coming back to committee for decision at this time of emergency is understood but the process has involved renotification of those most directly affected, reference is made to the previous objections, which it is acknowledged are unlikely to have changed and reference back to committee is considered to be the most democratic way of making the decision. The government is expecting Councils to continue to make decisions and to progress planning business as far as possible and the Council is following guidelines on how best to carry out its business despite the obvious challenges.

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

A request for a screening opinion for 195 dwellings on the site together with replacement playing fields was submitted by the applicants in December 2016. The Council issued a screening opinion in February 2017 which confirmed that whilst the development fell within Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended) – Column 1, Part 10 (b) 'Urban Development Projects' and needed to be screened as it exceeded the screening thresholds, the proposal did not constitute EIA development.



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

As set out in the report above. 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**

The application complies with the Development Plan (Policies CS14 and 31 and Site Allocations Policy SA1) and this should be accorded considerable weight. Since the original planning application was considered the site has now been allocated through an adopted Plan. It is considered to be a sustainable location for development, close to a range of facilities and with access to travel networks and will provide significant benefits by helping address the current shortfall of housing and through the provision of affordable housing. It meets Nailsea-specific policy objectives concerning local housing needs set out in Policy DM35. Furthermore, the Council cannot currently demonstrate a 5 year housing land supply and this lends additional weight to the proposals for more housing in this instance.

Further response from the applicant is expected to respond to requests for additional mitigation compared to that sought when the earlier scheme was recommended for approval. This would improve accessibility to the town centre and Backwell station in combination with funding from other developments. However, the proposal in principle is considered to comply with Policy DM24 as it was in 2017. Traffic generated will not have a severe impact on the network, though it will be necessary to improve one junction and provide other mitigation, some of which will be about encouraging modal shift from the private car, as it is accepted that the development together with others will have some adverse impact on the Backwell traffic lights. There are some detailed matters to be resolved, arising from the changed layout, but these are capable of resolution.

A Development Consent Order has permitted the replacement of overhead with underground power lines which affects the southern and eastern edges of the development site. The consequential issues of satisfying Sport England over the timing of replacement playing pitches to ensure continuity of pitch supply is also expected to be clear and supported by condition. Sport England have already confirmed it has no objection in principle to the loss of pitches and the quantum and quality of replacements. If this is so, Policy DM68 will be fully satisfied.

The drainage strategy has not fundamentally changed since the original proposals when it was considered satisfactory. As the developer now wishes to obviate the need for pre-commencement conditions it has been necessary to seek more detailed information, and subject to receipt of this the proposal will be policy compliant.

The layout and approach to the design of the dwellings remains broadly consistent with that resolved to be approved in 2017, based around a central open space that is a key feature in mitigating the impact on protected bat species. Some further improvements to the overall quality have been secured and these factors help balance out what ideally would be smaller proportion of frontage parking to plots which has been necessary to mitigate the loss of developable area as a result of the broad power line easements.

The easements form part of a suitable level of Public Open Space, together with the central open space that permits retention of valuable hedges which form part of the protected bats' flight lines. There is however considered to be some adverse in-combination effects when taken together with other developments, but this is proposed to be mitigated, with the expected support of Natural England to the principle of strategic off-site habitat creation funded in part by this developer and implemented by this Council with other stakeholders. Confirmation will be sought from the Council's ecologist that this is consistent with the previous resolution to approve the earlier scheme following which Natural England would be requested to confirm the HRA as being satisfactory.

A number of other issues have been addressed and in most cases the position is unchanged since the earlier committee resolution. These include the absence of any material impact on the living conditions of neighbouring residents apart from the changed circumstances and increased traffic and the construction phase.

It is considered that subject to the remaining pieces of information and satisfactory assessment of these, the adverse impacts are outweighed given the need for housing and the benefits arising from this allocated site and the mitigations proposed and the application should be approved.

**RECOMMENDATION:** Subject to –

- (a) the receipt of satisfactory additional information concerning drainage; amended plans showing satisfactory amendments to details on the layout; satisfactory response to the request for additional mitigation; and the response of the Council's ecologist and
- (b) confirmation of the signing off of a Habitats Regulations Assessment by Natural England
- (c) completion of a legal agreement securing (i) 30% on site affordable housing, (ii) contributions towards a package of transport measures including traffic management measures and junction improvements, and public transport infrastructure improvements, (iii) sustainable travel packs, (iv) possible additional mitigation measures to secure improved cycling and walking infrastructure; (vi) off site drainage works, (vii) financial contribution towards a Technical Bat Habitat Study and towards strategic retention and enhancement of off-site bat foraging habitat, (viii) payment for fire hydrants if proved to be necessary, (ix) completion of a Travel Plan and future monitoring,

the application be **approved** subject to the following conditions and any other additional or amended conditions as may be required in consultation with the Chairman, Vice Chairman and ward members:

1. The development hereby permitted shall be begun before the expiry of

five years from the date of this permission.

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

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.

#### Sample materials

3. With the exception of site clearance and groundworks to slab level no works shall be commenced until sample panels of the external materials to be used for dwellings, boundary walls, roads, pavement and parking areas have been submitted to and approved in writing by the Local Planning Authority. These shall comprise, all brick, stone, colour of render, roofing materials to be used for the dwellings, surface materials to be used in the construction of the roads, pavements and parking areas, and brick, stone or other material to be used in boundary treatments. Construction shall be only in accordance with the approved sample panel and approved materials in terms of colour of brick, mortar mix, jointing and means of laying unless otherwise agreed in writing by the Local Planning Authority.

Reason

#### Energy

4. The dwellings hereby approved shall not be occupied until Measures to generate 15% (less if agreed with the Local Planning Authority) of the energy required by the use of the development (measured in carbon) through the use of micro renewable or low-carbon technologies and a programme for their implementation have been submitted to and agreed in writing by the Local Planning Authority. Once agreed the measures shall be installed on site and become fully operational in accordance with the agreed details and programme. 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 dwellings and in accordance with paragraph 17 and section 10 of the National Planning Policy Frameworks and policies CS1 and CS2 of the North Somerset Core Strategy and Policies DM2 and DM32 of the Sites and Policies Plan Part 1.

#### Remediation of land

5. Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until an investigation and risk assessment, in addition to any assessment provided with the planning application, has been completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written

report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings 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, groundwater and surface waters, ecological systems, archaeological sites and ancient monuments; (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's *'Model Procedures for the Management of Land Contamination, CLR 11'*.

Reason: To ensure that any contamination of the site is satisfactorily dealt with and in accordance with Policy CS3 of the North Somerset Core Strategy.

6. Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence 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 prepared, and has been subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, 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: To ensure that any contamination of the site is satisfactorily dealt with and in accordance with Policy CS3 of the North Somerset Core Strategy.

7. The approved remediation scheme detailed in condition 6 above 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: To ensure that any contamination of the site is satisfactorily dealt with and in accordance with Policy CS3 of the North Somerset Core Strategy.

National Grid protection

8. **NB: Draft wording only. The final wording of this condition is subject to ongoing discussion with the applicant and National Grid as set out in the recommendation but is expected before the end of this**

**week**

No development shall take place within The National Grid (Hinkley Point C Connection Project) Order 2016 Order Limits as set out on approved drawing no B.0443\_12 Rev other than the two access roads from Engine Lane. No other constructional activities or storage of materials shall take place within this area unless specifically authorised by an agreement between National Grid and the applicant that shall be submitted to and approved by the Local Planning Authority before the development is commenced.

Reason: To ensure the development does not prejudice or delay the implementation of The National Grid (Hinkley Point C Connection Project) Order 2016 which is of national importance.

Replacement playing fields

9. No development nor any activity precluding use of the playing pitches for sport shall take place on the existing playing fields identified on plan B.0443\_22 unless and until the approved replacement playing pitches have been laid out in accordance with the approved layout plan and the approved pitch specification document (ref:.....) and are available for use. The works shall be carried out in accordance with the approved scheme within a timescale to be first approved in writing by the Local Planning Authority after consultation with Sport England.

Reason: To ensure continuity of pitch availability and quality in accordance with Policy DM68 of the Sites and Policies Plan Part 1 development Management Policies.

Community use of facilities

10. No development shall commence until a community use scheme has been submitted to and approved in writing by the Local Planning Authority in consultation with Sport England. The scheme shall apply to the replacement pitches and shall include details of pricing policy, hours of use, access by users/non-members, management responsibilities, a mechanism for review and a programme for implementation. The approved scheme shall be implemented upon the start of use of the development and shall be complied with for the duration of the use of the development.

Reason: To secure well managed safe community access to the sports facility, to ensure sufficient benefit to the development of sport and to accord with Development Plan Policy DM68 of the Sites and Policies Plan and CS27 of the Core Strategy.

Ecological mitigation

11. The development shall not take place except in strict accordance with the measures outlined in Section 4 of 'Ecological Impact Assessment April 2017 and Addendum April 2020, Land off Engine Lane, Nailsea, EAD Ecology' and the requirements of the Habitats Regulations Assessment. If amendments to the methodology are required, details of the changes must be submitted in writing and agreed by the Local Planning Authority before relevant works proceed. The development shall then be implemented in accordance with the agreed changes.

Reason: To ensure compliance with the Conservation of Habitats and

Species Regulations 2017, the Wildlife and Countryside Act 1981 (as amended), policy CS4 of the North Somerset Core Strategy and policy DM8 of the North Somerset Sites and Policies Plan (Part 1).

12. No external lighting shall be installed until details, based on the approved Lighting Strategy(.....)including: (i) details of the type and location of the proposed lighting; (ii) existing lux levels affecting the site; (iii) the proposed lux levels; (iv) lighting contour plans, and (v) measures to be applied and maintained on individual properties where there is a risk of adverse light spill impacts on bats, have been submitted to and approved in writing by the Local Planning Authority. Any external lighting shall be installed and operated in accordance with the approved details. No change shall be made to any individual properties where special measures have been installed to mitigate lighting impacts, without the prior written approval of the Local Planning Authority.

Reason: To reduce the potential for light pollution in accordance with Policy CS3 of the North Somerset Core Strategy and to protect bat habitat in accordance with the Conservation of Habitats and Species Regulations 2017, Wildlife and Countryside Act 1981 (as amended), policy CS4 of the North Somerset Core Strategy and policy DM8 of the North Somerset Sites and Policies Plan (Part 1).

13. A Construction Environment Management Plan shall be submitted to and approved by the Local Planning Authority before works commence. This shall include: details of site enabling works; method of works, including: siting and installation of services such as drainage; locations for storage; measures for control of dust and disposal of waste and prevention of pollution to surface and ground waters, in accordance with best practice/PPGs; precautionary working measures for avoidance of harm to protected and notable species and wild mammals; and to provide mitigation 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.

The CEMP will need to include pre-construction mitigation procedures for protected and notable species as detailed in Section 4 of the Ecological Impact Assessment, Land off Engine Lane, Nailsea, EAD Ecology April 2017: i) Reptiles, amphibians, hedgehog – habitat manipulation and pre clearance search ii) Vegetation clearance outside of nesting season or pre-clearance check iii) Pre construction Badger survey and mitigation strategy / licence application as required iv) Pre felling survey of any trees identified with bat potential v) Protection of hedgerows and trees.

The CEMP will also detail the precise locations and specifications for species-specific enhancements for birds (bird boxes, swift boxes), bats (bat boxes and tubes) and hedgehogs (fence gaps), as also detailed in Section 4 of the *Ecological Impact Assessment, Land off Engine Lane, Nailsea, EAD Ecology April 2017*

Reason: To comply with the Wildlife and Countryside Act 1981 (as amended); and in accordance with North Somerset's Core Strategy policy CS4 and Site and Policies Plan Part 1, Development Management policy

DM8.

14. Prior to the commencement of development, a 5-year Landscape Ecological Management Plan (LEMP) shall be submitted to, and approved in writing, by the Local Planning Authority. The plan shall include objectives, management prescriptions and post-construction monitoring protocols, as detailed in Section 4 of 'Ecological Impact Assessment, Land off Engine Lane, Nailsea, EAD Ecology April 2017'. The LEMP will include protocols to: i) maintain the function of retained habitat features for protected species and other wildlife (e.g. hedgerows, wildflower meadows, SuDS ponds); ii) maintain wildflower meadow botanical and invertebrate diversity; iii) maximise foraging resources and provide favourable habitats for protected species identified as using the site; iv) carry out regular maintenance checks of wildlife features (e.g. bird and bat boxes, fence gaps, site wildlife habitat interpretation boards); v) sign-off mitigation on completion by the ecological consultant and submitted to the LPA in writing and vi) provision of site interpretation board.
- The approved plan shall be fully implemented and include a mechanism for review to ensure implementation for the next 5-10-year period post construction.
- Reason: To ensure the development contributes to the protection and enhancement of the site's ecology in accordance with policy CS4 of the North Somerset Core Strategy and policy DM8 of the North Somerset Sites and Policies Plan (Part 1).

15. A programme of monitoring of post-construction bat activity including light levels on the central bat corridor and western bat corridor shall be undertaken for a minimum of five years following the completion of construction. The monitoring protocol shall be included in the LEMP, along with a proposed mechanism to allow any necessary remedial action to be undertaken. To permit comparison of pre-construction and post-construction bat activity, static bat detectors shall be positioned in positions to be agreed by the Local Planning Authority and the monitoring programme shall include the month of May, when greater horseshoe bats were found to be most active within the site. The resulting survey data shall be submitted to the Local Planning Authority and Bristol Regional Environmental Research Centre (BRERC).
- Reason: To provide feedback on mitigation measures in accordance with the emerging Supplementary Planning Document for the North Somerset and Mendip Bats Special Area of Conservation. Reporting on the effectiveness of mitigation measures applied will inform Policies ECH/11 and ECH/12.

Landscaping

16. No development shall take place until a landscaping maintenance strategy which shall be designed to be an integral part of the ecological mitigation has been submitted to and approved in writing by the Local Planning Authority. This shall be implemented in accordance with the approved details.
- Reason: To ensure satisfactory landscaping maintenance and in

accordance with Policy CS5 of the North Somerset Core Strategy and Policy DM32 of the Sites and Policies Plan Part 1.

17. All works comprised in the approved details of landscaping should be carried out in accordance with the approved details 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 landscaping scheme is implemented and in accordance with Policy CS5 of the North Somerset Core Strategy and Policy DM32 of the Sites and Policies Plan Part 1.
18. Trees, hedges and plants shown in the landscaping scheme to be retained or planted which, during the development works or a period of ten years following full implementation of the landscaping scheme, are removed without prior written consent from the Local Planning Authority or die, become seriously diseased or are damaged, shall be replaced in the first available planting season with others of such species and size as the Authority may specify.  
Reason: To ensure that as far as possible the landscaping scheme is fully effective and in accordance with Policy CS5 of the North Somerset Core Strategy and Policy DM32 of the Sites and Policies Plan Part 1.
- Tree protection.
19. The development shall be carried out in accordance with the revised Arboricultural Impact Assessment and Method Statement carried out by ACD Environmental dated 14/04/20 and Tree protection shall be carried out in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority and shall remain in place during site works. The Local Planning Authority is to be advised at least 7 days prior to development commencing of the fact that the tree/hedge protection measures as required are in place and available for inspection
20. No development shall commence until an amended Tree Protection Plan for T3 and T48 following the recommendations contained within BS 5837:2012 has been submitted to and approved in writing by the Local Planning Authority. The Tree Protection Plan must be superimposed on a layout plan, based on a topographical survey, and exhibit root protection areas which reflect the most likely current root distribution, and reflect the guidance in the method statement report. No development or other operations shall thereafter take place except in complete accordance with the approved details.  
Reason: To ensure that trees and hedges are protected in accordance with Policy CS4 of the Core Strategy and Policy DM9 of the Sites and Policies Plan Part 1.
- Archaeology
21. No development shall take place until an archaeological Written Scheme of Investigation (WSI) has been submitted to, and approved by, the local planning authority in writing. For land that is included within the WSI, no development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research



objectives, and

- The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works
- The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

Reason: To make provision for a programme of archaeological mitigation, so as to properly record and advance understanding of any heritage assets which will be lost, in accordance with paragraph 141 of the National Planning Policy Framework and Policy DM6: Archaeology of the North Somerset Sites and Policies Plan, CS5 of the Core Strategy and Policy ECH/6 – Archaeology of the North Somerset Replacement Local Plan.

Refuse provision

22. Refuse storage and bin collection areas to serve each dwelling shall be provided in accordance with the Refuse Strategy DRWG: P20-0001\_09 before each dwelling is occupied.

Reason: In the interests of highway safety and to accord with Policy DM24 of the Sites and Policies Plan Part 1 2016 and the Highways Development Design Guide.

Highways and Transport

23. Prior to the commencement of installation of any drop crossings, details of these and tactile paving arrangements shall be submitted to and approved in writing by the Local Planning Authority. Tactile crossing points are required on all junctions. The development shall be implemented in accordance with the approved details. If confirmed as necessary at planning application stage)

Reason: In the interests of highway safety and to accord with Policy DM24 of the Sites and Policies Plan Part 1 2016.

24. Prior to the occupation of any dwelling, a scheme to include bollards at the footpath entrances to the public open space to prevent use by vehicles shall be submitted to and approved by the local planning authority. The development shall be implemented in accordance with the approved details.

Reason: In the interests of highway safety and to accord with Policy DM24 of the Sites and Policies Plan Part 1 2016.

25. The dwellings hereby approved shall not be occupied until the parking areas have been constructed and the parking spaces marked out in accordance with the approved plans and these parking spaces shall thereafter be permanently retained and shall not be used except for the parking of vehicles in connection with the development hereby approved.

Reason: To ensure that the development is served by suitable parking areas in order to preserve highway safety and in accordance with paragraph 49 of the National Planning Policy Framework, Policies

CS10 and CS11 of the North Somerset Core Strategy and policies DM24 and DM28 of the Sites and Policies Plan Part 1.

26. The dwellings hereby approved shall not be occupied until cycle parking has been provided in accordance with the approved plans.  
Reason: To ensure that the development is served by suitable cycle parking and in accordance with Policies CS10 and CS11 of the North Somerset Core Strategy and policies DM24 and DM28 of the Sites and Policies Plan Part 1.
27. No dwelling shall be occupied until the roads shown on the approved plans, including footpaths and turning spaces, where applicable, have been constructed in such a manner that each dwelling, is served by a properly consolidated and surfaced footpath and carriageway between the dwelling and the existing highway.  
Reason: To ensure adequate access available for each occupier and in accordance with policy CS10 of the North Somerset Core Strategy and policy DM24 of the Sites and Policies Plan Part 1.
28. Prior to the commencement of development, a Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.  
Reason: This is in the interests of highway safety and in accordance with policy DM24 of the Sites and Policies Plan (Part One).
29. No dwellings shall be occupied until a full Travel Plan has been submitted to and approved in writing by the Local Planning Authority.

The travel plan should include the following information:

Accessibility; existing site-specific barriers or issues for residents using sustainable travel

Objectives and targets

Strategy and Implementation; a management and implementation strategy including a named travel plan coordinator

A package of measures; Measures that will encourage the shift from single occupancy car use, in favour of: walking, cycling, public transport and car sharing.

Consultation, awareness raising and marketing

Monitoring and review procedure should be set out, include the details of who will be responsible for carrying out the monitoring of the travel plan.

The development shall be carried out in accordance with the approved details. Furthermore, a travel survey should be undertaken within 6 months of full occupation of the development and the findings used to refine the targets set in the initial Travel plan.

Reason: In order to encourage sustainable travel modes and a reduction in car use and to accord with Policy DM26 of the Sites and Policies Plan Part 1.

30. Notwithstanding the submitted Road Safety Audit (RSA), a revised RSA

(Stage to be specified), shall be submitted to and approved by the Local Planning Authority prior to commencement of works in connection with the laying out of any highway works.

Reason: In the interests of highway safety and to accord with Policy DM24 of the Sites and Policies Plan Part 1 2016.

Permitted Development Rights

31. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any Order amending or revoking and re-enacting that Order, no gates, fences, walls or other means of enclosure (other than those expressly authorised by this permission) shall be erected or constructed on any boundaries of the site, or elsewhere within the site.

Reason: In the interests of the character of the area and accordance with policies CS5 and CS12 of the North Somerset Core Strategy and Policy DM32 of the Sites and Policies Plan Part 1.

Drainage and Flood Risk

32. No development shall commence until surface water drainage works and offsite drainage route have been implemented in accordance with details that have first been submitted to and approved in writing by the local planning authority. Before these details are submitted, an assessment shall be carried out of the potential for disposing of surface water by means of 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 of this assessment shall be provided to the local planning authority with the submitted 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 and control the surface water discharge rate and volume from the site to greenfield rates, the measures taken to prevent pollution of the receiving groundwater and/or surface waters, b) taking into account long-term storage, draw down times for ponds and urban creep c) All sustainable ponds and swales are to be lined to reduce the ingress of groundwater d) 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. e) existing springs are to be accommodated in a separate drainage system and with an outfall to the ditch network which connects to a 'viewed' rhyne. f) pollution control measures any outfall which connects to the 'viewed' rhyne network must meet with Natural England water quality target levels (see advisory note)

Reason: To reduce the risk of flooding, and in accordance with the National Planning Policy Framework (notably paragraphs 17, 103 and sections 10 and 11), 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). These drainage works should be completed prior to any other development commencing because it is

necessary to understand whether the discharge rates and volumes are appropriate prior to any initial construction works which may prejudice the surface water drainage strategy.

33. No development 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; 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; and c) written confirmation that arrangements are in place for the future maintenance of the off-site route to the viewed rhyme.
- 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 the National Planning Policy Framework (notably paragraphs 17, 103 and sections 10 and 11), 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). The information is required before works start on site because it is necessary to understand how the system will be maintained during construction works and before the hand over to a management company to prevent flooding downstream of the system.

Fire hydrants

34. The dwellings shall not be occupied until a scheme for the provision and location of fire hydrants to serve the development to a standard recommended by the Avon Fire Service has been submitted and approved in writing by the LPA. The dwellings shall not be occupied until the fire hydrants have thereafter been provided.

Reason: The Local Planning Authority wish to manage fire risk and protect residents in accordance with Policy CS3 of the North Somerset Core Strategy.

Electric Vehicle charging points

35. No development above Damp-proof course level shall be undertaken until a scheme for the provision of Electric Vehicle charging points to at least 40 plots has been submitted to and approved by the Local Planning Authority.

Reason: To future proof as many dwellings as possible by provision of this facility to use renewable/ low carbon energy in accordance with Policy DM2 of the Sites and Policies Plan Part 1.



**APPENDIX 1**

**REPORT TO PLANNING AND REGULATORY COMMITTEE ON**

**13 DECEMBER 2017**

<b>APPLICATION NO:</b> 17/P/1250/F	<b>CASE OFFICER:</b> Emma Schofield
<b>APPLICANT:</b> BDW Trading Ltd; Nailsea Town Council; Karen Dyer, Wendy Baker, Nicola Pletts, Bernard Gray	<b>Extended expiry date:</b>
<b>PARISH/WARD:</b> Nailsea/Nailsea West End <b>WARD COUNCILLOR(S):</b> Cllr J Tonkin	<b>TARGET DATE:</b> 17 August 2017
<b>SITE ADDRESS:</b> Land West of, Engine Lane, Nailsea, BS48 4RH	

LOCATION PLAN: The following plan shows the general location of the site only and is for illustrative purposes. The site boundaries and other details submitted with the application can be viewed on the council's website at [www.n-somerset.gov.uk](http://www.n-somerset.gov.uk). This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of the controller of Her Majesty's Stationery Office © Crown copyright and database rights 2016 Ordnance Survey 100023397. You are not permitted to copy, sub-license, distribute or sell any of this data to third parties in any form

(plan not included in appendix)

6. **Section 1 :17/P/1250/F Proposed development of 183 dwellings (Use Class C3 including affordable homes), open space (including children’s play spaces and replacement playing fields including drainage and associated infrastructure), landscaping, sustainable urban drainage, vehicular accesses, pedestrian and cycle accesses, related infrastructure and engineering works at Land West of, Engine Lane, Nailsea, BS48 4RH**

**REFERRED BY COUNCILLOR TONKIN**

**Summary of recommendation**

It is recommended that, subject to further negotiations to secure appropriate conditions in respect of National Grid and Sport England requirements, further details of vehicle tracking and the completion of a legal agreement, the application be **APPROVED** subject to conditions. The full recommendation is set out at the end of this report.

**The Site**

The application site is located to the southwest of Nailsea, to the west of Engine Lane. It measures approximately 8.4ha and comprises predominately open fields and part of the Nailsea and Backwell Rugby Club, which is located to the north of the site. There is a small copse of mature trees with a small pond in the centre of the site.

To the south of the site is a public bridleway and beyond this are open fields and a farm accessed from Netherton Wood Lane. There is a residential property (Gaulacre) located to the south east corner of the site. To the west of the site is a public footpath and open fields. There is another public footpath which runs through the north of the site. To the east of the site is Engine Lane and existing residential development within the settlement boundary of Nailsea. To the north east is the West End Industrial Estate.

**The Application**

Full permission is sought for the following:

- The erection of 183 dwellings, of which 55 (30%) would be affordable.
- Open space – including a LEAP and a LAP and replacement playing fields
- Sustainable urban drainage including two ponds
- Two new vehicular accesses off Engine Lane
- Pedestrian accesses parallel to two vehicular site accesses and also via the existing bridleway located along the southern boundary
- 404 allocated and 29 visitor off road parking spaces

The proposed market housing would comprise:

22 x 2 bed houses  
81 x 3 bed houses  
25 x 4 bed houses

The proposed affordable housing would comprise:

Social rented:  
 8 x 1 bed apartments  
 17 x 2 bed houses  
 12 x 3 bed houses  
 8 x 4 bed houses

Shared ownership:  
 4 x 1 bed apartments  
 3 x 2 bed houses  
 3 x 3 bed houses

Proposed density: average net density of 44 dwellings per hectare

Dwelling heights: predominantly 2 storey with some 2.5 - 3 storey dwellings in key locations (central to the site and around the open space).

**Relevant Planning History**

<b>Year</b>	<b>Reference</b>	<b>Proposal</b>	<b>Decision</b>
2017	17/P/1298/F	Application to vary conditions attached to planning permission 09/P/0880/F (which amended condition 14 (now re-numbered 13), and removed condition 1 of planning permission 07/P/2723/F) to allow extended hours of use of site facilities in the morning to 08:00 on Saturdays and Sundays (condition 16) and remove the need to give two written months' notice of events (condition 13).	Approved
2016	16/P/0143/F	Erection of a single storey extension to the side elevation to include the creation of a first floor roof terrace and the erection of a conservatory to be enclosed within a 1.1m high railing. Ground floor main entrance to be relocated to the right of the existing position. External works include modifications to existing terrace/balcony to connect into the new roof terrace.	Approved
2009	09/P/0880/F	Continued use of Nailsea and Backwell Rugby Club without compliance with conditions 1 and 14 attached to permission 07/P/2723/F to allow the facilities	Approved



to be used on a permanent basis between the hours of 0900-2300 Mon to Thur, 0900-0030 on Fridays and Saturdays and 0900-2300 on Sundays and to allow live or pre-recorded music at a reasonable level at the position on the boundary of the site closest to residential properties instead of being inaudible.

2007	07/P/2723/F	Variation to condition 40 of planning permission 1973/93 to 'no use of the site facilities shall take place outside the hours of 0900 – 2300 Monday to Thursday, 0900 – 0030 Fridays and Saturdays and 0900 – 2300 on Sundays	Approved
2007	07/P/0171/F	Installation of 4 no 18m columns each providing 2 no. floodlights	Approved
2004	04/P/2354/F	Erection of 8 no 16m telescopic floodlighting masts around second team rugby pitch.	Approved
1999	98/2772	Cricket ground with pavilion and indoor nets.	Approved

### **Policy Framework**

The site is affected by the following constraints:

- Outside the settlement boundary for Nailsea
- Coal authority development low risk area
- Public footpath LA13/6 runs along the western boundary
- Public footpath LA13/5 runs north of the application site
- Public bridleway LA4/40 runs along the southern boundary of the site
- Within 5km consultation zone for Bats Special Area of Conservation

### **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
CS7	Planning for waste
CS8	Minerals planning
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
CS16	Affordable housing
CS26	Supporting healthy living and the provision of health care facilities
CS27	Sport, recreation and community facilities
CS31	Clevedon, Nailsea and Portishead
CS34	Infrastructure delivery and Development Contributions

The 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
DM6	Archaeology
DM8	Nature Conservation
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
DM32	High quality design and place making
DM34	Housing type and mix
DM35	Nailsea housing type and mix
DM36	Residential densities
DM42	Accessible and adaptable housing and housing space standards
DM68	Protection of sporting, cultural and community facilities
DM69	Location of sporting, cultural and community facilities
DM70	Development infrastructure
DM71	Development contributions, Community Infrastructure Levy and viability

## Other material policy guidance

### Sites and Policies Plan Part 2: Site Allocations Plan (emerging plan)

The Site Allocations Plan was submitted to the Planning Inspectorate for examination on 24 February 2017. Hearings were held on 16–18 May 2017. Following the close of the hearings the Inspector wrote to the Council on 26 June 2017 requesting that the Council tests additional housing supply to provide flexibility and choice and to ensure that the Core Strategy housing requirement is delivered within the plan period. This assessment was undertaken and the additional supply identified for inclusion in the plan was approved by the Executive Committee at its meeting on 5 September 2017. This was submitted to the Inspector who instructed the Council to publish the Proposed Modifications to the plan. The proposed modifications consultation took place between 18 September and 30 October 2017. Plan adoption is expected early in 2018.

The site is proposed for allocation in the Site Allocations Plan for 183 dwellings.

## Joint Spatial Plan

The four authorities which comprise the West of England (including North Somerset) are preparing a Joint Spatial Plan to identify the amount of housing, employment, the spatial strategy and strategic infrastructure required 206-2036. This plan overlaps with the Core Strategy framework to 2026. The Publication version is being consulted on until 10 January 2018. The intention is that the Joint Spatial Plan is submitted to the Secretary of State for examination in March 2018. This plan proposes new strategic development locations including land at south west Nailsea (2,575 by 2036) and at Backwell (700).

This plan is at an early stage and can only be accorded limited weight. However, it does propose significant growth and new infrastructure in this part of Nailsea which needs to be taken into account when considering the current proposal.

### National Planning Policy Framework (NPPF) (March 2012)

The following is particularly relevant to this proposal:

<b>Section No</b>	<b>Section heading</b>
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2	Ensuring the vitality of town centres
4	Promoting sustainable transport
6	Delivering a wide choice of high quality homes
7	Requiring good design
8	Promoting healthy communities
10	Meeting the challenge of climate change, flooding and coastal change
11	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)

- Residential Design Guide (RDG2) Section 2: Appearance and character of house extensions and alterations (adopted April 2014)
- North Somerset Parking Standards SPD (adopted November 2013)
- North Somerset Landscape Character Assessment SPD (adopted December 2005)
- Biodiversity and Trees SPD (adopted December 2005)
- Creating sustainable buildings and places SPD (adopted March 2015)
- Travel Plans SPD (adopted November 2010)
- Affordable Housing SPD (adopted November 2013)
- Development contributions SPD (adopted January 2016)

### **Consultations**

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

**Third Parties:** 181 letters of objection have been received and the principal planning points made are as follows:

- There will be an unacceptable, severe impact on local roads and increase in traffic congestion
- Impact upon ecology and loss of habitat of local wildlife. There will be a detrimental impact on bats that cannot be successfully mitigated
- A significant loss of valued landscape and visual amenity. There are brown field sites that could be used
- Adverse impact upon the character of the area. Proposed design and high density not in keeping with the local area
- The proposal is too far from local amenities
- Lack of infrastructure. Local services are already stretched, and it will put further strain on an already overstretched health service e.g. doctors and dentists.
- The development will increase the town population without increasing the facilities or amenities
- Increase in flood risk
- There is a lack of local jobs, most people have to catch a train outside of Nailsea.
- The land could be used for other needed structures like a new school
- The development is outside the current settlement boundary of Nailsea
- There is a lack of local public transport
- The construction vehicles will cause significant damage and inconvenience to local residents
- A proposed development of this size is unreasonable in this vicinity
- Increase in air pollution
- If this development passes, the Council will be in contradiction of the Sites and Policies Plan: Part 1 – DM19 and DM68
- The light pollution will disrupt the environment
- There is a limited number of affordable housing being proposed
- Loss of agricultural land
- The site is not environmentally sustainable
- The proposed housing mix does not reflect nearby existing residential context nearby

- The application is in contravention of the objectives of sections 55, 56, 64,75,109 and 125 of the NPPF and of sections CS5, CS12, CS14 and CS33 of the North Somerset Core Strategy
- Loss of well used public open space used for recreation
- Bus service to station is not as good as claimed
- Pedestrian crossing should be installed on Engine Lane

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

- There will be more affordable housing for families
- Nailsea desperately needs to attract new younger people and families
- Developments like this one are very much in demand

**Nailsea Town Council:** “As the Town Council is the joint applicant the Committee will make no comment on the application.”

**Tickenham Parish Council:** “Tickenham Parish Council is deeply concerned that there appears to be no attempt in the Transport Assessments supporting the proposal... to identify any impact of the proposals on traffic movements on the Causeway in Nailsea and Tickenham. This narrow Class C lane is resting on some three meters of soggy peat...The Parish Council has not got up to date statistics of vehicle movements using the Causeway or likely impacts of journeys to work. The last traffic count in 2012 was over 2,500 vehicles in a 12 hour day (7am-7pm). However, observations indicate that there has been an increase of traffic across the Causeway to and from Clevedon and Junction 20 M5. On its own, the impact from this proposal, if approved, may not be statistically significant now but, in conjunction with other proposals in western Nailsea, there could be a foreseeable possibility of unacceptable use of the Causeway. At least, the application should have looked at and recorded the effect on the Causeway in their TA. The Council considers this should be rectified before a planning determination.”

#### **Other Comments Received:**

Environment Agency: No comments to make on original application.

Natural England:

The proposed design appears to broadly reflect the findings of the Ecological Impact Assessment (EclA), incorporating features and measures that seek to avoid or minimise impacts on horseshoe bats, such as those set out in paragraph 3.1.6. Would expect the design and mitigation measures, as described, to maintain a functioning commuting corridor through and around the application site for horseshoe bats; however it is accepted that the proposed development would reduce the value of the site as a foraging resource, resulting in a net loss to the SAC. To address the residual effects the applicant has proposed a financial contribution towards a strategic solution to benefit horseshoe bats.

In principle Natural England would support a strategic approach to horseshoe bat mitigation for this and other proposed development around Nailsea. Such an approach would need to be based on sound evidence, consistent with the North Somerset & Mendip Bat SAC guidance and supported by a clear delivery mechanism.

Mitigation measures must be able to be relied upon to avoid likely significant effects or adverse effects on site integrity over the full lifetime of the plan or project. Such measures should be considered to be effective, reliable, timely, guaranteed and of sufficient duration. As a result, the inclusion of such measures should be supported by evidence and confidence that they will be effective and that they can be legally enforced to ensure they are strictly implemented by the plan/project proposer.

In terms of Habitats Regulations Assessment, the Council's conclusion that Likely Significant Effect(s) on the North Somerset & Mendip Bats SAC can be screened out, alone or in-combination, is reasonable. The applicant has provided sufficient information regarding on-site mitigation requirements and the conditions in respect of these is acceptable. The details of off-site provision are not yet known and it is suggested the condition regarding *off-site replacement habitat* should include a requirement that future strategic mitigation proposals arising from the SW Nailsea capacity study accords with the principles set out in the Bat Guidance. Natural England supports a strategic approach to mitigating the effects of this and other proposed development around Nailsea and look forward to working with the Council to progress this.

The impact on the Tickenham, Nailsea & Kenn Moors Site of Special Scientific Interest (SSSI) has been considered. NE believe Parish Brook is connected to Tickenham, Nailsea & Kenn Moors SSSI. Parts of the SSSI are in unfavourable condition, due to water quality issues associated with surface water drainage from existing development in Nailsea. Further information is needed to ensure the water quality treatment being proposed for the development is appropriate and capable of avoiding further deterioration of the SSSI.

Given the sensitivity of Tickenham, Nailsea and Kenn Moors SSSI and the documented problems with water quality, Natural England would strongly encourage the Council to seek an expert opinion of the proposed design of SUDs. *[Officer comment: The design of the SUDs scheme can be dealt with by condition].*

#### Sport England:

No objection as the proposal is considered to broadly meet Sport England's policy E4. Recommend conditions be applied regarding: 1) a detailed assessment of ground conditions of the replacement playing field and detailed scheme to ensure acceptable quality replacement to be submitted and approved, 2) the playing fields and pitches to be constructed and laid out in accordance with the plans and the standards and methodologies set out in the guidance note "Natural Turf for Sport" and to be made available for use before works starts on the housing development and 3) a community use scheme to be submitted and approved. Failure to include and of these planning conditions would result in an objection.

#### National Grid:

Part of the application site is within the area of the development consent order (DCO) for the Hinkley Point C Connection, which authorises the National Grid to construct and operate the connection and to acquire land and interests in land compulsorily for that purpose. In particular, part of the Application Land is required to allow the removal of part of the existing 132kV 'W Route' overhead electric line and its subsequent undergrounding, comprising:

- Installation and construction of temporary site compound
- the construction and installation of a temporary diversion of the 132kV overhead electric line
- installation of underground 132kV electric cables and fibre optic cables; and the removal of the “W Route” 132kV overhead electric line.

National Grid does not, in principle, object to the planning application but consider it is imperative that the grant of permission does not compromise or delay National Grid’s ability to deliver the connection in accordance with its statutory and contractual duties.

National Grid and the applicants have been in, and will seek to continue, discussions regarding the proposals. However, until such time as a legally binding agreement is reached between the parties, National Grid objects to the grant of planning permission. However, in the absence of an agreement, should the LPA be minded to grant permission, National Grid recommends that such permission must be subject to an appropriate condition which will safeguard the timely delivery of the Hinkley Point C Connection.

#### Wessex Water

##### Foul Drainage

- Point of connection to the public foul network is by application and agreement with Wessex Water.
- The engineering layout sheets indicate a foul drainage strategy that has been devised in consultation with Wessex Water. The developer may requisition an off-site connecting sewer under Section 98 of the Water Industry Act and the route of the off-site rising main and pumped rates are to be agreed with Wessex Water at detailed design stage. Applicant should contact Wessex Water for advice

##### Surface Water Drainage

- The applicant proposes surface water discharged to local land drainage systems which will be subject to approval by the appropriate authority.
- Surface Water connections to the public foul sewer network will not be permitted
- Land drainage run-off shall not be permitted to discharge either directly or indirectly to the public sewerage system

#### Bristol Water:

There is a 200mm main and 450mm trunk main within the site boundary which could be affected by the proposed development. No objection to the application but request that the developer contact Bristol Water prior to development. *[Officer Comment: The developer is already in discussions with Bristol Water about a diversion]*

#### North Somerset Levels Internal Drainage Board:

Although the site lies outside of the boundary of the North Somerset Levels Internal Drainage Board, it does fall within the catchment area so that the surface water will ultimately discharge into the Board’s system. Objection for the following reasons:

- No details provided regarding how the greenfield run-off rate has been calculated and there are no calculations to support the proposals at all. The drainage path from the site passes into a particularly vulnerable area which already suffers from periodic water-logging and flooding of both highways and domestic and commercial properties. Notwithstanding any attenuation arrangements, the increased volumes

of surface water run-off from the development will inevitably exacerbate the existing problems in the catchment.

- The inspection of the offsite drainage route has revealed that some modest improvements to the ditch network would be required over most of the length as far as the Parish Brook which is the nearest IDB “viewed rhyne”. We also understand that the pipe under West End Lane is prone to blockage and may require attention. Accordingly the works suggested on the plan for the receiving ditch close to the discharge point are not considered to be adequate. Further works are required offsite for this to be a viable surface water drainage route. The Board would be prepared to undertake these works on behalf of the developer and maintain the watercourse in future, if a suitable commuted sum can be agreed.

#### Avon Fire and Rescue:

The additional residential development will require 9 additional fire hydrants and appropriately sized water mains to be installed for firefighting purposes. Recommend that this is secured by condition or S106.

#### Wales and West Utilities:

There is a high pressure gas pipeline close to the proposed development. No objections to these proposals, however Wales and West’s Apparatus may be at risk during construction works. Should application be approved recommend the developer should be advised to contact Wales and West Utilities early to discuss their requirements.

#### Crime Prevention Design Advisor:

Communal areas, such as playgrounds and seating areas should be designed to allow supervision from nearby dwellings with safe routes for users to come and go. Consider relocating the pump station which could be a potential hiding place. Consider enclosing play spaces so they can be secured at night. Hedges should be maintaining at 1 metre in height and raising tree crown to 2m to create good lines of sight for users. Footpaths should be straight as possible, well lit, devoid of potential hiding places and overlooked by surrounding buildings and activities and well maintained to enable natural surveillance along the path and its borders. Isolated footpaths should be at least 3 meters wide to allow people to pass without infringing personal space and to accommodate passing wheelchairs, cycles and mobility vehicles.

### **Principal Planning Issues**

The principal planning issues in this case are (1) the principle of development in this location, (2) sustainability, (3) impact upon the character and appearance of the area, (4) housing mix, (5) loss of playing fields, (6) highways and parking considerations, (7) ecology and biodiversity considerations, (8) flood risk and drainage, (9) rights of way, (10) arboricultural/tree considerations, (11) loss of agricultural land, (12) impact upon the living conditions of nearby residents, (13) impact upon Hinkley Point C connection, (14) archaeology, (15) planning contribution requirements and (16) Environmental Impact Assessment.

#### **Issue 1: The principle of development in this location**

Section 38 (6) of the Planning and Compulsory Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. This is consolidated in paragraphs 11 and 196 of the



National Planning Policy Framework (NPPF). The relevant parts of the development plan for the site comprises the saved policies of the North Somerset Replacement Local Plan 2007 and the adopted policies within the Core Strategy Jan 2017 and Sites and Policies Plan Development Management Policies July 2016.

The site lies outside but adjacent to the settlement boundary for Nailsea. Policy CS14 of the Core Strategy states that “the three towns of Clevedon, Nailsea and Portishead act as service centres for their surrounding areas and will be the focal points for locally significant scales of development, including provision for the majority of the district housing provision outside of Weston.” It goes on to state that 5,100 new additional dwellings should be delivered in Clevedon, Nailsea and Portishead and Policy CS31 clarifies that 1,100 should be delivered in Nailsea.

Policy CS31 also states “Clevedon, Nailsea and Portishead will maintain and enhance their roles in providing facilities, employment opportunities and services for their populations and local catchments. At these towns, new housing development within and adjoining settlement boundaries which is of an appropriate scale and of a high quality design that respects each town’s distinctive character and local environment, delivers necessary infrastructure improvements and enhances overall sustainability will be supported. Residential proposals must have regard to local housing needs.” Policy CS31 also requires that proposals must be capable of being integrated into the existing fabric of the settlement, not create significant adverse impacts in relation to services facilities and infrastructure including any cumulatively significant adverse impacts and that it must have safe and convenient walking routes to schools and other services and facilities within the town within a reasonable walking distance. Specifically, for Nailsea it requires that proposal have a broad range of housing types to cater for all housing requirements. These requirements are assessed in more detail in the report below.

Policy CS31 also requires that for residential proposals where they are outside of the settlement boundary and in excess of about 50 dwellings they must be brought forward as allocations through Local Plans or Neighbourhood Development plans.

In this case, the site is proposed for allocation in the emerging Site Allocations Plan for 183 dwellings, with the site-specific requirements being:

- Access off Engine Lane.
- Strong hedge boundaries to be retained where practicable. Where this is not possible, replacement hedgerows should be provided.
- Footpath on western side of Engine Lane.
- Full Transport Assessment required.
- Replacement or improved sport facilities required
- Proposals to provide a mix of housing in accordance with Policy DM35 of the Sites and Policies Plan Part 1: Development Management Policies.
- Consideration of fact that site is within 5km consultation zone for Bats SAC.
- Proposals will require a coal mining assessment.
- Higher level of surface water attenuation and run off required

The Site Allocations Plan is currently still at examination but is at an advanced stage. Hearings were held in May 2017 following which the Inspector asked the Council to test the provision of additional housing supply to provide flexibility and choice and to address the 5 year supply position. Additional capacity comprising 821 dwellings was agreed at

Executive on 5 September. The Council has consulted on the proposed modifications and adoption is anticipated early in 2018.

The NPPF at paragraph 216 states that the weight to be given to emerging plans is dependent upon the stage of preparation of the emerging plan, the extent to which there are unresolved objections to relevant policies and the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF. It is therefore considered that the emerging Site Allocations Plan carries significant weight in terms of this proposal.

#### Five-year land supply

The April 2017 Residential Land Survey concluded that the Council could demonstrate a housing supply of 5.15 years. This is being tested through the Site Allocations Plan examination process. Following the hearings held in May 2017 the Inspector wrote to the Council on 26 June 2017. She concluded that in order to secure the delivery of the Core Strategy housing requirement, the Council should test the provision of additional housing sites. The Council has undertaken this assessment and identified an additional 22 sites comprising 821 dwellings, all expected to be delivered within 5 years, to be included within the Site Allocations Plan. This boost to supply has been forwarded to the Inspector and consultation on the Proposed Modifications commenced on 18 September 2017. The Site Allocations Plan is therefore making positive progress to deliver the Council's housing requirement and boost its housing supply. The application site will therefore make an important contribution to this and the proposals is therefore considered to accord with the general principles of Policies CS14 and CS31 of the Core Strategy and the emerging Site Allocations Plan. The more specific requirements of these policies are considered in the report below.

#### **Issue 2: Sustainable development**

The NPPF states that there are three strands to sustainable development: economic, social and environmental.

The applicant argues that the proposal would provide a number of economic benefits such as construction jobs and an increase spending in the local area from the new residents which would help to support existing businesses in the locality. In terms of social benefits, they argue that the proposal is an important component in the delivery of the Vision for Nailsea to become a thriving and prosperous settlement and that the proposal would deliver much needed housing and affordable housing with a housing mix that meets the local needs. They also argue that the site is well located in terms of distances to services and facilities. Within 800m of the site there is a convenience store, a butcher, allotments, playing fields and employment opportunities. The nearest bus stop is 450m from the site (Hannah More Road). They also argue that the proposal would integrate well with the existing built form and pedestrian connectivity between the site and the existing settlement and would also provide extensive public open space and the provision of replacement new playing fields. Finally, in terms of environmental role, the applicant argues that the development would protect, maintain and enhance the biodiversity interest of the site and would contribute to strategic mitigation for the in-combination effects of a loss of foraging habitat to bats if other greenfield development in the vicinity of the site comes forward.

It is considered that the proposed layout would integrate well with the edge of Nailsea and would provide much needed housing and affordable housing in a relatively sustainable

location. Whilst they are not unique to this site the scheme will bring some benefits to the local economy. There are a number of services and facilities located in Nailsea town centre, which is approximately 2.2km from the site, and also a good number of key local facilities within a reasonable walking distance including bus stops and food stores. Whilst the primary school is some 900m from the site, this falls within the preferred maximum walking distances within the Institution of Highways IHT document 'providing for Journeys on Foot'. It is also considered that the proposal would provide a cohesive network of walking routes creating adequate permeability within the site and appropriate connections to the existing pedestrian network.

Overall, therefore the proposal is considered to be reasonably sustainable in terms of its location and design and would help to enhance the sustainability of Nailsea by providing much needed smaller units and affordable housing.

### **Issue 3: Impact upon character and appearance of the area**

The existing site comprises predominantly open land which has been used primarily for grazing, with a limited stretch which is used by part of the rugby club as training pitches. The site lies within the "K1: Nailsea Farmed Coal Measures" landscape character area including dry stone walls, sinuous pastoral fields and gentle topography. The Landscape and Visual Impact Assessment (LVIA) which accompanies the application has found from a landscape character perspective, the site is of low value. It notes that the site is not subject to any national or local landscape designations and finds that development will represent a negligible impact on the broad surrounding landscape type and will provide positive enhancement in terms of landscape elements, amenity and biodiversity.

The methodology and findings of the LVIA are accepted but it is considered that the mitigation needs improving, particularly the protection and enhancement of local hedges and additional tree planting. Amended plans have been submitted to secure this.

The Design and Access statement submitted with the application states that the proposed layout and design of the scheme has been the subject of much public consultation. The layout provides for a large area of open space in the centre of the site which maintains the existing area of trees. The proposed density of development is considered to be acceptable and lower densities are proposed along the Engine Lane frontage to reflect the existing character of development immediately to the East. The design and layout are considered to be in-keeping with the character of the existing development along Engine Lane and adjoining roads. The grain is considered to respond well to the neighbouring development and to offer an attractive, well set back and varied frontage along Engine Lane.

Amended plans have been received which have sought to respond to the Council's concerns about the parking areas and these are now broken up by planting. The amended plans have also sought to respond to the Crime Prevention Design Advisor's comments about fencing off the Public Open Space and maintenance accesses have been added. It is proposed that the play areas will be managed by a management company and therefore the issue of maintenance of and replacement equipment will be one for the management company.

Overall the proposed design and layout is considered to be in-keeping with the character of the surrounding area and the harm to the wider landscape is limited and must be

balanced against the need for new housing and affordable housing. The proposal is considered to comply with policies CS12 and CS31 of the Core Strategy and Policies DM32 and DM36 of the Sites and Policies Plan in design terms.

#### **Issue 4: Housing mix**

Policy DM35 in the Sites and Policies Plan Part 1 is a specific policy for Nailsea which seeks to redress the current imbalance in property type in Nailsea and seeks to encourage smaller units. It states proposals for new residential development within Nailsea and on allocated sites will be permitted provided that they contain a range of housing type which meet the needs of the local population and that they should contain some or all of the following:

- One bedroom properties
- 2-3 bedroom properties aimed at young families
- A range of 2-3 bedroom properties, including houses, apartments and bungalows aimed at people downsizing
- Age restricted properties

On housing development of 10+ dwellings no more than 20% of all dwellings should be 4 bedrooled or more. The proposal would comply with the policy as it proposes a range of housing types and a number of 1, 2 and 3 bedrooled properties. The number of 4 bedrooled properties is 18% of the total number of dwellings.

The proposal also includes 30% affordable housing (55 dwellings) with a tenure split of 82% social rent and 18% shared ownership in line with Core Strategy Policy CS16 and the Council's Affordable Housing SPD.

#### **Issue 5: Loss of playing fields**

The proposal involves building on existing training pitches at the Nailsea and Backwell Rugby Club. Replacement pitches are proposed to be provided on land to the east of the existing pitches. The new playing fields will include 5 new playing pitches of varying sizes to cater for a range of junior age groups.

Policy DM68 of the Sites and Policies Plan Part 1 states that land and buildings in existing use for a sporting facility are protected for that purpose unless the land is allocated for another purpose in another planning document. Development of such sites for other uses will only be permitted if certain criteria apply. In this case the proposal must meet the following criteria:

*Where acceptable alternative provision of at least equivalent community benefit is made available in the same vicinity and capable of serving the same catchment area. In such cases, all of the following criteria must be met:*

- a) the new site is at least as accessible to pedestrians, cyclists and motor vehicles; and*
- b) the replacement facility is at least equivalent in terms of size, usefulness, attractiveness and quality to the facility it replaces; and*
- c) in the case of a replacement for an existing facility, the replacement will be available for use before use of the existing facility is lost.*

This reflects the NPPF guidance at paragraph 74 and Sport England's Policy E4.

The applicant argues that the playing fields to be replaced are generally of poor quality and suffer from drainage problems, resulting in a lower usage. The proposed replacement pitches will be constructed to a higher standard than the existing pitches in line with Sport England's standards and will have main, lateral and secondary drainage. The applicant argues that in terms of playing time, the proposals are likely to result in significant additional playing time per session due to improved drainage and improved floodlighting. They also state that the freehold land of the new playing fields will be transferred to the Rugby Club and will be managed by the Rugby Club in the same manner as the existing pitches.

In terms of criterion a, the proposed replacement pitches are immediately adjacent to the existing site and therefore satisfy this criterion.

With regards criterion b, Sport England have been consulted on the proposals and raised concerns about a shortfall of 400sq m between the existing and proposed playing field land. They are however happy with an approach to make up this under provision off-site. A contribution of £4500 has therefore been agreed. It is also understood that the applicant intends to make a separate contribution of £400,000 outside of the planning process to the Rugby Club to increase their clubhouse provision. Conditions are recommended by Sport England to ensure that the replacement playing fields and pitches are of sufficient quality.

With regards criterion c, negotiations are continuing to minimise the disruption to the availability of pitches and this may necessitate an amendment to the condition number 10 below. The Committee will be updated.

### **Issue 6: Highways and parking considerations**

Policy DM24 of the Sites and Policies plan requires that new development should not prejudice highway safety and states that development giving rise to a significant number of travel movements will only be refused on transport grounds if it is likely to have a severe residual cumulative impact on traffic congestion or on the character and function of the surrounding area or is not accessible by non-car modes or cannot be readily integrated with public transport, cycle way and footpath links, and bridleways where appropriate. It also states that development which gives rise to a significant detrimental impact on travel patterns, or exacerbates existing transport problems, will only be permitted where acceptable counter measures or mitigation is possible.

The proposed development to be served by two access points onto Engine Lane. A stage 1 road safety audit of the proposed junctions has been provided which subject to a condition are considered acceptable. A condition is also recommended to increase the visibility splays which can be achieved within the site boundary.

A number of issues have been raised about the site layout and amended details to meet minimum adoptable road widths of 5.5m), details of refuse storage and collection, details of dropped crossings, and tactile paving and bollards at pedestrian entrances are expected. A condition is also recommended requiring a construction management plan.

The development is predicted to generate a total of 105 vehicle trips during the AM peak (08:00 – 09:00), 84 of which will be by private car. During the PM peak (17:00 – 18:00) the site will generate 113 trips 95 of which will be by private car. The same data can be used to determine the number of walking and cycling trips likely to be generated by the

development in the AM and PM peaks, as the TRICS data uses person trips in the assessment. It is likely that the development will generate in the region of 32 walking trips in the AM peak and 19 walking trips in the PM peak. In addition, the development is predicted to generate 3 cycling trips in the AM peak and 5 cycling trips in the PM peak.

The applicant has considered the impact of the development at the proposed two new site access junctions with Engine Lane using the industry recognised. The testing is robust and indicates that both proposed junctions will operate satisfactorily without a material detrimental impact on localised junction flow and capacity.

An assessment of increased traffic flow has been provided and it is concluded that the development will not have a severe impact on the operation of the majority of junctions assessed. Volumes of increase would be likely to be noticeable to residents but would be well within the capacity of these roads and could not be considered as material under the terms of NPPF.

There are however a number of key junctions and links where concern has been expressed and further assessment conducted;

Priority Junction crossroads of North Street, Hanham Way and Queens Road:

The application indicates that 46 additional vehicles will use this junction during the AM peak and 50 additional vehicles during the PM peak.

The Council is aware that this junction will experience capacity constraints as a direct result of the cumulative impact of the Nailsea SAP development sites. Furthermore, there is concern that 3 injury accidents have been recorded at this junction in the past 3 years, 2 of which involved cyclists which indicates that safety improvements may be required. It is also noted that there is a lack of pedestrian infrastructure at this junction. These concerns may be exacerbated by development proposal leading to increased vehicle movements at this junction. On this basis, a S106 contribution of £5,000 is required to investigate capacity and highway safety improvement at this junction.

Causeway Link:

Hanham Way leads to the Causeway, C Class highway which joins the B3130 Clevedon Road via Washing Pound Lane and Church Lane to the north. It is recognised that this link could provide an alternative route for vehicles travelling towards Bristol via the B3130 / B3128 Tickenham Hill junction or towards Clevedon via the B3130 avoiding Nailsea Town Centre. The TA indicates that the development will generate an additional 26 vehicle movements in the AM peak and 28 vehicle movements in the PM peak on the Causeway. As an indication from traffic volume data gathered by the North Somerset traffic data collection unit, existing two-way vehicle flows on the Causeway are some 377 vehicle movements in the AM peak. It is recognised that the Causeway is constrained in nature with pinch points however the increase in traffic volume as a result of the development is not considered significant and would not be deemed a severe impact as defined in paragraph 32 of the NPPF.

Netherton Wood Lane / Chelvey Road Link:

Local concern has been raised regarding the additional traffic the proposed development may generate on relatively narrow single track lanes to the south of the development site which provide an alternative route to the A370 at the Brockley signalised junction.

The applicant has indicated that the development will generate 6 additional vehicles movements on Netherton Wood Lane/Chelvey Road routing to the A370 Brockley during the AM peak and PM peak respectively. This assessment is accepted. As an indication, base traffic flows recorded in 2015 showed flows on Netherton Wood Road of 203 in the AM peak and 195 in the evening peak. Based on these relatively minor increases in peak traffic, the development will not have a severe impact on the operation of these lanes. Furthermore, it must be taken into account that there are a number of alternative route choices for drivers, but it is likely that the nature of the rural road network to the south of the development site will limit the number of drivers choosing these routes.

#### Signalised cross roads of West Town, Station Road, and Dark Lane

The A370 is a strategic route linking Weston-Super-Mare to Bristol, and its operation is a key concern. Concerns have been raised in respect of the cumulative impact of development at the Backwell crossroads junction given that this junction currently suffers from capacity constraints in the peak periods.

The impact of this development will increase vehicle volumes by 35 vehicles in the AM peak and 39 vehicles in the PM peak. Given the existing capacity constraints at this junction, there will be an increase in queueing but not so significant as to warrant refusal. In addition, there are few physical measures that can be implemented to alleviate capacity constraints at this junction and therefore requiring the developer to support sustainable measures that result in a modal shift away from the private car represent the best approach to mitigation of the impacts on the junction. Further investment to encourage use of the train is likely to be the most significant of these, though not the only one and thus contributions to support such a shift are sought.

The nearest rail station to the development site is Nailsea and Backwell Station located on Station Road approximately 0.9km to the north of the Backwell crossroads junction. The existing station car parks are currently well utilised and there is a requirement to provide additional car parking capacity at the station which would in turn alleviate additional demand at the Backwell Crossroads junction. As such a S106 contribution of £112,000 is required in respect of this scheme to provide additional car parking capacity at Nailsea and Backwell station.

#### Non-Motorised User Audit

The applicant has submitted a Non-Motorised User Audit which has considered 10 key walking and cycling routes to and from the development to key facilities in the area.

It is noted that concerns have been raised regarding the lack of a formal pedestrian crossing facility on Engine Lane to accommodate additional pedestrian crossing demand generated by the development proposal. However, the scale of development proposed and likely level of pedestrian crossing movements on Engine Lane would not meet the required criteria for the provision of a controlled pedestrian crossing.

#### Public Transport

The nearest bus stops within walking distance of the proposed development are located on St Mary's Grove, Hannah More Rd and Queen's Road. There are a number of services which operate from these stops including the X8 service to Bristol via Nailsea and Backwell Station, X9 service to Bristol via Long Ashton and 88A/C service linking with Portishead, Clevedon and Yatton. On this basis, it is considered that the site is relatively well served by public transport, particularly during the peaks. There is a requirement to

upgrade the existing infrastructure to provide improved waiting facilities and Real Time Information (RTI) systems. As such, a S106 contribution of £10,000 is required in respect of upgrading these existing bus stop facilities. In addition there is a requirement for the applicant to provide a contribution of £120 per dwelling (£21,960 total) towards travel information packs, public transport taster tickets and cycle vouchers for each residential unit.

The Framework Travel Plan provided lacks much of the required detail as set out in the SPD including SMART targets and a detailed action plan. Given that the planning application is in full with no matters reserved, it is considered appropriate that a full Travel Plan be submitted to the LPA for approval prior to commencement of development. As such a condition is recommended.

#### Parking and Cycle Parking

The submitted Parking Strategy indicates that 404 parking spaces are provided within the development which exceeds the SPD parking requirement. In addition to this, 29 unallocated visitor parking spaces are interspersed throughout the site. All parking spaces and garages meet the required dimensions as set out in the SPD. On this basis, the proposed parking arrangements are considered to comply with the Council's parking standards. Cycle parking provision is accommodated within the garages or storage areas of individual house plots and within the ground floor communal areas of 12 apartments. This meets the required cycle parking standard and is satisfactory.

Overall, subject to planning contributions and conditions, the proposal is considered to comply with Policy DM24 of the Sites and Policies Plan and CS11 of the Core Strategy as well as the Council's Parking Standards SPD and Travel Plans SPD.

#### **Issue 7: Ecology and biodiversity considerations**

The site does not lie within or immediately adjacent to any statutory designated sites of nature conservation value. It does however lie within 5km consultation zone for Bats Special Area of Conservation. The nearest Sites of Nature conservation Interest are to the south of Battens Farm at West End Meadows, Nailsea and to the west of the site at Nursebatch Farm Fields. Nailsea and Tickenham Moors SSSI site lies to the north of the site to the north of West End Lane.

An Ecological Impact Assessment report has been submitted with the application together with an Extended Phase 1 habitat survey. This recorded that the site provided suitable foraging and nesting habitat for a variety of bird species, evidence of badgers were recorded during the site survey, including several badger setts and the site provided suitable habitat for brown hare and hedgehog. No bat roosts were identified within the site but at least 10 bat species were recorded foraging and or commuting within the site. Common pipistrelle was the most abundant species recorded followed by Greater Horseshoe bat activity, which was considered to be high. The horseshoe bats recorded within the site were considered to be associated with the North Somerset and Mendip Bat SAC, the closest component of which is at Brockley Hall Stables SSSI, 2,7km to the south of the site.

The application has been the subject of extensive discussions with the Council's Ecologist and Natural England. As a result ecological design and avoidance measures have been incorporated into the development including an integral landscape strategy, drainage



strategy and lighting strategy. A range of measures have been included to minimize the impact upon bats associated with the Bat SAC, particularly the retention of dark commuting routes through and around the site during and after construction.

The Ecological Impact Assessment satisfactorily addresses protection measures for habitats and species during construction and operation. The construction mitigation can be secured via condition and operational management of new habitats will be managed through implementation of a Landscape Ecological Management Plan, including monitoring (covering post-5 years as a minimum); which can also be secured via a condition. In terms of the Horseshoe Bats, the key on-site mitigation requires bat corridors, bat 'hop-overs', native-species planting (hedgerows, wildflower meadow, marshy grassland) and maintenance of unlit (below 0.5 lux) on all bat habitat. These habitats are to be planted and managed to optimise horseshoe bat commuting and foraging.

The Ecological Impact Assessment concluded that there would be a residual loss of greater horseshoe bat foraging habitat which in isolation, given the abundant alternative foraging habitat available in the vicinity is not considered likely to have a significant effect upon the integrity of the North Somerset and Mendip Bats SAC. It is however considered that there could be a risk or probability of a likely significant effect on North Somerset and Mendip Bats SAC as a result of the development of the site, in combination with development of 'Land at North West Nailsea' and 'Land North of Youngwood Lane and East of Netherton Wood Lane, Nailsea' due to the scale and location of these development and the overall net loss of foraging habitats.

A shadow Habitats Regulation Assessment (HRA) has been incorporated within the ecological assessment. This has been adopted by the Council and agreed with Natural England. The HRA concluded that any Likely Significant Effects on the North Somerset & Mendip Bats SAC can be screened out, alone or in-combination. This is subject to a S106 contributions of £63,655.20 towards off site replacement habitat and a contribution of £5,164 towards a strategic technical study to identify areas of suitable land in appropriate localities in order to protect key bat habitat for roosting, commuting and foraging. This will be based on the emerging SPD North Somerset and Mendip Bat SAC Technical Guidance. This is also subject to conditions being applied regarding bat habitat mitigation and enhancement on site, lighting, ecological management, off-site replacement habitat and monitoring. These conditions are recommended below.

Therefore subject to conditions and the planning contributions set out above, it is considered that the proposal would comply with Policy CS4 of the North Somerset Core Strategy and DM8 of the Sites and Policies Plan Part 1 and regard has been paid to the requirements of the Conservation of Habitats and Species Regulations 2017 (as amended) and the Natural Environment and Rural Communities Act 2006.

### **Issue 8: Flooding and drainage considerations**

The site lies within Flood zone 1 and a flood risk assessment has been submitted. This concludes that in terms of flood risk the proposed development is acceptable. However, the Council's Flood Risk Management team and the North Somerset Levels Internal Drainage board raised objections to the proposed drainage and required further information. This information has now been submitted and it has been agreed that the developer will carry out off-site drainage works.

Conditions and or Section 106 obligations are sought to secure:

- A sustainable drainage scheme on site;
- Maintenance of the above for the lifetime of the development;
- Offsite works to ditches to allow the site to drain to a viewed rhyme
- Increasing the size of the culvert under West End Lane based on the catchment calculations completed by the developer and agreed with the IDB and LLFA.

Therefore, subject to conditions requiring surface water details and details of the Sustainable Drainage System and planning contributions to off-site drainage works, the proposal is considered to comply with Policies CS3 and DM1.

### **Issue 9: Impact upon Rights of Way**

There is a public bridleway which runs along the southern boundary of the site. The route is not adversely affected by the proposals. A separate public right of way which runs along western boundary of the site (LA13/6). An additional route will be provided along the edge of the site to link up with this path, but the proposed development would not affect its original alignment, which could also be used. A section of this would be affected by the planting of a new native hedge, which will need to be cut back periodically by the developers to ensure a minimum width of 2.5m is maintained.

The public right of way (LA13/5) which crosses the northern part of the site and links up with Engine Lane, will however be affected and is proposed to be rerouted through the development to link up with Engine Lane. The existing right of way crosses between existing pitches and therefore is not ideal. The new route would pass through the open space and proposed footways and would link up with the new access onto Engine Lane. The developer will need to apply to divert this section of path, but the Council's Access Officer has not raised an objection.

The proposals are therefore considered to comply with Policy DM25 of the Sites and Policies Plan Part 1.

### **Issue 10: Arboricultural/Tree considerations**

There are no Tree Preservation Orders on the site but there are a number of existing trees particularly within the central section of the site. A Tree Report and a Tree Protection Plan have been submitted with the proposals, together with detailed landscape proposals. The Tree Report identifies one category A tree, 16 category B trees as well as a number of category C and category U trees on the site. The majority of the trees within the centre of the site, including the category A tree are proposed to be retained but some of the trees to the south east of the site, along the southern and eastern boundary are to be removed. The applicant has also confirmed that the boundary trees proposed for removal are required to be removed by National Grid for the high voltage underground cables (see below for more details).

There would be a conflict between the proposed drainage infrastructure and the group of high quality trees to the north of the larger SUDs pond. Amended plans have been provided which have re-routed the drainage so that it does not conflict with these trees. A revised Tree Protection Plan has been submitted which follows the advice of the Council's

Tree Officer to remove the poplars and willows in the centre of the site to create an attractive and safe public open space. However, further details are required in respect of tree protection for T3 and T48 and as such a condition is recommended below.

Revised soft landscaping proposals have also been submitted which include additional tree planting along the eastern boundary on the development side of the easement as well as reducing the number of Himalayan birch trees proposed and replacing with more native species together with smaller more compact ornamental varieties. Conditions are recommended to ensure that tree protection and the soft landscaping proposals are carried out.

It is therefore considered that the proposal would comply with Policy CS9 of the Core Strategy which requires green infrastructure to be safeguarded, improved and enhanced and Policy DM9 of the Sites and Policies Plan which seeks to ensure the suitable retention and protection of existing trees and the provision of enhancement tree planting in design proposals.

### **Issue 11: Loss of agricultural land**

The proposed development would involve the loss of agricultural land. The most recent agricultural land survey identifies the site has a high probability of being best and most versatile agricultural land. The NPPF states that Local Planning Authorities should take into account the economic and other benefits of the best and most versatile agricultural land in planning policies and decisions. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poor quality land in preference to that of a higher quality.

In this case, there are limited opportunities within the Core Strategy framework to 2026 to build new homes in Nailsea given the Greenbelt constraints to the north and east. At allocation stage, this site was considered to be the least harmful from a landscape point of view. The loss of agricultural land must therefore be balanced against the significant need for more housing.

### **Issue 12: Impact upon residential amenity**

The proposed development would have no significant impact upon the amenity or privacy of any neighbouring properties. The nearest neighbouring properties are on the opposite side of Engine Lane to the east and Gaulacre Cottage which is to the south. Gaulacre Cottage and would be separated from the development by the existing bridleway and the proposed open space.

The proposal is therefore considered to comply with policy DM32 of the Sites and Policies Plan Part 1 and the Residential Design Guide SPD.

### **Issue 13: Impact upon Hinkley Point C connection**

Part of the application site is within the area of the Development Consent Order (DCO) for the Hinkley Point C Connection, which came into force on 9 February 2016 and authorises the National Grid to construct and operate the connection and to acquire land and interests in land compulsorily for that purpose. The DCO limit of deviation covers a corridor along the southern and eastern parts of the site. The applicants have been in discussions with

National Grid about the proposals and have sought to revise the layout to take account of the 16m permanent easement that will be required. However, the final alignment of the connection and the construction corridor required has not yet been determined by National Grid. National Grid does not object to the development so long as it would not prejudice the delivery of the connection. Negotiations are continuing regarding the wording of a suitable condition to address this.

#### Issue 14: Archaeology

Policy DM6 of the Sites and Policies plan requires that archaeological interests will be fully taken into account when determining planning applications. An archaeological desk-based report and a geophysical survey has been submitted with the application. A Geophysical survey was undertaken in 2007 and 2016/7 across the proposed development site. Trial trenching was undertaken in the northern half of the proposed development area in 2009 to evaluate a potential cropmark complex, but the evaluation trenches did not provide evidence of this. The southern area has not yet been subject to further evaluation. This should be undertaken as a condition as a programme of targeted trial trenching to examine anomalies from the results of the geophysical survey, and to record any archaeological features or deposits prior to commencement of any groundworks. This condition is recommended below.

Therefore, the proposals are considered to comply with Policy DM6 as well as CS5 of the Core Strategy.

#### Issue 15: Planning contribution requirements

In accordance with Policies CS16 and CS34 of the Core Strategy and Policies DM70 and DM71 of the Sites and Policies Plan, together with the Development Contributions SPD, subject to negotiation, the following is sought in a S106 agreement:

##### Affordable housing

- 30% affordable housing, at nil public subsidy, with a tenure split of 77% social rent and 23% shared ownership

##### Built sports and leisure

- On site provision of play areas, minimum of 600m<sup>2</sup>, with a minimum of 6 pieces of play equipment, with accompanying commuted sum of £30,038 plus indexation, in total to cover a 15 yr period is required from this development.
- Contribution towards Scotch Horn Leisure Centre, is £85,652 plus indexation.
- (A separate contribution made directly to the Rugby Club of £400,00 in lieu of full playing pitches contribution – not part of S106 but controlled by condition)
- A contribution of £4,500 towards replacement playing pitches in lieu of the 400sqm shortfall in the proposed replacement pitches.

##### Education

- Total contribution of £1,300,470 is required which is broken down as follows:

Early Years Provision	£ 290,375
Secondary School Provision	£ 0
Primary School Provision*	£ 919,275
SEND** Provision:	£ 80,920

Youth Provision	£ 9,900
TOTAL	£1,300,470

#### Drainage

- Off site drainage works to make changes to culvert under the road and carry out works required by the Internal Drainage Board
- Any further drainage measures or contributions identified to be required to mitigate any identified impacts of the development on the SSSI

#### Green Infrastructure

- Contribution of £41,721.11 to woodland planting and maintenance.
- A conservation site contribution of £63,655.20 for the retention and enhancement of off-site bat foraging habitat to the west of the site (area to be defined).
- Contribution of £5,164 towards a Technical Bat Habitat Study in the SW Nailsea area

#### Highways

- A sum of £21,960 for resident travel information packs
- A sum of £10,000 for public transport infrastructure improvements
- A sum of £5,000 for capacity and highway safety improvement at North Street / Hanham Way / Queens Road junction
- A sum of £112,000 for the provision of additional car parking capacity at Nailsea and Backwell station.

#### Libraries

- Contribution of £26,656 towards a new service hub at Scotch Horn Leisure Centre or refurbishment of existing library.

As the Council has now adopted a Community Infrastructure Levy (CIL) Charging Schedule that will take effect on 18 January 2018, if the planning permission is formally issued on or after the 18 January 2018, the development will become liable to pay the CIL. This would mean that some of the contributions above would be subsumed into the fixed CIL charges.

#### **Issue 16: Environmental Impact Assessment Regulations**

A request for a screening opinion for 195 dwellings on the site together with replacement playing fields was submitted by the applicants in December 2016. The Council issued a screening opinion in February 2017 which confirmed that whilst the development fell within Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended) – Column 1, Part 10 (b) ‘Urban Development Projects’ and needed to be screened as it exceeded the screening thresholds, the proposal did not constitute EIA development.

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

The proposed development will not have a material detrimental impact upon bio-diversity subject to the S106 contributions and conditions referred to above.

## **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**

Nailsea, along with Clevedon and Portishead, has been identified within the Core Strategy as a focal point for locally significant scales of development, including provision for the majority of district housing provision outside of Weston. Whilst the application site lies outside of the settlement boundary, the site has been allocated for 183 dwellings within the Council's emerging Site Allocations Plan, which is at an advanced stage. The proposed development is therefore considered to accord with the general principles of Policies CS14 and CS31 of the Core Strategy and the emerging Site Allocations Plan.

It is considered that the proposed layout would integrate well with the edge of Nailsea and would provide much needed housing and affordable housing in a relatively sustainable location. The proposed housing mix would also provide a number of smaller units in line with Policy DM35 of the Sites and Policies Plan Part 1.

The proposed design and layout have been the subject of much community consultation and is considered to be sympathetic to and in-keeping the character of the surrounding area, providing a good amount of open space and footpath links through the development. The harm to the wider landscape is limited and must be balanced against the need for new housing and affordable housing. The proposal is considered therefore considered to comply with policies CS12 and CS31 of the Core Strategy and Policies DM32 and DM36 of the Sites and Policies Plan. The loss of good quality agricultural land must also be balanced against the significant need for housing in Nailsea and the limited availability of alternative sites on the edge of the settlement which are not subject to other planning constraints. At allocation stage, this site was considered to be the least harmful from a landscape point of view.

The loss of playing fields will be addressed through providing replacement pitches to the east of the existing pitches together with a planning contribution. However, whilst negotiations are proceeding, there may be a period when the number of pitches is temporarily reduced because of the difficulties in coordinating the timetable of works between National Grid and the developer.

The proposal would provide sufficient areas of open space on site, together with a Locally Equipped Area for Play (LEAP) and a Local Area for Play (LAP), in line with Policy CS9 of the Core Strategy and the Development Contributions SPD.

The impact upon highway safety and capacity considerations have been satisfactorily addressed through amended details and planning contributions towards travel information packs, public transport infrastructure improvements, capacity and highway safety improvements at North Street/Hanham Way/Queens Road junction and the provision of additional car parking capacity at Nailsea and Backwell station. Therefore, subject to the contributions and conditions recommended below, the proposal is considered to comply with Policies DM24 of the Sites and Policies Plan and CS11 of the Core Strategy as well as the Council's Parking Standards SPD and Travel Plans SPD.

The impact upon ecology and the residual loss of bat foraging habitat has also been satisfactorily addressed in the Habitat Regulations Assessment and through planning contributions to a Technical Study and replacement foraging bat habitat. Therefore, subject to conditions and a S106 the proposal would comply with Policy CS4 of the North Somerset Core Strategy and DM8 of the Sites and Policies Plan Part 1.

The impact upon drainage can also successfully be mitigated through the imposition of conditions and planning contributions towards off site drainage works. The proposal would therefore comply with policies CS3 of the Core Strategy and Policy DM1 of the Sites and Policies Plan Part 1.

The impact upon the existing rights of way can also be successfully mitigated by providing an alternative route and therefore the proposal would comply with Policy DM25 of the Sites and Policies Plan Part 1.

The proposal would have no adverse impacts upon the living conditions of nearby residents in line with Policy DM32 of the Sites and Policies Plan Part 1 and the Residential Design Guide SPD, would comply with Policy DM6 which seeks to safeguard archaeological interests and would comply with DM9 which seeks to ensure the suitable retention and protection of existing trees.

Finally, it is considered that the concerns made by the National Grid about the potential impact upon the Hinkley Point C connection through the southern and eastern of the site can be satisfactorily addressed through a condition (set out below) the wording of which is to be agreed with the National Grid, the applicant and the Local Planning Authority.

**RECOMMENDATION:** Subject to 1) further negotiations to secure appropriate conditions in respect of National Grid and Sport England's comments, 2) suitable details of tracking for standard refuse collection vehicles and fire tenders being submitted and (3) the completion of a legal agreement securing (a) 30% on site affordable housing, (b) financial contributions towards education, public open space, playing pitches, built sports and leisure facilities and libraries, (c) agreed traffic management measures and public transport infrastructure improvements, (d) financial contribution to sustainable travel packs, (e) off site drainage works, (f) financial contribution towards a Technical Bat Habitat Study and towards retention and enhancement of off-site bat foraging habitat, g) payment for fire hydrants if proved to be necessary, 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, Vice-Chairman and local members:

General

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.

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.

Materials

3. No works shall be commenced until sample panels of the external materials to be used for dwellings, boundary walls, roads, pavement and parking areas and any other related infrastructure have been constructed either on or off site and details of the materials have been submitted to and approved in writing by the Local Planning Authority.

These shall include, all brick, stone, colour of render, roofing materials to be used for the dwellings, surface materials to be used in the construction of the roads, pavements and parking areas, and brick, stone or other material to be used in boundary treatments. Construction shall be only in accordance with the approved sample panel and approved materials in terms of colour of brick, mortar mix, jointing and means of laying unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the materials to be used are acceptable in accordance with Policy DM32 of the Sites and Policies Plan Part 1 and Policy CS12 of the North Somerset Core Strategy.

Renewable Energy

4. The dwellings hereby approved shall not be occupied until Measures to generate 15% (less if agreed with the Local Planning Authority) of the energy required by the use of the development (measured in carbon) through the use of micro renewable or low-carbon technologies and a programme for their implementation have been submitted to and agreed in writing by the Local Planning Authority. Once agreed the measures shall be installed on site and become fully operational in accordance with the agreed details and programme. 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 dwellings and in accordance with paragraph 17 and section 10 of the National Planning Policy Frameworks and policies CS1 and CS2 of the North Somerset Core Strategy and Policies DM2 and DM32 of the Sites and Policies Plan Part 1.

## Ground Contamination

5. Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until an investigation and risk assessment, in addition to any assessment provided with the planning application, has been completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings 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,
  - groundwater and surface waters,
  - ecological systems,
  - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's *'Model Procedures for the Management of Land Contamination, CLR 11'*.

Reason: To ensure that any contamination of the site is satisfactorily dealt with and in accordance with Policy CS3 of the North Somerset Core Strategy.

6. Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence 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 prepared, and has been subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, 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: To ensure that any contamination of the site is satisfactorily dealt with and in accordance with Policy CS3 of the North Somerset Core Strategy.

7. The approved remediation scheme detailed in condition 6 above 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: To ensure that any contamination of the site is satisfactorily dealt with and in accordance with Policy CS3 of the North Somerset Core Strategy.

Hinckley Point C connection

8. ***NB: Draft wording only. The final wording of this condition is subject to ongoing discussion with the applicant and National Grid as set out in the recommendation above***

*(No development shall take place within The National Grid (Hinckley Point C Connection Project) Order 2016 Order Limits as set out on approved drawing no B.0443\_12 Rev N until a revised layout plan(s) including house type and associated infrastructure within the said Order limits has been submitted to and approved by the Local Planning Authority in writing. The development within the Order Limits shall only be carried in accordance with the revised approved plan(s).*

*Reason: The area shown on drawing no B.0443\_12 Rev N is subject to the Development Consent order where the final alignment of an underground electricity cable and associated works has not been determined. The site layout and subsequent built development within this area cannot be finalised until this work is complete. )*

Replacement Playing Fields

9. No development shall take place unless and until:
- A detailed assessment of ground conditions of the land proposed for the new/retained/replacement playing field land as shown on drawing number B.0443\_12 Rev M shall be undertaken (including drainage and topography) to identify constraints which could affect playing field quality; and
  - Based on the results of this assessment to be carried out pursuant to (a) above of this condition, a detailed scheme to ensure that the playing fields

will be provided to an acceptable quality (including appropriate drainage where necessary) shall be submitted to and approved in writing by the Local Planning Authority after consultation with Sport England.

The works shall be carried out in accordance with the approved scheme within a timescale to be first approved in writing by the Local Planning Authority after consultation with Sport England.

Reason: To ensure that site surveys are undertaken for new or replacement playing fields and that any ground condition constraints can be and are mitigated to ensure provision of an adequate quality playing field and to accord with Development Plan Policy CS27 of the Core Strategy and DM68 of the Sites and Policies Plan (Part 1).

10. ***NB: Draft wording only. The final wording of this condition is subject to ongoing discussion with the applicant as set out in the recommendation above***

*(The playing fields and pitches shall be constructed and laid out in accordance with the approved details and with the standards and methodologies set out in the guidance note "Natural Turf for Sport" (Sport England, 2011), and shall be made available for use before work starts on the housing development hereby permitted.*

*Reason: To ensure the quality of pitches is satisfactory and they are available for use before development (or agreed timescale) and to accord with Development Plan Policy).*

11. No development shall commence until a community use scheme has been submitted to and approved in writing by the Local Planning Authority in consultation with Sport England. The scheme shall apply to the replacement pitches and shall include details of pricing policy, hours of use, access by users/non-members, management responsibilities, a mechanism for review and a programme for implementation. The approved scheme shall be implemented upon the start of use of the development and shall be complied with for the duration of the use of the development.

Reason: To secure well managed safe community access to the sports facility, to ensure sufficient benefit to the development of sport and to accord with Development Plan Policy DM68 of the Sites and Policies Plan and CS27 of the Core Strategy.

## Ecology

12. The development shall not take place except in strict accordance with the measures outlined in Section 4 of 'Ecological Impact Assessment, Land off Engine Lane, Nailsea, EAD Ecology April 2017'. If amendments to the methodology are required, details of the changes must be submitted in writing and agreed by the Local Planning Authority before relevant works proceed. The development shall then be implemented in accordance with the agreed changes.

Reason: To ensure compliance with the Conservation of Habitats and Species Regulations 2017, the Wildlife and Countryside Act 1981 (as amended), policy CS4 of the North Somerset Core Strategy and policy DM8 of the North Somerset Sites and Policies Plan (Part 1).

13. No external lighting shall be installed until details, including:
- (i) details of the type and location of the proposed lighting;
  - (ii) existing lux levels affecting the site;
  - (iii) the proposed lux levels; and
  - (iv) lighting contour plans,
- have been submitted to and approved in writing by the Local Planning Authority. Any external lighting shall be installed and operated in accordance with the approved details.

Reason: To reduce the potential for light pollution in accordance with Policy CS3 of the North Somerset Core Strategy and to protect bat habitat in accordance with the Conservation of Habitats and Species Regulations 2017, Wildlife and Countryside Act 1981 (as amended), policy CS4 of the North Somerset Core Strategy and policy DM8 of the North Somerset Sites and Policies Plan (Part 1).

14. A Construction Environment Management Plan shall be submitted to and approved by the Local Planning Authority before works commence. This shall include: details of site enabling works; method of works, including: siting and installation of services such as drainage; locations for storage; measures for control of dust and disposal of waste and prevention of pollution to surface and ground waters, in accordance with best practice/PPGs; precautionary working measures for avoidance of harm to protected and notable species and wild mammals; and to provide mitigation 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.

The CEMP will need to include pre-construction mitigation procedures for protected and notable species as detailed in Section 4 of the *Ecological Impact Assessment, Land off Engine Lane, Nailsea, EAD Ecology April 2017*:

- i) Reptiles, amphibians, hedgehog – habitat manipulation and pre-clearance search
- ii) Vegetation clearance outside of nesting season or pre-clearance check
- iii) Pre construction Badger survey and mitigation strategy / licence application as required
- iv) Pre felling survey of any trees identified with bat potential
- v) Protection of hedgerows and trees.

The CEMP will also detail the precise locations and specifications for species-specific enhancements for birds (bird boxes, swift boxes), bats (bat boxes and tubes) and hedgehogs (fence gaps), as also detailed in Section 4 of the *Ecological Impact Assessment, Land off Engine Lane, Nailsea, EAD Ecology April 2017*

Reason: To comply with the Wildlife and Countryside Act 1981 (as amended); and in accordance with North Somerset's Core Strategy policy CS4 and Site and Policies Plan Part 1, Development Management policy DM8.

15. Prior to the commencement of development, a 5 year Landscape Ecological Management Plan (LEMP) shall be submitted to, and approved in writing, by the Local Planning Authority. The plan shall include objectives, management prescriptions and post-construction monitoring protocols, as detailed in Section 4 of '*Ecological Impact Assessment, Land off Engine Lane, Nailsea, EAD Ecology April 2017*'.

The LEMP will include protocols to:

- i) maintain the function of retained habitat features for protected species and other wildlife (e.g. hedgerows, wildflower meadows, SuDS ponds);
- ii) maintain wildflower meadow botanical and invertebrate diversity;
- iii) maximise foraging resources and provide favourable habitats for protected species identified as using the site;
- iv) carry out regular maintenance checks of wildlife features (e.g. bird and bat boxes, fence gaps, site wildlife habitat interpretation boards);
- v) sign-off mitigation on completion by the ecological consultant and submitted to the LPA in writing.

The approved plan shall be fully implemented and include a mechanism for review to ensure implementation for the next 5-10 year period post construction.

Reason: To ensure the development contributes to the protection and enhancement of the site's ecology in accordance with policy CS4 of the North Somerset Core Strategy and policy DM8 of the North Somerset Sites and Policies Plan (Part 1).

16. A programme of monitoring of bat activity and post-construction light levels on the central bat corridor and western bat corridor shall be undertaken for a minimum of five years following the completion of construction. The monitoring protocol shall be included in the LEMP, along with a proposed mechanism to allow any necessary remedial action to be undertaken. To permit comparison of pre-construction and post-construction bat activity, static bat detectors shall be positioned in positions to be agreed by the Local Planning Authority and the monitoring programme shall include the month of May, when greater horseshoe bats were found to be most active within the site. The resulting survey data shall be submitted to the Local Planning Authority and Bristol Regional Environmental Research Centre (BRERC).

Reason: To provide feedback on mitigation measures in accordance with the emerging Supplementary Planning Document for the North Somerset and Mendip Bats Special Area of Conservation. Reporting on the effectiveness of mitigation measures applied will inform Policies ECH/11 and ECH/12.

Landscaping

17. No development shall take place until a landscaping maintenance strategy has been submitted to and approved in writing by the Local Planning Authority. This shall be implemented in accordance with the approved details.

Reason: To ensure satisfactory landscaping maintenance and in accordance with Policy CS5 of the North Somerset Core Strategy and Policy DM32 of the Sites and Policies Plan Part 1.

18. All works comprised in the approved details of landscaping should be carried out in accordance with the approved details 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 landscaping scheme is implemented and in accordance with Policy CS5 of the North Somerset Core Strategy and Policy DM32 of the Sites and Policies Plan Part 1.

19. Trees, hedges and plants shown in the landscaping scheme to be retained or planted which, during the development works or a period of ten years following full implementation of the landscaping scheme, are removed without prior written consent from the Local Planning Authority or die, become seriously diseased or are damaged, shall be replaced in the first available planting season with others of such species and size as the Authority may specify.

Reason: To ensure that as far as possible the landscaping scheme is fully effective and in accordance with Policy CS5 of the North Somerset Core Strategy and Policy DM32 of the Sites and Policies Plan Part 1.

20. Prior to the commencement of development amended tree protection details for T3 and T48 shall be submitted to and approved in writing by the Local Planning Authority. Tree protection shall be carried out in accordance with the approved details.

Reason: To ensure that trees and hedges are protected in accordance with Policy CS4 of the Core Strategy and Policy DM9 of the Sites and Policies Plan Part 1.

21. The development shall be carried out in accordance with the Arboricultural Impact Assessment and Method Statement carried out by ACD Environmental dated 27.9.17 and Tree protection shall be carried out in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority and shall remain in place during site works. The Local Planning Authority is to be advised at least 7 days prior to development commencing of the fact that the tree/hedge protection measures as required are in place and available for inspection.

Reason: To ensure that trees and hedges are protected in accordance with Policy CS4 of the Core Strategy and Policy DM9 of the Sites and Policies Plan Part 1.

22. No development shall commence until an amended Tree Protection Plan for T3 and T48 following the recommendations contained within BS 5837:2012 has been submitted to and approved in writing by the Local Planning Authority. The Tree Protection Plan must be superimposed on a layout plan, based on a topographical survey, and exhibit root protection areas which reflect the most likely current root distribution, and reflect the guidance in the method statement report. No development or other operations shall thereafter take place except in complete accordance with the approved details.

Reason: To ensure that trees to be retained are not adversely affected by the development, in the interests of the character and biodiversity value of the area, and in accordance with policies CS4, CS5 and CS9 of the North Somerset Core Strategy, policies DM8, DM9, DM10 and DM32 of the North Somerset Sites and Policies Plan (Part 1) and the North Somerset Biodiversity and Trees SPD. The details are required prior to commencement of development because the development/construction works have the potential to harm retained trees. Therefore these details need to be agreed before work commences.

For advice about discharging tree protection conditions, please refer to [www.n-somerset.gov.uk/treeprotectionconditions](http://www.n-somerset.gov.uk/treeprotectionconditions)

#### Archaeology

23. No development shall take place until an archaeological Written Scheme of Investigation (WSI) has been submitted to, and approved by, the local planning authority in writing. For land that is included within the WSI, no development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and
- The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works
  - The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI

Reason: To make provision for a programme of archaeological mitigation, so as to properly record and advance understanding of any heritage assets which will be lost, in accordance with paragraph 141 of the National Planning Policy Framework and Policy DM6: Archaeology of the North Somerset Sites and Policies Plan, CS5 of the Core Strategy and Policy ECH/6 – Archaeology of the North Somerset Replacement Local Plan.

Highways

24. Notwithstanding the submitted details, prior to the commencement of development full details of vehicle tracking at proposed junctions with Engine Lane shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of highway safety and to accord with Policy DM24 of the Sites and Policies Plan Part 1 2016.

25. Notwithstanding the submitted details, prior to the commencement of development details of the visibility splays and their future maintenance at both junctions onto Engine Lane shall be submitted to and approved in writing by the Local Planning Authority. Planting shall be located outside of the visibility splays. The development shall be carried out in accordance with the approved details.

Reason: In the interests of highway safety and to accord with Policy DM24 of the Sites and Policies Plan Part 1 2016.

26. Any road proposed for adoption shall meet the minimum required adoptable road width of 5.5m as specified in the Highways Development Design Guide.

Reason: In the interests of highway safety and to accord with Policy DM24 of the Sites and Policies Plan Part 1 2016 and the Highways Development Design Guide.

27. As detailed on Drawing No. B.0043-20B, refuse storage areas must be provided so that the distance householders are required to carry refuse does not exceed 30m. Refuse collection points must also be made available at a distance of no more than 15m away from where refuse vehicles can manoeuvre.

Reason: In the interests of highway safety and to accord with Policy DM24 of the Sites and Policies Plan Part 1 2016 and the Highways Development Design Guide.

28. Prior to the commencement of development, details of drop crossings and tactile paving arrangements shall be submitted to and approved in writing by the Local Planning Authority. Tactile crossing points are required on all junctions. The development shall be implemented in accordance with the approved details.

Reason: In the interests of highway safety and to accord with Policy DM24 of the Sites and Policies Plan Part 1 2016.

29. Prior to the commencement of development, a scheme to include bollards at the footpath entrances to the public open space to prevent use by vehicles



shall be submitted to and approved by the local planning authority. The development shall be implemented in accordance with the approved details.

Reason: In the interests of highway safety and to accord with Policy DM24 of the Sites and Policies Plan Part 1 2016.

30. The dwellings hereby approved shall not be occupied until the parking areas have been constructed and the parking spaces marked out in accordance with the approved plans and these parking spaces shall thereafter be permanently retained and shall not be used except for the parking of vehicles in connection with the development hereby approved.

Reason: To ensure that the development is served by suitable parking areas in order to preserve highway safety and in accordance with paragraph 49 of the National Planning Policy Framework, Policies CS10 and CS11 of the North Somerset Core Strategy and policies DM24 and DM28 of the Sites and Policies Plan Part 1.

31. The dwellings hereby approved shall not be occupied until cycle parking has been provided in accordance with the approved plans.

Reason: To ensure that the development is served by suitable cycle parking and in accordance with Policies CS10 and CS11 of the North Somerset Core Strategy and policies DM24 and DM28 of the Sites and Policies Plan Part 1.

32. No dwelling shall be occupied until the roads shown on the approved plans, including footpaths and turning spaces, where applicable, have been constructed in such a manner that each dwelling, is served by a properly consolidated and surfaced footpath and carriageway between the dwelling and the existing highway.

Reason: To ensure adequate access available for each occupier and in accordance with policy CS10 of the North Somerset Core Strategy and policy DM24 of the Sites and Policies Plan Part 1.

33. Prior to the commencement of development a full Travel Plan shall be submitted to and approved in writing by the Local Planning Authority.

The travel plan should include the following information:

- Accessibility; existing site specific barriers or issues for residents using sustainable travel
- Objectives and targets
- Strategy and Implementation; a management and implementation strategy including a named travel plan coordinator
- A package of measures; Measures that will encourage the shift from single occupancy car use, in favour of: walking, cycling, public transport and car sharing.
- Consultation, awareness raising and marketing
- Monitoring and review procedure should be set out, include the details of who will be responsible for carrying out the monitoring of the travel plan.

The development shall be carried out in accordance with the approved details. Furthermore, a travel survey should be undertaken within 6 months of full occupation of the development and the findings used to refine the targets set in the initial Travel plan.

Reason: In order to encourage sustainable travel modes and a reduction in car use and to accord with Policy DM26 of the Sites and Policies Plan Part 1.

34. Prior to the commencement of development, a Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: This is in the interests of highway safety and in accordance with policy DM24 of the Sites and Policies Plan (Part One).

#### Permitted development rights

35. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any Order amending or revoking and re-enacting that Order, no gates, fences, walls or other means of enclosure (other than those expressly authorised by this permission) shall be erected or constructed on any boundaries of the site, or elsewhere within the site.

Reason: In the interests of the character of the area and accordance with policies CS5 and CS12 of the North Somerset Core Strategy and Policy DM32 of the Sites and Policies Plan Part 1.

#### Rugby Club

36. Prior to the commencement of development, details of a scheme to improve existing facilities at the Nailsea and Backwell Rugby Club shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure that sufficient playing pitch infrastructure is provided as a result of the development and in accordance with Policies DM70 and DM71 of the Sites and Policies Plan Part 1 and the Developer Contributions SPD.

#### Drainage

37. No development shall commence until surface water drainage works and offsite drainage route have been implemented in accordance with details that have first been submitted to and approved in writing by the local planning authority. Before these details are submitted, an assessment shall be carried out of the potential for disposing of surface water by means of 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 of this assessment shall be provided to the local planning authority with the submitted 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 and control the surface water discharge rate and volume from the site to greenfield rates, the measures taken to prevent pollution of the receiving groundwater and/or surface waters; and
- b) taking into account long-term storage, draw down times for ponds, and urban creep
- c) All sustainable ponds and swales are to be lined to reduce the ingress of groundwater
- d) 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.
- e) existing springs are to be accommodated in a separate drainage system and with an outfall to the ditch network which connects to a 'viewed' rhyne.
- f) pollution control measures any outfall which connects to the 'viewed' rhyne network must meet with Natural England water quality target levels (see advisory note)

Reason: To reduce the risk of flooding, and in accordance with the National Planning Policy Framework (notably paragraphs 17, 103 and sections 10 and 11), 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). These drainage works should be completed prior to any other development commencing because it is necessary to understand whether the discharge rates and volumes are appropriate prior to any initial construction works which may prejudice the surface water drainage strategy

38

No development 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.

c) an agreed letter between the developer and the North Somerset Levels IDB that the offsite route to the viewed rhyne, will be maintained by the IDB and taken into view.

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 the National Planning Policy Framework (notably paragraphs 17, 103 and sections 10 and 11), 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). The information is required before works start on site because it is necessary to understand how the system will be maintained during construction works and before the hand over to a management company to prevent flooding downstream of the system.

For advice about discharging this condition please refer to [www.n-somerset.gov.uk/drainageconditions](http://www.n-somerset.gov.uk/drainageconditions)

### **Summary of advice notes to be included on the decision notice**

Advice notes are not conditions but are a means of making a statement to the applicant or drawing attention to the requirements of other legislation.

1. *Section 38 Adoption*  
This development includes highways and street lighting which may be offered for adoption as public highways. The developer's attention is drawn to the need for a Section 38 agreement under the Highway Act 1980 and that no works of construction of the affected roads should be carried out prior to the agreement being in place. Failure to have the agreement in place prior to the commencement of works may prejudice the adoption or result in additional expense in relation to the confirmation of the construction details of the works. A drawing showing the proposed adoptable areas will be required, the Council will not adopt Parking courtyards or parking spaces separate from the highway.
2. *Commuted Sum Payments*  
All non-standard materials (if approved) will be subject to commuted sums for extended maintenance based on a 60 year design life. Commuted sums will also be required for adoptable landscaping areas and trees.
3. *Section 278*  
The works within the highway in association with this development will require the developer to enter into a S278 Agreement (Highways Act 1980). The developer is

advised to make early contact with the highways officer (Mr W Hole 01934 426707) so that the processing of the order does not impede the implementation of planning consent. The developer will be required to agree to the specification of the works, meet the Council's costs in the drawing up of the order, provide a bond or cash equivalent and meet the Council's inspection charges.

4. *Traffic Management Act 2004*

Any works which affect the traffic capacity of the highway are subject to the Traffic Management Act 2004. This Act places an obligation upon local authorities to coordinate and manage the road network to ease congestion and delay. As the works in this approval are likely to require a part of the highway to be closed, approval for the closure will be subject to the provisions of the Act. The developer is urged to make early contact with the Council's Streets & Open Spaces Highway Maintenance Team (01275 888802) to 'book' any required road closure.

5. *Works in Highway*

Under section 184 (Highways Act 1980), any new works within the highway boundary must be to the Council's specification and prior to any works the developer must arrange with the Council's Streets & Open Spaces Highway Maintenance Team (01275 888802) for the approval of the works within the highway.

6. *Public Right of Way*

The grant of planning permission does not entitle developers to obstruct a public right of way. To do so would constitute an offence under the Highways Act 1980. Development, in so far as it affects a right of way should not be started, and the right of way should be kept open for public use, until the necessary order for the diversion or extinguishment of the right of way has come into effect. Nor should it be assumed that because planning permission has been granted an order will divert the public footpath well ahead of any development affecting the right of way. The applicant and or developer should contact the Council's Access Development Officer for further information (Tel: 01934 426647).

7. *Drainage*

Viewed rhyme means any watercourse maintained by North Somerset Levels Internal Drainage Board Natural England targets for water quality in the SSSI which is: 'Overall the system proposed should aim to achieve a quality of the surface water run-off with total phosphate levels below 0.1mg/l or as close to this as possible, and with other pollutants such as hydrocarbons below relevant EQSs, before entering the SSSI'.

APPENDIX 2

PLANNING AND REGULATORY COMMITTEE UPDATE SHEET  
13 December 2017

Section 1

**6. Section 1: 17/P/1250/F Proposed development of 183 dwellings etc at Land West of, Engine Lane, Nailsea, BS48 4RH**

**Additional information from the applicant**

S106 Contributions

Issue 15 refers to a contribution of £400,00 to Nailsea and Backwell Rugby Club. This should read as £400,000 and will be made as part of the s106 agreement. The applicant has also requested that the Travel Plan requirement form part of the s106 agreement rather than through planning condition.

*Officer comment: This is considered to be consistent with the Travel Plans SPD (3.3.1).*

The applicant has also commented on the Education contributions set out in Issue 15.

*Officer comment: As a point of clarification, the education contribution would be £382,025 provided this application is determined prior to any other application in the area as it will be able to take advantage of spare capacity in existing primary and SEND facilities. If however, there are no primary school places available at the time of determination, e.g. if other planning applications are determined before this one, this figure will rise to £1.301,300 to assist with provision of additional places.*

Drainage

The applicant has submitted calculations to support run-off rates and confirmation these are satisfactory is awaited from the IDB. The applicant has also confirmed that they are willing to fund or facilitate enhancements to the culvert under West End Lane by means of an increase in pipe width.

*Officer comment: The applicant is liaising with the IDB and the Council's Flood Risk Management team over the details including necessary details to satisfy long-term maintenance requirements to minimise flood risk.*

Conditions

The applicant has made a number of comments on the proposed conditions and has requested changes to a number of these. Officers have considered these and recommend that changes listed in this update sheet below be made. Other requests are not supported.

Officer comment:

*It is accepted that the matters concerning the National Grid and the replacement sports pitches may take some time to resolve and in this instance it is considered reasonable to accept a longer period for the development to be implemented than the normal three*

*years. Changes to conditions 2, 28 and 29 reflect government advice to allow flexibility to get sites under way as soon as possible without unduly onerous pre-commencement requirements. Changes to Conditions 9 and 27 are clarification of the requirements under those conditions. Conditions 20, 24 and 25 below are proposed to be deleted as they are now covered within the recommendation or are duplicated in other conditions. Condition 33 and 36 are now proposed to be included as part of the s106 Heads.*

*No other conditions are subject to changes at this time although conditions 8 and 10 are subject to ongoing discussion with the applicant as set out in the recommendation. These may therefore require amendment before the permission is issued.*

**AMENDMENT TO RECOMMENDATION** (*Amendments are shown in italics and strikethroughs*):

**RECOMMENDATION:** Subject to 1) further negotiations to secure appropriate conditions in respect of National Grid and Sport England's comments, 2) suitable details of tracking for standard refuse collection vehicles and fire tenders being submitted *and details of the visibility splays at both junctions onto Engine Lane and their future maintenance* and (3) the completion of a legal agreement securing (a) 30% on site affordable housing, (b) financial contributions towards education, public open space, playing pitches, built sports and leisure facilities and libraries *and £400,000 towards improvements at the Nailsea and Backwell Rugby Club* (c) agreed traffic management measures and public transport infrastructure improvements, (d) financial contribution to sustainable travel packs, (e) off site drainage works, (f) financial contribution towards a Technical Bat Habitat Study and towards retention and enhancement of off-site bat foraging habitat, g) payment for fire hydrants if proved to be necessary, h) *completion of a Travel Plan and future monitoring*, 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, Vice Chairman and *ward members*.

### **Amended conditions**

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

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

3. *With the exception of site clearance and groundworks to slab level* no works shall be commenced until sample panels of the external materials to be used for dwellings, boundary walls, roads, pavement and parking areas ~~and any other related infrastructure have been constructed either on or off site and details of the materials have been submitted to and approved in writing by the Local Planning Authority.~~

These shall ~~comprise include~~, all brick, stone, colour of render, Roofing materials to be used for the dwellings, surface materials to be used in the construction of the roads, pavements and parking areas, and brick, stone or other material to be used in boundary treatments. Construction shall be only in accordance with the approved sample

panel and approved materials in terms of colour of brick, mortar mix, jointing and means of laying unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the materials to be used are acceptable in accordance with Policy DM32 of the Sites and Policies Plan Part 1 and Policy CS12 of the North Somerset Core Strategy.

9. No development shall take place *on the existing playing fields identified on plan B.0443\_22* unless and until:
- a) A detailed assessment of ground conditions of the land proposed for the new/retained/replacement playing field land as shown on drawing number B.0443\_12 Rev NM ~~shall be~~ *has been* undertaken (including drainage and topography) to identify constraints which could affect playing field quality; and
  - b) Based on the results of this assessment to be carried out pursuant to (a) above of this condition, a detailed scheme to ensure that the playing fields will be provided to an acceptable quality (including appropriate drainage where necessary) shall be submitted to and approved in writing by the Local Planning Authority after consultation with Sport England.

The works shall be carried out in accordance with the approved scheme within a timescale to be first approved in writing by the Local Planning Authority after consultation with Sport England.

Reason: To ensure that site surveys are undertaken for new or replacement playing fields and that any ground condition constraints can be and are mitigated to ensure provision of an adequate quality playing field and to accord with Development Plan Policy CS27 of the Core Strategy and DM68 of the Sites and Policies Plan (Part 1).

20. *Condition deleted. Details duplicated in condition 22.*
24. *Condition deleted as details are required to be submitted before any approval. This is reflected in the recommendation.*
25. *Condition deleted as details now to be submitted before any approval. This is reflected in the recommendation.*
27. As detailed on Drawing No. B.00443-20 Rev C B, refuse storage areas must be provided so that the distance householders are required to carry refuse does not exceed 30m. Refuse collection points must also be made available at a distance of no more than 15m away from where refuse vehicles can manoeuvre.
- Reason: In the interests of highway safety and to accord with Policy DM24 of the Sites and Policies Plan Part 1 2016 and the Highways Development Design Guide.
28. Prior to the commencement of development *of drop crossings*, details of drop crossings and tactile paving arrangements shall be submitted to and approved in writing by the Local Planning Authority. Tactile crossing points are required



on all junctions. The development shall be implemented in accordance with the approved details.

Reason: In the interests of highway safety and to accord with Policy DM24 of the Sites and Policies Plan Part 1 2016.

29. Prior to the *occupation of any dwelling commencement of development*, a scheme to include bollards at the footpath entrances to the public open space to prevent use by vehicles shall be submitted to and approved by the local planning authority. The development shall be implemented in accordance with the approved details.

Reason: In the interests of highway safety and to accord with Policy DM24 of the Sites and Policies Plan Part 1 2016.

33. *Condition deleted. Travel plan to be dealt with in the S106 agreement.*

36. *Condition deleted. Payment of £400,000 to the Rugby Club to be dealt with in the S106 agreement.*

38. No development 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. c) ~~an agreed letter between the developer and the North Somerset Levels IDB that the offsite route to the viewed rhyme, will be maintained by the IDB and taken into view. Written confirmation that arrangements are in place for the future maintenance of the off-site route to the viewed rhyme.~~

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 the National Planning Policy Framework (notably paragraphs 17, 103 and sections 10 and 11), 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). The information is required before works start on site because it is necessary to understand how the system will be maintained during construction works and before the hand over to a management company to prevent flooding downstream of the system. For advice about discharging this condition please refer to [www.nsomerset.gov.uk/drainageconditions](http://www.nsomerset.gov.uk/drainageconditions)

APPENDIX 3

MINUTE OF MEETING 13 DECEMBER 2017

**PAR 92** Planning Application No. 17/P/1250/F Proposed Development of 183 dwellings (Use Class C3 including affordable housing), open space (including children's play spaces and replacement playing fields including drainage and associated infrastructure), landscaping, sustainable urban drainage, vehicular accesses, pedestrian and cycle accesses, related infrastructure and engineering works at land west of Engine Lane, Nailsea (Agenda item 6)

The Director of Development & Environment reported on an application for planning permission. The Director of Development and Environment's representative drew Members' attention to the update sheet and in particular to further information/comments submitted by the applicant and the officers' response to these, to further clarification regarding S106 contributions, and to changes to the conditions proposed should the Committee grant approval.

**Resolved:** that subject to (1) further negotiations to secure appropriate conditions in respect of National Grid and Sport England's comments, (2) suitable details of tracking for standard refuse collection vehicles and fire tenders being submitted and details of the visibility splays at both junctions onto Engine Lane and their future maintenance and (3) the completion of a legal agreement securing (a) 30% on site affordable housing, (b) financial contributions towards education, public open space, playing pitches, built sports and leisure facilities and libraries and £400,000 towards improvements at the Nailsea and Backwell Rugby Club (c) agreed traffic management measures and public transport infrastructure improvements, (d) financial contribution to sustainable travel packs, (e) off site drainage works, (f) financial contribution towards a Technical Bat Habitat Study and towards retention and enhancement of off-site bat foraging habitat, (g) payment for fire hydrants if proved to be necessary, (h) completion of a Travel Plan and future monitoring, the application be **approved** subject to the following conditions and any other additional or amended conditions as may be required in consultation with the Chairman, Vice Chairman and ward members:

1. The development hereby permitted shall be begun before the expiry of five years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the approved plans and documents (to be listed on the decision notice).
3. With the exception of site clearance and groundworks to slab level no works shall be commenced until sample panels of the external materials to be used for dwellings, boundary walls, roads, pavement and parking areas have been submitted to and approved in writing by the Local Planning Authority. These shall comprise, all brick, stone, colour of render, roofing materials to be used for the dwellings, surface materials to be used in the construction of the roads, pavements and parking areas, and brick, stone or other material to be used in boundary treatments. Construction shall be only in accordance with the approved sample panel and approved materials in terms of colour of brick, mortar

- mix, jointing and means of laying unless otherwise agreed in writing by the Local Planning Authority.
4. The dwellings hereby approved shall not be occupied until Measures to generate 15% of the energy required by the use of the development (measured in carbon) through the use of micro renewable or low-carbon technologies and set out in the Energy Statement April 2020 have been implemented in accordance with a programme to be submitted to and agreed 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.
  5. Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until an investigation and risk assessment, in addition to any assessment provided with the planning application, has been completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings 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, groundwater and surface waters, ecological systems, archaeological sites and ancient monuments; (iii) an appraisal of remedial options, and proposal of the preferred option(s).  
This must be conducted in accordance with DEFRA and the Environment Agency's *'Model Procedures for the Management of Land Contamination, CLR 11'*.
  6. Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence 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 prepared, and has been subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, 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.
  7. The approved remediation scheme detailed in condition 6 above 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.

8. **NB: Draft wording only. The final wording of this condition is subject to ongoing discussion with the applicant and National Grid as set out in the recommendation**

(No development shall take place within The National Grid (Hinkley Point C Connection Project) Order 2016 Order Limits as set out on approved drawing no B.0443\_12 Rev N until a revised layout plan(s) including house type and associated infrastructure within the said Order limits has been submitted to and approved by the Local Planning Authority in writing. The development within the Order Limits shall only be carried in accordance with the revised approved plan(s).

9. No development shall take place on the existing playing fields identified on plan B.0443\_22 unless and until: a) A detailed assessment of ground conditions of the land proposed for the new/retained/replacement playing field land as shown on drawing number B.0443\_12 Rev N has been undertaken (including drainage and topography) to identify constraints which could affect playing field quality; and b) Based on the results of this assessment to be carried out pursuant to (a) above of this condition, a detailed scheme to ensure that the playing fields will be provided to an acceptable quality (including appropriate drainage where necessary) shall be submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. The works shall be carried out in accordance with the approved scheme within a timescale to be first approved in writing by the Local Planning Authority after consultation with Sport England.

10. **NB: Draft wording only. The final wording of this condition is subject to ongoing discussion with the applicant as set out in the recommendation**

(The playing fields and pitches shall be constructed and laid out in accordance with the approved details and with the standards and methodologies set out in the guidance note "Natural Turf for Sport" (Sport England, 2011), and shall be made available for use before work starts on the housing development hereby permitted.

11. No development shall commence until a community use scheme has been submitted to and approved in writing by the Local Planning Authority in consultation with Sport England. The scheme shall apply to the replacement pitches and shall include details of pricing policy, hours of use, access by users/non-members, management responsibilities, a mechanism for review and a programme for implementation. The approved scheme shall be implemented upon the start of use of the development and shall be complied with for the duration of the use of the development.

12. The development shall not take place except in strict accordance with the measures outlined in Section 4 of 'Ecological Impact Assessment, Land off Engine Lane, Nailsea, EAD Ecology April 2017'. If amendments to the methodology are required, details of the changes must be submitted in writing and agreed by the Local Planning Authority before relevant works proceed. The development shall then be implemented in accordance with the agreed changes.

13. No external lighting shall be installed until details, including: (i) details of the type and location of the proposed lighting; (ii) existing lux levels affecting the site; (iii) the proposed lux levels; and (iv) lighting contour plans, have been submitted to and approved in writing by the Local Planning Authority. Any external lighting shall be installed and operated in accordance with the approved details.
14. A Construction Environment Management Plan shall be submitted to and approved by the Local Planning Authority before works commence. This shall include: details of site enabling works; method of works, including: siting and installation of services such as drainage; locations for storage; measures for control of dust and disposal of waste and prevention of pollution to surface and ground waters, in accordance with best practice/PPGs; precautionary working measures for avoidance of harm to protected and notable species and wild mammals; and to provide mitigation 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.

The CEMP will need to include pre-construction mitigation procedures for protected and notable species as detailed in Section 4 of the Ecological Impact Assessment, Land off Engine Lane, Nailsea, EAD Ecology April 2017': i) Reptiles, amphibians, hedgehog – habitat manipulation and pre clearance search ii) Vegetation clearance outside of nesting season or pre-clearance check iii) Pre construction Badger survey and mitigation strategy / licence application as required iv) Pre felling survey of any trees identified with bat potential v) Protection of hedgerows and trees.

The CEMP will also detail the precise locations and specifications for species-specific enhancements for birds (bird boxes, swift boxes), bats (bat boxes and tubes) and hedgehogs (fence gaps), as also detailed in Section 4 of the *Ecological Impact Assessment, Land off Engine Lane, Nailsea, EAD Ecology April 2017*
15. Prior to the commencement of development, a 5 year Landscape Ecological Management Plan (LEMP) shall be submitted to, and approved in writing, by the Local Planning Authority. The plan shall include objectives, management prescriptions and post-construction monitoring protocols, as detailed in Section 4 of 'Ecological Impact Assessment, Land off Engine Lane, Nailsea, EAD Ecology April 2017'.

The LEMP will include protocols to: i) maintain the function of retained habitat features for protected species and other wildlife (e.g. hedgerows, wildflower meadows, SuDS ponds); ii) maintain wildflower meadow botanical and invertebrate diversity; iii) maximise foraging resources and provide favourable habitats for protected species identified as using the site; iv) carry out regular maintenance checks of wildlife features (e.g. bird and bat boxes, fence gaps, site wildlife habitat interpretation boards); v) sign-off mitigation on completion by the ecological consultant and submitted to the LPA in writing.

The approved plan shall be fully implemented and include a mechanism for review to ensure implementation for the next 5-10 year period post construction.
16. A programme of monitoring of bat activity and post-construction light levels on the central bat corridor and western bat corridor shall be

undertaken for a minimum of five years following the completion of construction. The monitoring protocol shall be included in the LEMP, along with a proposed mechanism to allow any necessary remedial action to be undertaken. To permit comparison of pre-construction and post-construction bat activity, static bat detectors shall be positioned in positions to be agreed by the Local Planning Authority and the monitoring programme shall include the month of May, when greater horseshoe bats were found to be most active within the site. The resulting survey data shall be submitted to the Local Planning Authority and Bristol Regional Environmental Research Centre (BRERC).

17. No development shall take place until a landscaping maintenance strategy has been submitted to and approved in writing by the Local Planning Authority. This shall be implemented in accordance with the approved details.
18. All works comprised in the approved details of landscaping should be carried out in accordance with the approved details during the months of October to March inclusive following occupation of the dwellings or completion of the development, whichever is the sooner.
19. Trees, hedges and plants shown in the landscaping scheme to be retained or planted which, during the development works or a period of ten years following full implementation of the landscaping scheme, are removed without prior written consent from the Local Planning Authority or die, become seriously diseased or are damaged, shall be replaced in the first available planting season with others of such species and size as the Authority may specify.
20. The development shall be carried out in accordance with the Arboricultural Impact Assessment and Method Statement carried out by ACD Environmental dated 27.9.17 and Tree protection shall be carried out in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority and shall remain in place during site works. The Local Planning Authority is to be advised at least 7 days prior to development commencing of the fact that the tree/hedge protection measures as required are in place and available for inspection.
21. No development shall commence until an amended Tree Protection Plan for T3 and T48 following the recommendations contained within BS 5837:2012 has been submitted to and approved in writing by the Local Planning Authority. The Tree Protection Plan must be superimposed on a layout plan, based on a topographical survey, and exhibit root protection areas which reflect the most likely current root distribution, and reflect the guidance in the method statement report. No development or other operations shall thereafter take place except in complete accordance with the approved details.
22. No development shall take place until an archaeological Written Scheme of Investigation (WSI) has been submitted to, and approved by, the local planning authority in writing. For land that is included within the WSI, no development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and
  - The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works

- The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI
23. Any road proposed for adoption shall meet the minimum required adoptable road width of 5.5m as specified in the Highways Development Design Guide.
  24. As detailed on Drawing No. B.00443-20 Rev C, refuse storage areas must be provided so that the distance householders are required to carry refuse does not exceed 30m. Refuse collection points must also be made available at a distance of no more than 15m away from where refuse vehicles can manoeuvre.
  25. Prior to the commencement of development of drop crossings, details of drop crossings and tactile paving arrangements shall be submitted to and approved in writing by the Local Planning Authority. Tactile crossing points are required on all junctions. The development shall be implemented in accordance with the approved details.
  26. Prior to the occupation of any dwelling, a scheme to include bollards at the footpath entrances to the public open space to prevent use by vehicles shall be submitted to and approved by the local planning authority. The development shall be implemented in accordance with the approved details.
  27. The dwellings hereby approved shall not be occupied until the parking areas have been constructed and the parking spaces marked out in accordance with the approved plans and these parking spaces shall thereafter be permanently retained and shall not be used except for the parking of vehicles in connection with the development hereby approved.
  28. The dwellings hereby approved shall not be occupied until cycle parking has been provided in accordance with the approved plans.
  29. No dwelling shall be occupied until the roads shown on the approved plans, including footpaths and turning spaces, where applicable, have been constructed in such a manner that each dwelling, is served by a properly consolidated and surfaced footpath and carriageway between the dwelling and the existing highway.
  30. Prior to the commencement of development, a Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
  31. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any Order amending or revoking and re-enacting that Order, no gates, fences, walls or other means of enclosure (other than those expressly authorised by this permission) shall be erected or constructed on any boundaries of the site, or elsewhere within the site.
  32. No development shall commence until surface water drainage works and offsite drainage route have been implemented in accordance with details that have first been submitted to and approved in writing by the local planning authority. Before these details are submitted, an assessment shall be carried out of the potential for disposing of surface water by means of 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 of this assessment shall be provided to the local planning authority with the submitted 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 and control the surface water discharge rate and volume from the site to greenfield rates, the measures taken to prevent pollution of the receiving groundwater and/or surface waters, b) taking into account long-term storage, draw down times for ponds and urban creep c) All sustainable ponds and swales are to be lined to reduce the ingress of groundwater d) 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. e) existing springs are to be accommodated in a separate drainage system and with an outfall to the ditch network which connects to a 'viewed' rhyne. f) pollution control measures any outfall which connects to the 'viewed' rhyne network must meet with Natural England water quality target levels (see advisory note)

33. No development 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; 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; and c) written confirmation that arrangements are in place for the future maintenance of the off-site route to the viewed rhyne.

**Summary of advice notes to be included on the decision notice**

1 *Section 38 Adoption*

This development includes highways and street lighting which may be offered for adoption as public highways. The developer's attention is drawn to the need for a Section 38 agreement under the Highway Act 1980 and that no works of construction of the affected roads should be carried out prior to the agreement being in place. Failure to have the agreement in place prior to the commencement of works may prejudice the adoption or result in additional expense in relation to the confirmation of the construction details of the works. A drawing showing the proposed adoptable areas will be required, the Council will not adopt Parking courtyards or parking spaces separate from the highway.

2 *Commutated Sum Payments*

All non-standard materials (if approved) will be subject to commuted sums



for extended maintenance based on a 60 year design life. Commuted sums will also be required for adoptable landscaping areas and trees.

3 *Section 278*

The works within the highway in association with this development will require the developer to enter into a S278 Agreement (Highways Act 1980). The developer is advised to make early contact with the highways officer (Mr W Hole 01934 426707) so that the processing of the order does not impede the implementation of planning consent. The developer will be required to agree to the specification of the works, meet the Council's costs in the drawing up of the order, provide a bond or cash equivalent and meet the Council's inspection charges.

4 *Traffic Management Act 2004*

Any works which affect the traffic capacity of the highway are subject to the Traffic Management Act 2004. This Act places an obligation upon local authorities to coordinate and manage the road network to ease congestion and delay. As the works in this approval are likely to require a part of the highway to be closed, approval for the closure will be subject to the provisions of the Act. The developer is urged to make early contact with the Council's Streets & Open Spaces Highway Maintenance Team (01275 888802) to 'book' any required road closure.

5 *Works in Highway*

Under section 184 (Highways Act 1980), any new works within the highway boundary must be to the Council's specification and prior to any works the developer must arrange with the Council's Streets & Open Spaces Highway Maintenance Team (01275 888802) for the approval of the works within the highway.

6 *Public Rights of Way*

The grant of planning permission does not entitle developers to obstruct a public right of way. To do so would constitute an offence under the Highways Act 1980. Development, in so far as it affects a right of way should not be started, and the right of way should be kept open for public use, until the necessary order for the diversion or extinguishment of the right of way has come into effect. Nor should it be assumed that because planning permission has been granted an order will divert the public footpath well ahead of any development affecting the right of way. The applicant and or developer should contact the Council's Access Development Officer for further information (Tel: 01934 426647).

7 *Drainage*

Viewed rhine means any watercourse maintained by North Somerset Levels Internal Drainage Board

Natural England targets for water quality in the SSSI which is: 'Overall the system proposed should aim to achieve a quality of the surface water run-off with total phosphate levels below 0.1mg/l or as close to this as possible, and with other pollutants such as hydrocarbons below relevant EQSs, before entering the SSSI'.