

**Section 1**

# **North Somerset Council**

**ITEM 6**

**REPORT TO THE PLANNING AND REGULATORY COMMITTEE**

**DATE OF MEETING: 15 July 2020**

**SUBJECT OF REPORT: Planning application 18/P/4735/OUT Outline planning application for the erection of up to 54no. dwellings (including 16 no. affordable housing units (30%)), along with the provision of informal public open space and associated works. Access from Wolvershill Road for approval with appearance, landscaping, layout and scale reserved for subsequent approval**

**TOWN OR PARISH: Banwell**

**OFFICER/MEMBER PRESENTING: HEAD OF PLANNING**

**KEY DECISION: NO**

## **RECOMMENDATIONS**

Subject to the completion of:

- 1) a satisfactory Habitats Regulations Assessment and the inclusion of any additional planning conditions arising as a result;
- 2) a legal agreement securing contributions for: (a) the delivery of 30% on site affordable housing; (b) provision of an easement for future provision of a 3.0m cycle/footway alongside Wolvershill Road (c) home to school transport to secondary school; (d) Sustainable Travel Packs (e) appointment of Management Company for Public Open Space, drainage installations and ecological management, and (f) the maintenance of fire hydrants on site; and
- 3) any revisions to the above or other requirements as may arise,

the application be **APPROVED** subject to the following conditions together with any amended or additional conditions which may be required including those arising from the Habitats Regulation Assessment with the agreement of the Chairman, Vice-Chairman and ward members:

### **1. SUMMARY OF REPORT**

The application was deferred by the Committee at its meeting on 20 May to enable a committee site inspection to take place. Following a virtual site inspection, the application was considered again by the Committee on 17 June when it was

resolved that the application should be refused. As the Committee resolution was contrary to the officer's recommendation, the application was held over in accordance with the provisions of the Scheme of Delegation to enable the issues raised to be considered before the Committee confirms the decision.

## **2. POLICY**

As set out in the report to the Planning and Regulatory Committee report of 17 June attached as Appendix 1.

## **3. DETAILS**

The application is outline with only access to be approved at this stage. All other matters are reserved for subsequent approval. The application is for up to 54 dwellings (originally, up to 63), including 16 affordable dwellings, provision of informal public open space and associated works.

The application was considered by the Committee at its June meeting where it was resolved that it be refused for the following reason:

1. The proposed development by reason of its scale, form and location would have a detrimental impact on the rural character of this edge of the village and would not make any positive contribution to local distinctiveness. When considered individually and cumulatively alongside other nearby proposals it is inconsistent with the sustainable development strategy set out in the Core Strategy and is therefore contrary to Policies CS14 and CS32 of the Core Strategy and Policy DM10 of the Sites and Policies Plan Part 1: Development Management Policies.

The starting point for deciding the application is the development plan (DP). The proposal conflicts with Policy CS32 as it requires that sites outside the settlement boundaries of Service Villages in excess of 25 dwellings must be brought forward as through the development plan process. Each element of the DP has been through public examination, been found sound and adopted, are NPPF compliant and have full development plan status. The weight to be given to the development plan is affected by whether it is up to date. NPPF paragraph 11(d) indicates that where a local planning authority cannot demonstrate a five-year supply of deliverable housing sites the policies which are most important for determining and application should not be considered to be up to date. Therefore, whilst Policy CS32 is fully adopted and carries substantial weight, it does not carry full weight in determining this application.

Where the policies which are most important for determining the application are out of date, planning permission should be granted unless (i) the application of policies in the NPPF that protect areas or assets of particular importance provide 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. This is often referred to as the "tilted balance."

The Council has not been able to meet the annual required number of dwellings and pending the April review it is unlikely that the 4.4 years supply will have improved significantly, if at all. Paragraph 11d of the NPPF is engaged and the 'tilted balance' is applicable. The issue, therefore, is whether adverse impacts of granting

permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

The response to the need to build more homes, both market and affordable, is a clear benefit of the application and of significant weight. Economic benefits will be generic or transitory and are given low to moderate weight.

Traffic congestion in the centre of Banwell will in due course be mitigated by the provision of the by-pass which has now received funding and the development itself will not add other than marginally to the congestion and the right-turning manoeuvres at the junction of West Street and Wolvershill Road. In addition, some mitigation is proposed that will encourage residents to walk or cycle to the facilities in the village rather than using the car. Transport reasons do not form part of the decision made by committee in June. There are some landscape and ecological impacts, but these can be mitigated. There are no adverse impacts on drainage and flood risk that cannot be mitigated, and the living conditions of neighbours can be adequately protected at reserved matters stage and through conditions.

On balance, it is considered that in this case the conflict with the spatial strategy and CS32 would be outweighed by the benefit of providing additional housing in a relatively sustainable location. Conflict with CS32 can largely be addressed at the reserved matters stage and by the application of suitable planning conditions. It is therefore appropriate to reduce the weight attached to policy CS32 to help make good the shortfall in housing which is significant and persistent. The reduced weight given to policy CS32 interacts with the absence of significant and demonstrable adverse impacts which outweigh the benefits of the scheme to point, on balance, towards granting planning permission.

At the time of this report being prepared the applicant was considering whether to change the size of the development and/or amend the plans to set parameters for a reserved matters application that would address the committee's concerns about the impact on the rural character of this edge of the village and the perceived lack of contribution to local distinctiveness. Details concerning the individual impact on the character of the village arising from this development are set out in the report in Appendix 1. Further information concerning the other developments including their scale, location and character, that have been approved or have been developed within Banwell to assess the cumulative impacts on character and on local services including their scale, location, and character is also provided.

Whilst there have been similar sites on the edge of service villages (including Banwell) which the council has successfully defended on appeal, those sites are different to this case in that they had demonstrable adverse impacts which clearly outweighed the benefits of the additional housing.

Thus, it is considered that the application should be approved contrary to policy CS32 as the impacts of the development do not significantly and demonstrably outweigh the benefits to the housing supply of permitting the development.

### **Further Consideration**

#### **4. CONSULTATION**

Details of consultation responses are in the Committee report in Appendix 1.

**5. FINANCIAL IMPLICATIONS**

The National Planning Guidance makes it clear that LPAs are at risk of an award of costs against them on appeal if they are deemed to have acted unreasonably. Examples of unreasonable behaviour which can expose the Council to an award of costs against it include: • “Failure to produce evidence to substantiate each reason for refusal on appeal”; • “Vague, generalised or inaccurate assertions about a proposal’s impact, which are unsupported by any objective analysis”. 17/P/5592/FUL Page 5 of 32

**6. EQUALITY IMPLICATIONS** As set out in the previous Committee report in Appendix 1.

**7. CORPORATE IMPLICATIONS** As set out in the previous Committee report in Appendix 1 .

**8. OPTIONS CONSIDERED** Planning applications can either be approved or refused.

**AUTHOR** Richard Kent. Head of Planning

**BACKGROUND PAPERS**

Planning and Regulatory Committee reports 20<sup>th</sup> May and 17<sup>th</sup> June, update sheets and draft minutes.

## Appendix 1

### Report to Planning and Regulatory Committee 17 June 2020 and Update Sheet

#### SECTION 1 – ITEM 6

<b>Application No:</b>	18/P/4735/OUT	<b>Target date:</b>	11.02.2019
<b>Case officer:</b>	Roger Willmot	<b>Extended date:</b>	TBC
<b>Parish/Ward:</b>	Banwell  Banwell And Winscombe	<b>Ward Councillors:</b>	Councillor Karin Haverson  Councillor Ann Harley
<b>Applicant:</b>	Strongvox Homes Ltd		
<b>Proposal:</b>	Outline planning application for the erection of up to 54no. dwellings (including 16 no. affordable housing units (30%)), along with the provision of informal public open space and associated works. Access from Wolvershill Road for approval with appearance, landscaping, layout and scale reserved for subsequent approval.		
<b>Site address:</b>	Land west of Wolvershill Road, north of Wolvershill Park and Knightcott Park, Banwell		

#### **REFERRED BY COUNCILLOR HARLEY**

#### **Summary of recommendation**

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

### **Committee Site Inspection**

The application was deferred by the Committee at its meeting on 20 May to enable a committee site inspection to take place.

### **The Site**

The site comprises of 3.22 hectares of agricultural land to the west of Wolvershill Road, a class C highway subject to a 30mph limit. Wolvershill Road links Banwell, Worle and junction 21 of the M5. It abuts Wolvershill Park and Knightcott Park, two residential roads to the south and with a mix of detached and semi-detached dwellings opposite on the eastern side of Wolvershill Road. To the south east is a development of 44 house currently under construction.

### **The Application**

- The application is outline with only access to be approved at this stage. All other matters are reserved for subsequent approval. The application is for up to 54 dwellings (originally, up to 63), including 16 affordable dwellings, provision of informal public open space and associated works.
- An indicative layout accompanies the application.
- The net density on the 3.22-hectare site is 16.77 dwellings per hectare. A 10 m wide ecological buffer is shown on the southern boundary with dwellings in Wolvershill Park and on the northern boundary with Meadow Court, a dwelling with large curtilage to the north. A 6.0 m buffer is shown on the western boundary with open fields and on the eastern boundary adjacent to Wolvershill Road, there is a large area of open space incorporating two attenuation ponds and varying between 30-65 m depth. A central north-south hedge line is also proposed to be retained.
- There are 71 parking spaces and 35 garage spaces.
- The indicative plans propose 38 open market housing comprising four two-storey 4 bed dwellings, twenty-eight two-storey 3 bed dwellings, and six 2 and 3-bed single-storey dwellings with 16 affordable housing units comprising two 2-storey 3 bed dwellings, six two-storey 2 bed dwellings, and eight two-storey 1 bed dwellings.
- The applicant has agreed to safeguard (via an easement or otherwise to the highway authority) a strip of land to allow for a future shared cycle/footway if needed as part of any Garden Village enhancements to Wolvershill Road.
- New hedges are proposed along the northern edge of the newly developed edge to separate the dwellings from the ecological buffer.

### **Relevant Planning History**

There is no planning history affecting the site.

### **Policy Framework**

The site is affected by the following constraints:

- Outside but abutting the settlement boundary for Banwell, which follows the northern boundary of Wolvershill Park.

- TPO on northern extremity of Wolvershill Road frontage. This is shown inside the proposed open space so is unaffected.
- Situated within Horseshoe Bat Zone C (N Somerset and Mendip Bats Special Area of Conservation Guidance on Development SPD)
- Land safeguarded for a future Banwell by-pass runs east-west, to the north of the site.

### 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
CS5	Landscape and the historic environment
CS9	Green infrastructure
CS10	Transport and movement
CS11	Parking
CS12	Achieving high quality design and place making
CS16	Affordable housing
CS32	Service Villages
CS33	Smaller settlements and countryside
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>
DM9	Trees
DM10	Landscape
DM24	Safety, traffic and provision of infrastructure etc. associated with development
DM26	Travel plans
DM28	Parking standards

DM32 High quality design and place making

### **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>
1	Introduction
2	Achieving Sustainable Development
4	Decision-taking
5	Delivering a sufficient supply of homes
8	Promoting healthy and safe communities
9	Promoting sustainable transport
11	Making effective use of land
12	Achieving well designed places
14	Meeting the challenge of climate change, flooding and coastal change

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)
- Biodiversity and Trees SPD (adopted December 2005)
- [Creating sustainable buildings and places SPD \(adopted March 2015\)](#)

### **Consultations**

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

**Third Parties:** 129 letters of objection have been received on the plans as originally submitted. The principal planning points made are as follows:

- Outside settlement boundary. Loss of village character and close to AONB
- Wolvershill Road is an unsuitable access road and proposal will add to congestion in centre of village; access point dangerous. Wolvershill Road unsafe for pedestrians and cyclists
- Cumulative growth of Banwell and infrastructure unable to cope e.g. school and doctors' surgery. Lack of local employment.
- Should await Banwell by-pass; possibility of J21A will add more traffic through village



- Impact on drainage flows and risk of flooding. Will compound drainage and sewerage problems on Wolvershill Road and Orchard Close
- Layout cramped; loss of privacy
- Additional dwellings not needed. Brown field sites should be developed first
- Damage to wildlife; bat corridor not suitable for bats
- Contrary to climate change emergency
- Bus services are limited, more limited than applicant states
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**Comments on amended plans**

10 additional letters of representation have been received regarding the amended plans. These reiterate previous objections but also express concern at reconsultation taking place during coronavirus emergency when Parish Council is unable to meet.

**Banwell Parish Council:**

On the plans as originally submitted “recommend refusal of this application for the following reasons:

- Outside of the settlement boundary
- Will exacerbate the traffic problems already present in the Village and along Wolvershill Road
- Will increase pollution due to the number of cars which will be idling in queues built up along Knightcott Road and Wolvershill Road
- Puts unsustainable pressure on the School and Doctor services.
- Will lead to a loss of privacy for direct neighbours, and will have an adverse effect on visual amenity and wildlife
- Will increase health hazards due to insufficient sewer capacity.
- The design is cramped and there are insufficient car parking spaces /garages for parking
- It will erode the strategic green space between the historic centre of Banwell and the potential bypass and garden village as identified in the West of England Spatial Strategy.”

**Comments on amended plans:**

At a planning committee meeting of Banwell Parish Council on the 2nd March the Parish Council resolved that as the application was not fundamentally different, they continue to not support this application for the following reasons;

- Outside of the settlement boundary
- Will exacerbate the traffic problems already present in the Village and along Wolvershill Road.
- Will increase pollution due to the number of cars which will be idling in queues built up along Knightcott Road and Wolvershill Road.
- Puts unsustainable pressure on the School and Doctor services.
- Will lead to a loss of privacy for direct neighbours and will have an adverse effect on visual amenity and wildlife
- Will increase health hazards due to insufficient sewer capacity.

- The design is cramped and there are insufficient car parking spaces /garages for parking.
- It will erode the strategic green space between the historic centre of Banwell, the potential bypass and a garden village being considered as part of the local plan. Reduced bus service and therefore even less sustainable than previously
- A large-scale development of this nature was not needed within the Parish.

**Other Comments Received:**

**Natural England:**

NE comments on the shadow HRA provided by the applicant. Agrees that the proposal will not result in adverse effects on the integrity of any of the European sites. Concurs with the HRA conclusions providing that all mitigation measures are appropriately secured in any permission given. The proposed development will not now have street lighting and describes the mechanism by which the retained, enhanced and newly-created habitats will be managed in the long term. These points address concerns previously made and the mitigation proposed is now acceptable subject to conditions.

**Wessex Water:** Wessex Water has no objections to this application

**Police:** No objections

**Principal Planning Issues**

The principal planning issues in this case are (1) compliance with the development plan (2) traffic, access and parking (3) the landscape impact, 4) quality of proposed development and its impact on the character of the village (5) flood risk and drainage, (6) impact on biodiversity, (7) impact on neighbouring residents (8) impact on historic environment and (9) impact on services

**Issue 1: Compliance with Development Plan Policy**

Outline planning permission is sought to redevelop the site for up to 54 dwellings including 16 affordable.

Paragraph 47 of the NPPF states that applications for planning permission should be determined in accordance with the development plan, unless material considerations indicate otherwise.

Policy CS13 of the Core Strategy relating to the scale of housing requires sufficient developable land to deliver a minimum of 20,985 dwellings between 2006 and 2026. Policy CS14 sets out the distribution of the housing requirement across the settlement hierarchy. This prioritises new housing development at Weston-super-Mare followed by the three main towns and then nine service villages. Policies CS28, CS31 and CS32 provide flexibility in delivering an appropriate scale of housing growth within and adjoining these town and service village settlement boundaries through the development management process.

Banwell is a 'Service Village' and Policy CS32 states that new housing development within or adjoining service village settlement boundaries will be supported subject to proposals meeting the following criteria:

- *"It results in a form, design and scale of development which is high quality, respects and enhances the local character, contributes to place-making and the reinforcement of local distinctiveness, and can be readily assimilated into the village; (See Issues 3 and 4)*
- *It has regard to the size, type, tenure and range of housing that is required; (Issue 4)*
- *It will not cause significant adverse impacts on services and infrastructure and the local infrastructure is sufficient to accommodate the demands of the development; (See Issue 9)*
- *It results in high quality sustainable schemes which is appropriate to its context and makes a positive contribution to the local environment and landscape setting; (See Issues 3 and 4)*
- *It does not result in significant adverse cumulative impacts (such as highway impacts) likely to arise from existing and proposed development within the wider area; (See Issues 2 and 9)*
- *The location of the development maximises opportunities to reduce the need to travel and encourages active travel modes and public transport; and (See Issue 2)*
- *It demonstrates safe and attractive pedestrian routes to facilities within the settlement within reasonable walking distance. (Issue 2)*

*Proposals in excess of about 25 dwellings adjacent to the settlement boundary should therefore be brought forward, if appropriate, as an allocation through Local Plans or Neighbourhood Plans."*

The objective of housing policy CS32 is intended to play an active role in guiding development towards sustainable solutions and will enable additional housing land to be brought forward on smaller sites immediately adjacent to settlements such as Banwell, which will improve the flexibility of the plan and reduce the risk of housing under-supply whilst remaining consistent with the spatial strategy.

The 25-dwelling threshold was considered by the Local Plan Inspector to be justified, stating: "it is true that some schemes in excess of these figures have in the past been granted permission on sites in Yatton and elsewhere, but the Council is perfectly within its rights, in the interests of the proper planning of the area, to put a figure on the maximum size for individual developments on unallocated sites that it considers compatible with the settlement hierarchy and spatial strategy".

The Site Allocations Plan should be considered up to date and significant weight should therefore be attributed to it. Since the application is outside the settlement boundary and proposes up to 54 dwellings, as a matter of *principle* the proposal is materially in excess of the 25-dwelling threshold and is a relatively large development in a village context that will be more difficult to assimilate into the village than one adhering to the 25-dwelling threshold. It therefore conflicts with Policy CS32.

However, 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.”*

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 Council has successfully defended a number of appeals despite a 5-year housing supply shortfall, including sites in Banwell. In a recent 2019 dismissed appeal for 47 dwellings the former Weston Trade Centre at Knightcott Road, Banwell, the Inspector’s decision relating to the planning balance in the absence of a 5-year supply of deliverable housing sites, stated that:

*“It is common ground that the Council is unable to demonstrate a five-year supply of housing land. The effect is that the tilted planning balance of paragraph 11d(ii) is triggered. It does not necessarily affect the weight which should be applied to the Council’s housing policies. This is a matter for the decision-maker with paragraph 213 of the Framework stating that due weight should be given to relevant policies in existing plans according to their degree of consistency with it.”*

Paragraph 12 of the NPPF says that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan, permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed. A shortfall in housing supply is one of those considerations

Service villages are not generally suited to a scale of development sites above around 25 dwellings. The proposal, for 54 dwellings, conflicts with the requirements of policies CS14 and CS32 which seeks to direct residential development to higher order settlements, ensuring that it is better related to employment, services and public transport access, thus reducing unsustainable travel patterns reliant on private cars.

In the absence of a five-year supply of land the conflict with the 25-dwelling limitation for development on the edge of service villages in Policy CS32 must be the subject to a balancing exercise. In carrying out a balancing exercise it is necessary to establish whether the application complies with or deviates from each of the criteria in Policy CS32 and any other relevant policies.

### **Issue 2: Traffic, Access and Parking**

Three criteria in Policy CS32 are related to accessibility and highways and transport issues as follows:

- Whether the development would result in significant adverse cumulative impacts (such as highway impacts) likely to arise from existing and proposed development within the wider area;
- Whether the location of the development maximises opportunities to reduce the need to travel and encourages active travel modes and public transport; and
- Whether it demonstrates safe and attractive pedestrian routes to facilities within the settlement within reasonable walking distance.

In terms of existing traffic issues in Banwell, the centre of the village has key junctions including those for the A368 and A371, with pinch-points that constrain traffic flow at West Street, East Street and Castle Hill. Castle Hill/West Street operates an informal shuttle working reliant on considerate drivers giving way. At times the congestion is exacerbated when HGV's are travelling in opposing directions. The combination of priority junctions with limited visibility and narrow roads means stretches of highway within Banwell experience congestion during peak periods and occurrences off-peak. The traffic conditions in the centre of the village have been a source of public concern for many years. This is reflected in the volume and nature of objections to this application and the long-standing objective to build a bypass to the north of the village. Wolvershill Road is a popular route to and from Worle and J21 of the M5 and this too, results in numerous right-turning manoeuvres from the village in that direction and queuing at the junction of Wolvershill Road with West Street.

Policy CS32 references the need to consider cumulative impacts likely to arise from proposed development within the wider area. Within the area of Banwell there have been over 100 dwellings approved over the last 2-3 years (Orchard Close, William Daw Close and the former Western Trade Centre (Boulters) site). In addition, developments have been approved in Winscombe, Sandford and Churchill each of which will contribute additional levels of traffic through the village en-route to the M5, Weston or Worle. Some traffic will use Wolvershill Road.

To assess these impacts modelling has been used to predict future traffic growth resulting from other committed developments within the wider area and added to the base traffic for assessment of future year conditions. From this, the development is likely to generate between 291 and 417 trips for the development per day, not all of which will head in the direction of the village centre.

NPPF Paragraph 109 states:

*“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”*

The proposed development is projected to account for an increase of 1.6-2% traffic at the constrained but functioning junction where Wolvershill Road meets West Street-A371. The residual cumulative impacts on the road network will not therefore be severe. Some mitigation to address the impacts of increased traffic has been considered but of the identified options, one is secured already through the earlier development on Wolvershill Road, one is already being undertaken through the Parish Council and a local store and the other is not within the applicant's control.

The latest data showing actual and predicted traffic flows for the village includes of all the main routes converging in the centre out to the motorway bridge over the M5 at Wolvershill/West Wick, Knightcott bridge, Knightcott, High Street, Riverside-Church Street, Castle Hill, West Street, and East Street. This is referred to in the application as the 'Banwell Cordon' and for the period 2001-2019 shows a 1.3% **reduction** in flows over this area, compared to an 18% **increase** in flows across the North Somerset highway network as a whole (excluding motorways).

Given the other developments (such as Weston villages) around Banwell during this same period, it is concluded that traffic demand through Banwell is heavily suppressed with alternative route choices remaining more attractive. Given the pattern of traffic flows observed over the past 25 years or more in Banwell, it is also considered that until such time as capacity improvements occur or congestion decreases within the village, self-regulation will continue. Additional traffic generation from within the village is most likely to serve to deter through trips, such that traffic levels will be broadly similar to current levels.

The assessment of the impact of the development on the current and future situation has not taken account of the improvements expected to arise from the planned (and now funded) Banwell bypass. Given that modelling shows that a development of 63 dwellings (the initial application) would only add 6 vehicles to the Wolvershill Rd/A371 junction in the AM peak and 5 in the PM peak, the residual cumulative impacts on the highway network cannot be said to be severe. The amended plans reduce the application to 54 dwellings so the predicted traffic generation and impact on the congested junction would be reduced accordingly.

At a previous appeal in respect of 155 dwellings at Knightcott (15/P/0248/O) the Council raised the environmental implications of additional traffic on the quality of life in the village centre but this was not supported by the Inspector. It would therefore be extremely difficult to sustain a similar argument in this case which is for a substantially smaller development.

The relevant tests are the CS32 criteria (set out above) and Policy DM24. Policy DM24 emphasizes the importance of highways safety and congestion to developments and how proposals must show a consideration for the surrounding highways network. In terms of pedestrian and cycle access, Policy DM25 outlines how development should adapt and provide to the demands of a multi-user infrastructure and developments should preserve and enhance existing routes whilst providing features that make their built form inclusive to a variety of transport modes.

The proposed access position is to be determined as part of this application. At the point of the new access, Wolvershill Road is subject to a 30mph speed limit. The submission has demonstrated that at a point 2.4 metres back from the edge of the carriageway 120 metres of visibility is achievable to the north and south. The requirement outlined in Manual for Streets is 43 metres. It is clear therefore that a safe and suitable access point for the development can be provided.

In respect of safety aspects, the applicant has provided a Road Safety Audit (RSA) for the junction design for the proposed access and this has been scrutinised by highway safety engineers. As a result of the actual vehicle speeds on Wolvershill Road, the applicant has increased the width of the junction radii to 8m to accommodate refuse vehicle tracking for the new junction layout. Larger refuse vehicle tracking has also been tested and the radii now shown are satisfactory. The recommendations contained in the RSA1 would need to be carried out at the detailed design stage of the development. From analysis of injury accident data, it would appear that no accidents involving personal injury were caused by the condition or design of the highway.

Overall, it is concluded that the proposed development would not result in significant adverse highway impacts as required by Policy CS32. Nor would it have a significant adverse impact on safety, or environmental conditions.

The requirement to maximise opportunities to reduce the need to travel and encourages active travel modes and public transport and the need to demonstrate safe and attractive pedestrian routes to facilities within the settlement within reasonable walking distance have also been examined.

As there are no obvious appropriate mitigation measures for the junction of West Street and Wolvershill Road, the applicant was asked to consider mitigation in the form of measures that will reduce car trips in the locality. One of these, the installation of dropped kerbs for easier pedestrian access to the Co-op store is now being undertaken by the Co-op in conjunction with the Parish Council. This will benefit residents locally in addition to those from the application site. The other mitigation measure is for land to be set-aside along the frontage of the development

on Wolvershill Road for a 3m shared path and cycle access which will help future-proof the site and promote walking as a sustainable travel mode.

The site itself is within easy walking distance of a range of village facilities within the village. On a localised basis these measures will encourage active travel modes and demonstrate safe and attractive pedestrian routes to facilities within the settlement within reasonable walking distance in compliance with CS32. Where journeys outside the village to higher order facilities are necessary, bus stops can be accessed via Wolvershill Road to West Street or via Wolvershill Park and a narrow path to stops on Knightcott Road. Services 126, 62 and 134 combined provide a weekday service to Weston-super-Mare and this is considered satisfactory given the size and location of the village. This complies with CS32.

Banwell Primary School is within safe walking distance of the development. Access to secondary schools would need to be provided by the local authority to Churchill Academy which is the nearest appropriate school. The developer will be required to contribute towards this provision through a S106 agreement. If planning permission is granted, sustainable travel options that are available should be maximised through a Travel Plan. The proposal should include a contribution of £120 per dwelling, to be spent on sustainable travel such as taster bus tickets and cycle equipment. The details and measures within the travel plan should be secured by a Section 106 agreement.

North Somerset's Electric Vehicle policy is currently under development however to future proof the site, the provision of electric vehicle charging infrastructure would be welcomed. This can be addressed by condition.

### **Issue 3: Landscape impact**

The Council's landscape objectives are contained in policy CS5 of the Core Strategy and policies DM10 and DM11 of the Sites and Policies Plan. These policies are designed to protect and enhance the character, distinctiveness, diversity and quality of the landscape. Policy DM11 is concerned with development not adversely affecting the Mendip Hills AONB and its setting. The updated North Somerset Landscape Character Assessment SPD also applies, and the application site is part of the 'J2: River Yeo Rolling Valley Farmland' landscape character area. The objective of the J2 LCA is '*to conserve the peaceful, rural nature of the landscape with intact pasture and field boundaries and to strengthen the area of weaker character particularly where the landscape is affected by modern infill and ribbon development along roads*'.

This is an extensive area of undulating lowland along the edge of 'Locking and Banwell Moors'. The condition of the land is 'good' and its landscape character is 'moderate'. For this application, the relevant landscape objectives for this character area are to:

- Conserve the rural, pastoral character of the area.
- Nurture existing and new hedgerow trees.
- Limit village infill and ribbon development, and where development does take place encourage sensitive use of materials and quality of design.



The southern boundary of the site abuts the settlement boundary and consists primarily of a low native hedge and trees with domestic boundary treatments behind it. The site is also relatively well contained by vegetation comprising native hedges and trees to the north and west. Wolverhill Road, with its good boundary hedge and trees forms the eastern boundary. Land located adjacent to the settlement edge, north of Knightcott Park and Wolverhill Park, slopes gently to the north-east and is well-enclosed by trees and hedgerows. There is inter-visibility with the AONB. Owing to the above, the site is recorded as of medium Landscape Sensitivity and may therefore be considered suitable for some development, if careful consideration is given to impacts in views from the AONB. This would include appropriate landscape mitigation, notably along the southern site boundary, careful control of property height, density and finishes. These are matters that can be addressed at reserved matters stage if outline permission is granted.

The agricultural landscape is partially impacted upon by the row of bungalows to the south, but because of their height such impacts are limited and some views over them to the wooded AONB northern slopes remain. This proposal will increase the perception of urban development along Wolverhill Road, removing the break in dwellings and extending the urbanised area to the north and west, inevitably changing pastoral landscape to a more urban one. There is however a good setback to the new dwellings, which aims to replicate established residential building lines and the scale and to some extent the spacing of these properties (albeit they are not individual dwellings). The change in the land use, results in the loss of the two large rural pastoral fields but with relatively little effect on the site hedgerows and trees, which could be potentially further enhanced through suitable mitigation, including further planting.

There are only two viewpoints where 'moderate to major adverse' impacts would occur at completion and these are both from Wolverhill Road where the greatest change to public views would occur. There are no public rights of way across the site, and the nearest route to the north and west would not be adversely impacted.

Whilst the proposed development would result in a loss of open countryside, the landscape is not of the highest quality or sensitivity and the development would not impact on the more open moors to the northeast. The extent of the visibility of the site and the proposed dwellings would be limited and it is noted that even in the view from the AONB there is only a narrow corridor of view within which the site would appear as a small additional sliver of development seen in the context of the existing village to the foreground.

In broad terms, well planned and mitigated additions to the north of the village, of an appropriate scale, are preferable to linear extensions along the edge of the AONB. However, it is considered inevitable that the loss of another open area adjacent to Wolverhill Road, which currently displays a progressively looser form of development further from the village centre, will have some adverse impact on the connection of the village with its rural setting. Although there will be inevitable

changes to landscape character and views, neither are significantly adverse in nature.

The Landscape and Visual Impact Assessment demonstrates how the scheme would have no material harm to the landscaped setting of the settlement given the limited vantages of views from the north and the settlement within the foreground from the Mendip AONB to the south. The indicative layout demonstrates a scheme that references the local context with public open space and water attenuation features that can enhance the local environment. It is concluded that the Council's landscape objectives contained in policy CS5 of the Core Strategy and DM10 and 11 of the Sites and Policies Plan are met.

#### **Issue 4: Quality of proposed development and its impact on the character of the village**

In terms of the quality and form of development, policy CS32 indicates that development will be supported where it

- *“results in a form, design and scale of development which is high quality, respects and enhances the local character, contributes to place-making and the reinforcement of local distinctiveness, and can be readily assimilated into the village;”*
- *“has regard to the size, type, tenure and range of housing that is required”* and
- *“results in high quality sustainable schemes which is appropriate to its context and makes a positive contribution to the local environment and landscape setting”*

This criterion is also addressed within the section on the landscape implications above.

The design of the site layout is heavily driven by the presence of a water main through the centre and but for this might conceivably be designed in a different manner. Nevertheless, the indicative layout demonstrates a scheme that references the local context with public open space and water attenuation features that enhance the local environment. As part of the need to demonstrate its sustainability on various levels it has also responded to ecological requirements that have resulted in wide margins to three sides. These have resulted in a greener, more spacious development that reflects the transition to a looser form of development to the north and east.

The indicative layout offers the opportunity for a relatively spacious and green development that could create attractive spaces within it. Matters of layout, landscaping and design are reserved for subsequent approval so that whilst some weight can be attributed to the indicative plans, matters of layout, landscaping and design would be addressed at the reserved matters stage. The principles however can be reinforced through appropriate conditions at the outline stage so that they are addressed through the reserved matters submissions if outline permission is granted.

The proposal is not dissimilar to other culs-de-sac either side of Wolvershill Road and reflects the locally characteristic green and leafy character of this part of the Road. The indicative plan shows a slightly looser edge to the built form on the northern, more rural edge adjacent to other existing larger dwellings in large plots.

Thus, despite this being a relatively large development, it can be designed to respect the generally leafy and spacious character of this part of Wolvershill Road. Notwithstanding the extension of built development, it has the potential to create a development with its own distinctive character that will make a positive contribution to the village in conformity with Policy CS32. It should also be noted that the proposed development would be of a similar scale, form and relationship to neighbours to that approved under construction to the south east.

The development will provide affordable housing at a policy compliant 30%. The proposed mix shows a variety of single and two storey dwellings of various sizes with terraces, semi and detached properties. The indicative plans show 28 open market 3 bed dwellings, 4x 4 bed units, 6x2 and 3 bed bungalows; and for the affordable housing: 8 x1 bed units, 6x2 bed units and 2x 3 bed units. This is a suitable mix which does not concentrate at the larger end of the housing needs. The proposal provides the necessary level of affordable housing and is a good mix of types and sizes, without undue concentration on larger house types. It is considered to meet the criterion in Policy CS32.

Play space is not required under the Council's policies in this instance; however, provision has been made for a natural Local Area for Play (LAP). Some of this play space is located between the drainage easements so larger equipment and some mounding if desired could be located here alongside trees. Boundary treatment and shallow rooting shrubs can also be located within the easement. It is considered that if provided at reserved matters stage this will help provide a social and visual focus at the heart of the site and create additional purpose to the green space.

Thus, notwithstanding the number of dwellings exceeding the Policy CS32 threshold, on balance the development would comply with the other elements of Policy CS32 in that it could be designed to take on a form, design and scale of development that can be of high quality, that respects and enhances the local character, contributes to place-making and reinforces local distinctiveness. If the principles contained in the indicative plan are followed it is capable of being assimilated into the village.

It would also be sustainable in terms of biodiversity and the retention and enhancement of tree and hedge planting which would be appropriate to the landscape setting. In these respects, it is compliant with CS32 and demonstrates that it is possible to develop this site to create a residential area that could appear attractive and of good quality.

The proposed development can comply with Policy DM42 in respect of accessible homes and compliance with national space standards. Likewise, so can energy conservation and microgeneration requirements in respective policies.

### **Issue 5: Flood Risk and Drainage**

Policies CS3 of the Core Strategy and DM1 of the Sites and Policies DPD seek to ensure that new development does not create problems in terms of flood risk. The site lies within Flood Zone 1 and a flood risk assessment (FRA) has been provided by the applicant.

The submitted drainage strategy demonstrates how surface water flows will be attenuated ensuring that the discharge rate does not exceed that of the calculated greenfield rate. Exceedance routes can be contained within the site with falls to ensure that the site generated surface water run-off is intercepted by the attenuation ponds. Further details will be required at the detailed design stage if outline permission is granted. This would include prevention of surcharging at a 1:30 year event and conditions can be attached to an outline planning permission to secure this. Notwithstanding the objections raised by neighbours, for the purposes of assessing the outline application the development is not considered to be at risk of flooding and with an appropriate drainage scheme will not increase the risk of flooding to neighbouring properties or the highway. The proposal is therefore in accordance with policies CS3 and DM1.

### **Issue 6: Impact on biodiversity**

The NPPF puts in place the framework for assessing development proposals. This includes reference to minimising impact to biodiversity and ensuring that Local Planning Authorities place appropriate weight to statutory and non-statutory conservation designations, protected species, and biodiversity.

The site is located within the North Somerset and Mendip Bats Special Area of Conservation (SAC). The application is such that a Habitats Regulations Assessment (HRA) is required; and due to its proximity to two Bat SAC component roost sites at Banwell, would require an 'in combination' assessment to include other potentially significant plans and projects that could have an in-combination effect on the integrity of the North Somerset and Mendip Bats Special Area of Conservation. Accordingly, a draft Habitats Regulation Assessment has been carried out which included bat survey data and mitigation strategy. It concludes that the site is of 'district' level importance for horseshoe bats. The development provides a mitigation strategy comprising the retention of buffer zones alongside existing hedgerows, a landscape planting plan (including new species rich hedgerows and tree planting), rough grassland planting, lighting levels kept below 0.5lux, creation of new wetland wildflower habitat and an Ecological Management Plan. A net gain is stated to be achieved in habitat for bats and it is argued that there is no residual loss to be considered as there will be no severance of commuting and foraging routes for bats though that may need to be considered more closely in connection with the proposed by-pass.

The draft HRA considers the risks arising from the cumulative impacts of this. It states that the boundary habitats are used by commuting and foraging Lesser Horseshoe Bats (LHB) and Greater Horseshoe Bats (GHB), through the season, in particular during spring and autumn when transitioning between roost sites. Whilst

there is no direct fragmentation of linear features (the road access is utilising an existing gap in the eastern hedgerow), indirect impacts of lighting from development can also cause fragmentation of commuting routes and have other impacts. The development footprint would result only in loss of low-quality foraging habitat. There is no removal of boundary hedgerow habitat or trees, however there could be a reduction of availability of foraging habitat without appropriate management and buffering of retained habitat.

It goes on to examine these effects at both construction and operational phases of the development and sets out a range of mitigatory measures including physical approaches to the design and layout and more detailed technical measures such as the lighting specification. It does not identify a need for replacement habitat. Sufficient and accessible provision been provided on-site and off-site (within ownership). There is enough accessible provision of bat habitat on site, therefore no off-site replacement habitat is required. 12 bat boxes are proposed together with a night roost, 30 bird boxes and 3 log pile refugia.

In the context of this application site, the east-west commuting corridor is maintained to SAC units to the southeast and southwest. Whilst the Banwell bypass has potential to sever commuting foraging routes between SAC units in a north to south direction, by maintaining the key east-west corridor on this application site, it is considered that there is no residual loss to consider in-combination. There is no fragmentation of linear features, and the existing features are buffered and enhanced with additional foraging habitat. Overall considering the application in combination with proposed Banwell Bypass, the potential for cumulative impacts with this scheme are not significant. Planning conditions would need to reflect those measures identified in the Shadow HRA, together with ones to protect wildlife during construction and following occupation.

Natural England has assessed the proposed mitigation and consider that the mitigation proposed is now acceptable, whilst requesting that the developer is required to ensure:

- Buffer and other new habitats are planted up early, in the first planting season following commencement of development (including ground clearance works);
- Two mature standard trees (native species) to be planted, one either side of the access road, to create a hop-over for bats. Mature specimens will allow bats to continue using the north-south route parallel to Wolvershill Road, during the construction period;
- A condition is attached to require monitoring of the use by Horseshoe bats of existing and created habitats, one year and 5 years after occupation of the [10<sup>th</sup>] house on the development.

It is proposed that a Construction Management Plan would be required by condition to mitigate impacts on biodiversity during development stage and subsequently an Ecological and Landscape management plan would be secured by condition to ensure biodiversity is maintained. This would be managed by the proposed private management company.

### Issue 7: Impact on local residents

Policy DM32 of the Sites and Policies DPD seeks to ensure high quality design and buildings and ensure that the design and layout of development should not prejudice the living conditions of adjoining occupiers.

The site is relatively rectangular in shape and bordered by bungalows along Wolvershill Park and Knightcott Park to the south, Wolvershill Road to the east and single dwelling know as Rookery Nook to the north. The remainder of the application boundary adjoins open agricultural land. Existing hedgerows that are to be retained and enhanced enclose the site and would eventually provide a level of screening. Properties on the opposite side of Wolvershill Road are unlikely to be affected in terms of lost privacy as they are separated by the road, the proposed setback of development from the road and their own substantial boundaries in some cases and roadside vegetation.

The application is in outline form with all matters other than access reserved for a subsequent application. The indicative layout shows a potential layout with properties positioned in from the boundary, with the existing hedgerows retained and a buffer from the boundary. Cross-sectional details indicate that single storey properties can be positioned nearest the southern boundary where existing rear property boundaries are least substantial and separation distances that reflect the guidance in the Residential Design guidance can be achieved. Two storey dwellings are proposed to be further away from the boundary, but where these are shown, it is also indicated that they can be designed with flank walls facing south and there would be space to provide additional intervening tree planting. It is also proposed to locate two attenuation ponds on the east side of the site adjoining Wolvershill Road which would increase separation distances between the proposed dwellings and the public highway.

There would inevitably be a change in the outlook and the immediate character of the area having regard to the scale of the development of 54 dwellings (as set out in Issue 1). The indicative layout demonstrates that this would not be such as to adversely impact on the living condition of adjoining residents. The trip generation figures identified through the Transport Assessment are considered robust and would not introduce vehicular movements that would unacceptably harm the living conditions of neighbours. Matters of detail and individual relationship between existing and proposed dwellings can be assessed at the reserved matters stage.

Some objectors have raised questions about the accuracy of the cross sections through Wolvershill Park that illustrate the relationship to existing dwellings. The plans are based on a topographical survey that includes roofs of adjacent properties to the south; the applicant has confirmed they are based on the best available data. Exact garden levels may vary slightly but the applicant indicates that the properties are accurately plotted. The scheme is in outline and matters of appearance and height can be resolved at reserved matters stage where detailed cut and fill could be undertaken and ridge levels for example prescribed within the consent where seen necessary.

**Issue 8: Impact on historic environment including archaeology**

The proposed development would not have any material impact on the setting of the Conservation Area or any listed building.

**Issue 9: Impact on local services**

Policy CS32 requires that development should not have significant adverse impacts on local services and infrastructure and the local infrastructure should be sufficient to accommodate the demands of the development.

Policy CS34 of the Core Strategy and Policy DM71 Sites and Policies Plan Part 1 set out the requirement and mechanism to seek developer contributions to mitigate the impacts of a development proposal. A residential development of this scale would be required to make S106 planning obligations in respect of the various matters as set out in the Development Contributions SPD.

It should however be noted a previous appeal in respect of land south of Knightcott Road established that there was sufficient local capacity for a much larger development than that proposed. In that case. There are, however, some mitigations that should be sought through a S106 agreement.

As outlined above, the applicant proposes to make land available alongside Wolvershill Road to enable a future improvement of pedestrian and cycle facilities. Whilst the future arrangements for access from the by-pass (if approved) are not yet sufficiently advanced this would be a welcome opportunity and should be secured through the agreement.

In order to encourage residents of the proposed dwellings to travel in a sustainable way, and to minimise their impact on the local highway network a sustainable travel contribution of £120/dwelling needs to be secured. This could be used flexibly by residents to pay for taster travel options such as a weekly bus pass or cycling equipment and would be an incentive for behavioural change.

There are no secondary schools which can be accessed safely by foot from the proposed development. Any secondary children living on the site would have to be taken by bus to Churchill Academy as the nearest appropriate school. To calculate the projected cost of home to school transport, an established model is to be used and this model projects the number of secondary school pupils that may live in a new development over time. The numbers can be adjusted depending on the number of properties and the time scale over which they are built. The model assumes that the pattern in the numbers and ages of children by house type, who previously and currently live in new North Somerset dwellings, will be the same in future developments.

There is not considered to be an issue of capacity in the Primary School for a development of this size. The development would be liable for CIL payments which is the normal way in which any agreed priorities are now funded.

The proposed scheme provides 30% of affordable housing (16 dwellings) to be delivered on site and satisfies the policy requirement. The Council's Affordable

Housing SPD states no less than 10% of all new build AH should meet wheelchair accessible housing. This can be achieved and would be secured through an agreement.

There is no requirement for a play area, and though one is proposed, this will be managed by the proposed management company so no burden will fall on local councils. It will in addition be of a low maintenance type of equipment.

A drainage strategy has been agreed with the LLFA, Internal Drainage Board and Wessex Water. Nearby services and facilities are available within walking distance via Wolvershill Road. These include the school, children's centre and shops and a footpath link through Wolvershill Park, to bus stops, recreation ground, village hall, Co-op store and surgery.

In terms of the Community Infrastructure Levy (CIL), the Charging Schedule took effect on 18 January 2018. In the event that planning permission is granted, the development will be liable to pay the CIL. As part of adopting the CIL, a formal list (known as the "Regulation 123 List") has been published setting out which infrastructure will be funded through the CIL and which will remain the subject of S106 planning obligations. The Council is not permitted to enter into S106 agreements requiring infrastructure that is to be funded through the CIL.

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

The Crime and Disorder Act places a Duty on Local authorities to have regard to crime and disorder issues in exercising their functions. The purpose of this section is to confirm that this duty has been met. The Avon and Somerset Police response raised no objection in principle and those areas of advice can be addressed at reserved matters stage.

### **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

### **Planning balance and Conclusion**

The starting point for deciding the application is the development plan. In this respect, the proposal conflicts with Policy CS32 as it requires that sites outside the settlement boundaries of Service Villages in excess of 25 dwellings must be brought forward as through the development plan process. The Core Strategy, Sites and Policies Plan and Site Allocations Plan have been through public examination and have all been found sound and adopted. They are NPPF compliant and have full development plan status.



The weight to be given to the development plan is affected by whether it is up to date. NPPF paragraph 11(d) indicates that where a local planning authority cannot demonstrate a five-year supply of deliverable housing sites the policies which are most important for determining and application should not be considered to be up to date. Therefore, whilst Policy CS32 is fully adopted and carries substantial weight, it does not carry full weight in determining this application.

Where the policies which are most important for determining the application are out of date, planning permission should be granted unless (i) the application of policies in the NPPF that protect areas or assets of particular importance provide 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. This is often referred to as the “tilted balance”

The Council has not been able to meet the annual required number of dwellings and pending the April review it is unlikely that the 4.4 years supply will have improved significantly, if at all. Paragraph 11d of the NPPF is engaged and the ‘tilted balance’ is applicable. The issue therefore is whether adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

From a social point of view, the need to build more homes, both market and affordable, is a clear benefit of the application and is a matter of significant weight. Some economic benefits will result from the proposal, but these are generic or transitory and they are given low to moderate weight.

It is considered that notwithstanding the concern over traffic congestion in the centre of Banwell, this will in due course be mitigated by the provision of the by-pass which has now received funding. The development itself will not add other than marginally to the congestion and the right-turning manoeuvres at the junction of West Street and Wolvershill Road. In addition, mitigation is proposed by the applicant that will assist in the longer term by encouraging residents to walk or cycle to the facilities in the village rather than using the car for such local trips. These facilities are also relatively accessible and will be made marginally more so by the improvements proposed. Facilities further afield are accessible by the bus routes through the village.

There are some landscape impacts, but these are not significant and can be successfully mitigated. The impact on protected species can be addressed by a mitigation scheme including suitable green and dark buffers, a proposal that the site will not be street-lit, apart from low level on plot bollard lighting managed by the proposed management company, appropriate foraging grounds and this will be reinforced by appropriate conditions recommended as part of the HRA. There are no adverse impacts on drainage and flood risk that cannot be mitigated, and the living conditions of neighbours can be adequately protected at reserved matters stage and through conditions.

On balance, it is considered that in this case the conflict with CS32 would be outweighed by the benefit of providing additional housing in a relatively sustainable location. Conflict with CS32 can largely be addressed through the later details to be submitted at the reserved matters stage and by the application of suitable planning conditions. It is therefore appropriate to reduce the weight attached to policy CS32 to help make good the shortfall in housing which is significant and persistent. The scheme has been designed to be sensitive to its location and is well related to the rest of the village. The reduced weight given to policy CS32 interacts with the absence of any significant and demonstrable adverse impacts which outweigh the benefits of the scheme to point, on balance, towards granting planning permission.

Whilst there have been other similar sites on the edge of service villages (including Banwell) which the council has successfully defended on appeal, those sites are different to this case in that they had demonstrable adverse impacts which clearly outweighed the benefits of the additional housing.

Thus, it is considered that the application should be approved contrary to policy CS32 as the impacts of the development do not significantly and demonstrably outweigh the benefits to the housing supply of permitting the development.

#### **RECOMMENDATION:**

Subject to the completion of

- 1) a satisfactory Habitats Regulations Assessment and the inclusion of any additional planning conditions arising as a result;
- 2) a legal agreement securing contributions for: (a) the delivery of 30% on site affordable housing; (b) provision of an easement for future provision of a 3.0m cycle/footway alongside Wolvershill Road (c) home to school transport to secondary school; (d) Sustainable Travel Packs (e) appointment of Management Company for Public Open Space, drainage installations and ecological management, and (f) the maintenance of fire hydrants on site; and
- 3) and any revisions to the above or other requirements as may arise,

the application be **APPROVED** subject to the following conditions together with any amended or additional conditions which may be required including those arising from the Habitats Regulation Assessment with the agreement of the Chairman, Vice-chairman and ward members:

#### **Outline**

1. Approval of the details of the layout, scale, appearance of the buildings, the means of access within the site and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority, in writing before any development is commenced.

Reason: The application was submitted as an outline application in accordance with the provisions of Article 4 of the Town and Country Planning (Development Management Procedure) Order 2010 and in

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accordance with policy DM32 of the North Somerset Sites and Policies Plan Part 1 and policy CS32 of the North Somerset Core Strategy.

2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiry of two years from the date of this permission.

Reason: In accordance with the provisions of Section 92 of the Town and Country Planning Act 1990.

3. The development hereby permitted shall be begun either before the expiry of three years from the date of this permission, or before the expiry of two years from the date of approval of the last of the reserved matters to approved, whichever is the later.

Reason: In accordance with the provisions of section 92 of the Town and Country Planning Act 1990.

4. No more than 54 dwellings shall be built on the site pursuant to this planning permission.

Reason: The infrastructure and facilities for and impact of this development have been assessed based on this number of dwellings in accordance with policy DM32 of the North Somerset Sites and Policies Plan Part 1 and policies CS32 and CS34 of the North Somerset Core Strategy.

5. The details to be submitted under condition 2 shall include the details for all public open space, wildlife corridors and buffers, SUDS scheme, and a phasing scheme for their delivery and all the following details: a) hard and soft structural landscaping; b) a 10m buffer inside the site boundary adjacent to the hedge at the north, 10m at the eastern and southern boundary, 6.0 m at the western boundary which shall be clear of all development; c) the design and surfacing of, and means of access to all public open space, public footpaths and rights of way; d) means of enclosure and boundary treatment and e) dog waste bins where required by the local planning authority. The development shall be carried out in accordance with the approved details unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure a satisfactory and high-quality approach is taken to landscape, community facilities and open space design in accordance with policy DM32 of the North Somerset Sites and Policies Plan Part 1 and policy CS12 of the North Somerset Core Strategy.

6. The reserved matters to be submitted for approval pursuant to condition 1 shall include no less than six single storey dwellings on the southern edge of the site in accordance with the principles demonstrated in the submitted Indicative layout plan Site layout plan 1711.L01.02 Rev R.

Reason: To reduce the impacts of the development on the landscape and on neighbouring residents to an acceptable level in accordance with policies DM10 and DM32 of the North Somerset Sites and Policies Plan Part 1.

### **Approved plans and documents**

7. The development hereby permitted shall be carried out in accordance with the following approved plans and documents and those to be approved under the conditions attached to this consent unless otherwise agreed in writing by the Local Planning Authority:
- a) Site location plan 1711.L01.100 rev A Indicative layout plan Site layout plan 1711.L01.02 Rev R
  - b) Ecological Constraints and Parameters Plan Rev 2 December 2019
  - c) Lighting Strategy December 2019 HRA Revision 2 Final December 2019
  - d) Illustrative Landscape Master plan. Proposed Access Plan BRS 6523 Figure 5

Reason: For the avoidance of doubt and in the interest of proper planning and to ensure a high-quality development and protection of interests of acknowledged importance in accordance with policy DM32 of the North Somerset Sites and Policies Plan Part 1 and policy CS30 of the North Somerset Core Strategy.

### **Highways and Transport**

8. No dwelling shall be occupied until the visibility splays, roads, footpaths and turning spaces shown on the plans to be approved, 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. The visibility splays shall be kept clear at all times of any vegetation or other obstructions exceeding 1.0m in height.

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 North Somerset Sites and Policies Plan Part 1.

9. No dwelling shall be occupied until cycle storage facility for each dwelling is provided in accordance with details to be first agreed in writing with the Local Planning Authority prior to installation/construction. The cycle storage facility for each respective dwelling shall be of a form that is secure and lockable and shall thereafter be maintained by the future occupiers, at all times.

Reason: To promote the use of a sustainable mode of transport and in accordance with policy CS12 of the North Somerset Core Strategy policy DM28 of the North Somerset Sites and Policies Plan Part 1 and the North Somerset Parking Standards SPD.

10. No dwelling shall be occupied until passive provision that allows for electric vehicle charging has been designed and incorporated into the approved

development. Such provision shall establish all the associated ducting, chambers and junctions for the carrying of power cables which shall be of sufficient capacity to meet the minimum supply needs of an electrical vehicle charging point.

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

11. No development above damp-proof course level shall take place dwelling shall be occupied until a Travel Plan has been submitted to and approved by the Local Planning Authority, and this shall be fully implemented unless the Local Planning Authority gives written consent to any variation thereto.

Reason: To ensure the provision of safe and convenient forms of transport other than the motor car in the interests of sustainability and to provide the opportunity for employment for people without access to the private car in accordance with policies CS1, CS10 and CS30 of the North Somerset Core Strategy and policy DM26 of the North Somerset Sites and Policies Plan Part 1.

### **Landscaping and trees**

12. No site clearance, preparatory work or development shall take place until a plan for the protection of the retained trees and hedges, and the site specific statements for working methods in relation to demolition, construction, landscaping in accordance with Sections 5 to 8 of British Standard BS5837: 2012 – ‘Trees in relation to design, demolition and construction – recommendations’ has been approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that no excavation, tipping, burning, storing of materials or any other activity takes place within this protective zone and in accordance with policies CS4 and CS9 of the adopted North Somerset Core Strategy and policies DM10 and DM32 of the North Somerset Sites and Policies Plan Part 1 and the adopted supplementary planning document Biodiversity and Trees.

13. All works comprised in the approved details of landscaping should be carried out during the during the months of October to March inclusive first planting season following first occupation of the dwellings or completion of the development, whichever is the sooner, with the exception of any advance planting in areas identified as necessary for the protection of ecology, within the Habitats Regulations Assessment and Biodiversity Habitat and Green Open Spaces Management Plan referred to in conditions 21 and 22 which shall be undertaken in accordance with the timetable set out within these documents.

Reason: To ensure as far as possible that the landscaping scheme is fully effective and in accordance with policy DM32 of the North Somerset Sites and Policies Plan Part 1 and policy CS 30 of the North Somerset Core Strategy.

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

Reason: To ensure as far as possible that the landscaping scheme is fully effective and in accordance with policy DM32 of the North Somerset Sites and Policies Plan Part 1 and policy CS 30 of the North Somerset Core Strategy.

#### **Drainage and flood risk**

15. No above ground work development above damp-proof course level shall commence until surface water drainage works have been implemented in accordance with details submitted to and approved in writing by the local planning authority. Which are in accordance with the principles set out in the National Planning Policy Framework, associated Planning Practice Guidance and the nonstatutory 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 6.2 l/s and the measures taken to prevent pollution of the receiving groundwater and/or surface waters; and
  - b) taking into account long-term storage, and urban creep
  - c) provide a plan indicating flood exceedance routes, both on and off site in the event of a blockage or rainfall event that exceeds the designed capacity of the system

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

16. No development other than for the creation of an outfall or associated works shall take place within 9 metres of the top of the bank of the watercourses located at the boundaries of the site.

Reason: To allow access for maintenance for the lifetime of the development in the interests of minimising flood risk, and to provide a biodiversity corridor, and in accordance with policies CS3 and CS4 of the North Somerset Core Strategy policy, policies DM1 and DM8 of the North Somerset Sites and Policies Plan Part 1 (Development Management Policies), and section 8.4 of the council's Biodiversity and Trees SPD.

- 17 No above ground work development above damp-proof course level shall take place until details of the implementation, maintenance and management of the approved sustainable drainage scheme have been submitted to and approved, in writing, by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. The details to be submitted shall include:
- a) a timetable for its implementation and maintenance during construction and handover; and
  - b) a management and maintenance plan for the lifetime of the development which shall include details of land ownership; maintenance responsibilities/arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable urban drainage scheme throughout its lifetime; together with a description of the system, the identification of individual assets, services and access requirements and details of routine and periodic maintenance activities.

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

### **Construction Environment Management Plan**

18. No development shall commencement until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall include details of:
- the number and frequency of construction vehicle movements,
  - construction operation hours,
  - construction vehicle routes to and from the site with distance details,
  - construction delivery hours, to avoid school start and finish times
  - car parking for contractors,
  - specific measures to be adopted to minimize and mitigate construction impacts on the environment (including effects of noise, dust, vibration, waste disposal, piling, ground works and rock removal, and infrastructure improvements if appropriate),
  - a detailed site traffic management plan to control traffic movements within the site during the construction phases,
  - a detailed working method statement to avoid/minimize impacts on protected and notable species and important habitats.

- a plan showing measures for habitat protection and retention. The approved Plan shall be implemented and adhered to at all times, unless any amendments are first agreed in writing with the Local Planning Authority.

Reason: To comply with the Conservation of Habitats and Species Regulations 2010 (as amended), the Wildlife and Countryside Act 1981 (as amended) and the NERC Act 2006 and to mitigate the impact of construction traffic during the construction period and in the interests of highway safety in the local and strategic road network in accordance with policies CS1, CS10 and CS30 of the North Somerset Core Strategy and policy DM24 of the North Somerset Sites and Policies Plan Part 1.

### **Biodiversity**

19. All ecological mitigation measures identified in the Habitats Regulations Assessment together with the recommended compensation and enhancement measures proposed as referred to in the submitted Ecological Impact Assessment Report dated January 2019 shall be implemented according to a programme to be approved by the Local Planning Authority.

Reason: To protect and enhance biodiversity on site in accordance with policy CS4 of the North Somerset Core Strategy and policy DM8 of the North Somerset Sites and Policies Plan Part 1.

20. No development above damp-proof course level shall take place dwelling shall be occupied until a Biodiversity Habitat and Green Open Spaces Management Plan has been submitted to and approved by the Local Planning Authority in accordance with the principles set out in the documents referred to in condition 7. The Plan shall cover a ten-year period and include measures for establishment, enhancement and management of habitats and open spaces including ponds within the site and shall include planting schedules devised in accordance with the principles set out in the Ecological Constraints and Parameters Plan Rev 2 December 2019 and any conditions required as part of the HRA and details of ongoing management. This shall include a timetable for management activities as well as a monitoring schedule. The plan should also detail the measures for the protection and enhancement of biodiversity, including those specifically for the benefit of European Protected Species, within the site and shall be fully implemented.

Reason: To comply with Policy CS4 of the adopted Core Strategy, policy DM24 of the North Somerset Sites and Policies Plan Part 1 and to comply with the Conservation of Habitats and Species Regulations 2010 (as amended).

21. Not later than one- and five-years following occupation of the 10<sup>th</sup> dwelling on the site a monitoring report to show the use of the site by Horseshoe bats of existing and created habitats, shall be submitted to the Local Planning Authority together with any recommendations for further mitigations.



Reason: To comply with Policy CS4 of the adopted Core Strategy, policy DM24 of the North Somerset Sites and Policies Plan Part 1 and to comply with the Conservation of Habitats and Species Regulations 2010 (as amended).

## **Energy**

22. The dwellings hereby approved shall not be occupied until measures to generate 15% of the on-going energy requirements of the use (unless a different standard is agreed) through micro renewable or low-carbon technologies have been installed and are fully operational in accordance with the reserved matters details that have been first submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved technologies shall be permanently retained unless otherwise first agreed in writing by the Local Planning Authority.

Reason: In order to secure a high level of energy saving by reducing carbon emissions generated by the use of the building in accordance with Policies CS1 and CS2 of the North Somerset Core Strategy and 20 policies DM6 and DM32 of the North Somerset Sites and Policies Plan Part 1.

## **Space Standards and Accessible dwellings**

23. The dwellings hereby approved shall be built in accordance with the Nationally Described Space Standards (NDSS), unless shown not to be practicable and viable and a minimum of 17% of the dwellings shall be constructed to comply with the requirements of The Building Regulations 2010 Volume 1 M4(2) Category Two: Accessible and adaptable dwellings.

Reason: The NDSS is the appropriate space development standard for new and market housing and to ensure that sufficient accessible housing is provided in accordance with Policy DM42 of the North Somerset Sites and Policies Plan Part 1 Development Management Policies, and the North Somerset Accessible Housing Needs Supplementary Planning Document April 2018.

## **Waste management**

24. Provisions for the storage of refuse shall be constructed and made available for use in accordance with details to be submitted and approved under the reserved matters consent before the occupation of each dwelling that they serve and thereafter shall be made permanently available for use for the storage of refuse only.

Reason: In the interests of the local environment and in accordance with policy DM32 of the North Somerset Sites and Policies Plan Part 1 and policy CS12 of the North Somerset Core Strategy.

**Samples of materials**

25. No development shall be commenced above ground level until samples panels of the materials to be used in the construction of the external surfaces of the buildings to which they relate have been constructed on site and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority. These details may be submitted for the whole, or part of a phase.

Reason: In the interests of the visual appearance of the area and in accordance with policy DM32 of the North Somerset Sites and Policies Plan Part 1 and policy CS12 of the North Somerset Core Strategy.

**Fire Hydrants**

26. No development above damp-proof course level shall take place 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 to and approved in writing by the Local Planning Authority. The development shall not be occupied until the approved scheme has been implemented.

Reason: To ensure that the necessary water reliant infrastructure is installed in the interests of public safety and in accordance with policy CS34 of the North Somerset Core Strategy and policy DM71 of the North Somerset Sites and Policies Plan Part 1.

**UPDATE SHEET 17 JUNE 2020**

**Section 1**

**Item 6 – 18/P/4735/OUT - Land West Of Wolverhill Road, North Of Wolverhill Park And Knightcott Park, Banwell**

**Committee Site Inspection**

To comply with guidelines to minimise the risk of Covid-19 virus, a site inspection pack was made available online for individual members to carry out self-guided site visit followed by an online Q&A opportunity with officers.

**Additional Third Party comments:**

34 additional letters of objection have been received which raise the same range of points that are addressed within the committee report.