

Public Document Pack

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Date: Tuesday, 13 April 2021

****Virtual Meeting**

Dear Sir or Madam

Planning and Regulatory Committee – Wednesday, 21 April 2021, 2.30 pm – Virtual Meeting via Microsoft Teams

A meeting of the Planning and Regulatory Committee will take place as indicated above. Councillors will be sent a Teams Meeting invitation to place the meeting in their Calendar and can then access the meeting from the link in that calendar item.

Please Note that any member of the press and public may listen in to proceedings at this 'virtual' meeting via the weblink below –

<https://youtu.be/Y99yme9CNpE>

The agenda is set out overleaf.

Yours faithfully

Assistant Director Governance and Monitoring Officer

Please note: Following guidance from the national Planning Advisory Services on how to run planning committees during the current pandemic, senior councillors from all parties, in consultation with the Chief Executive, have agreed to temporarily reduce the membership of the Planning and Regulatory Committee to 13 for virtual meetings.

Political balance applies and the 13 members nominated by political group leaders are as follows:

Councillors (13):

Andy Cole (Chairman), John Ley-Morgan (Vice Chairman), Steve Bridger, Peter Bryant, Caroline Cherry, Peter Crew, John Crockford-Hawley, Catherine Gibbons, Ann Harley, Stuart McQuillan, Robert Payne, Mike Solomon, Richard Westwood

For clarity, full committee membership comprises 27 councillors and is set out below:

Andy Cole (Chairman), John Ley-Morgan (Vice-Chairman), Mike Bell, Mike Bird, Steve Bridger, Peter Bryant, Gill Bute, Ashley Cartman, Caroline Cherry, Peter Crew, John Crockford-Hawley, Catherine Gibbons, Ann Harley, Sandra Hearne, David Hitchins, Steve Hogg, Ruth Jacobs, Patrick Keating, Stuart McQuillan, Robert Payne, Bridget Petty, Terry Porter, David Shopland, Timothy Snaden, Mike Solomon, Richard Tucker and Richard Westwood.

Agenda

1. Public speaking at planning committees (Standing Order 17 & 17A, as amended by SO 5A)

To receive written submissions from any person who wishes to address the Committee. The Chairman will select the order of the matters to be received.

Please ensure that any submissions meet the required time limits and can be read out in five minutes for public participation on non-planning matters (up to a maximum of 30 minutes) and three minutes for applicant/supporter statements and three minutes for objector statements on a planning application (up to a maximum of 30 minutes). Members of the public are advised that 400 words at normal speaking speed equate to a three minute statement.

If there is more than one person submitting a statement objecting to an application, the Chairman will invite those persons to agree on a combined statement. In default of agreement the Chairman may select one statement to be read out.

Requests and full statements must be submitted in writing to the Assistant Director Governance and Monitoring Officer, or to the officer mentioned at the top of this agenda letter, by noon on the day before the meeting and the request must detail the subject matter of the address.

2. Apologies for absence and notification of substitutes

3. Declaration of Disclosable Pecuniary Interest (Standing Order 37)

A Member must declare any disclosable pecuniary interest where it relates to any matter being considered at the meeting. A declaration of a disclosable pecuniary interest should indicate the interest and the agenda item to which it relates. A Member is not permitted to participate in this agenda item by law and should immediately leave the meeting before the start of any debate.

If the Member leaves the meeting in respect of a declaration, he or she should ensure that the Chairman is aware of this before he or she leaves to enable their exit from the meeting to be recorded in the minutes in accordance with Standing Order 37.

4. Minutes (Pages 5 - 8)

17 March 2021, to approve as a correct record (attached)

5. Matters referred by Council, the Executive, other committees etc (if any)

6. Planning Application No. 20/P/0861/FUL Erection of 14no. dwellings, provision of access, public open space, drainage, landscaping and ancillary works. Land to east of Youngwood Lane, Nailsea (Pages 9 - 24)

Section 1 report of the Director of Place Directorate (attached)

7. Planning Application No. 19/P/3197/FUL Residential development of 60no. dwellings with supporting infrastructure and enabling works including new vehicular access with Moor Road, public open space, landscaping and drainage infrastructure on land off Moor Road, Yatton (Pages 25 - 56)

Section 1 report of the Director of Place Directorate (attached)

8. Planning Application No. 20/P/2447/FUL: Demolition of existing bungalow and erection of 2no detached dwellings with ancillary works at 234 Down Road, Portishead, BS20 8HU (Pages 57 - 66)

Section 2 report of the Director of Place Directorate (attached)

9. Planning Appeals 21.04.2021 (Pages 67 - 70)

Section 3 report of the Director of Place Directorate (attached)

10. Urgent business permitted by the Local Government Act 1972 (if any)

For a matter to be considered as an urgent item, the following question must be addressed: "What harm to the public interest would flow from leaving it until the next meeting?" If harm can be demonstrated, then it is open to the Chairman to rule that it be considered as urgent. Otherwise the matter cannot be considered urgent within the statutory provisions.

Exempt Items

Should the Planning and Regulatory Committee wish to consider a matter as an Exempt Item, the following resolution should be passed -

"(1) That the press, public, and officers not required by the Members, the Chief Executive or the Director, to remain during the exempt session, be excluded from the meeting during consideration of the following item of business on the ground that its consideration will involve the disclosure of exempt information as defined in Section 100I of the Local Government Act 1972."

Also, if appropriate, the following resolution should be passed –

“(2) That members of the Council who are not members of the Planning and Regulatory Committee be invited to remain.”

Mobile phones and other mobile devices

All persons attending the meeting are requested to ensure that these devices are switched to silent mode. The chairman may approve an exception to this request in special circumstances.

Filming and recording of meetings

The proceedings of this meeting may be recorded for broadcasting purposes.

Anyone wishing to film part or all of the proceedings may do so unless the press and public are excluded for that part of the meeting or there is good reason not to do so, as directed by the Chairman.

Members of the public may also use Facebook and Twitter or other forms of social media to report on proceedings at this meeting.



Minutes

of the Virtual Meeting of

The Planning and Regulatory Committee

Wednesday, 17 March 2021

Virtual Meeting via Microsoft Teams

Meeting Commenced: 2.30 pm

Meeting Concluded: 3.50 pm

Councillors:

Andy Cole (Chairman)

Steve Bridger
Peter Bryant
Caroline Cherry
Peter Crew
John Crockford-Hawley
Catherine Gibbons
Ann Harley
Stuart McQuillan
Robert Payne
Mike Solomon
James Tonkin (substitution John Ley-Morgan)
Richard Westwood

Apologies: Councillors: Mike Bell, Mike Bird, Gill Bute, Ashley Cartman, Ciaran Cronnelly, Sandra Hearne, David Hitchins, Steve Hogg, Ruth Jacobs, Patrick Keating, John Ley Morgan (Vice Chairman), Bridget Petty, Terry Porter, David Shopland and Timothy Snaden.

Also in attendance: Cllrs John Cato and Nicola Holland

Officers in attendance: Hazel Brinton (Democratic Services Officer), Sue Buck (Solicitor - Litigation Team Leader), Michele Chesterman (Democratic and Electoral Services Officer), Simon Exley (Applications and Consents Service Manager, Place Directorate), Richard Kent (Head of Planning, Place Directorate), James Wigmore (Lead Transport Planner), Ellena Fletcher (Senior Planning Officer), Mike Riggall (Information and ICT Security Manager) and Jessica Smith (Senior Planning Officer).

PAR Chairman's Welcome

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The Chairman welcomed everyone to the eleventh virtual meeting of the Planning & Regulatory Committee.

He explained the procedures to be followed at the meeting and confirmed that

decisions taken at this meeting would have the same standing as those taken at a regular meeting of the Planning & Regulatory Committee in the Town Hall.

The Chairman reminded everyone that the meeting was being livestreamed on the internet and that a recorded version would be available to view within 48 hours on the North Somerset Council website.

For the benefit of those in attendance and members of the public watching the meeting online a representative of the Assistant Director Governance carried out a roll call of members in attendance and read out the names of the officers present at the meeting.

PAR 98 Public speaking at planning committees (Standing Order 17 & 17A, as amended by SO 5A) Planning Application No 20/P/2327/FUL (Agenda Item 1)

At the request of the Chairman, a representative of the Assistant Director Governance read out a written submission from Leigh Morris on behalf of the Uphill Village Society speaking against the proposal. Full details had been published in advance of the meeting.

PAR 99 Public speaking at planning committees (Standing Order 17 & 17A, as amended by SO 5A) Planning Application No 20/P/2327/FUL (Agenda Item 1)

At the request of the Chairman, a representative of the Assistant Director Governance read out a written submission from Jonathan Jones-Pratt, applicant, speaking in support of the proposal. Full details had been published in advance of the meeting.

PAR 100 Public speaking at planning committees (Standing Order 17 & 17A, as amended by SO 5A) Planning Application No 20/P/2447/FUL (Agenda Item 1)

At the request of the Chairman, a representative of the Assistant Director Governance read out a written submission from Tina Mason speaking against the proposal. Full details had been published in advance of the meeting.

PAR 101 Public speaking at planning committees (Standing Order 17 & 17A, as amended by SO 5A) Planning Application No 20/P/2447/FUL (Agenda Item 1)

At the request of the Chairman, a representative of the Assistant Director Governance read out a written submission from Davies Architectural Services, agent on behalf of the applicant, speaking in support of the proposal. Full details had been published in advance of the meeting.

PAR 102 Declaration of disclosable pecuniary interest (Standing Order 37) (Agenda Item 3)

None.

PAR 103 Minutes 17 February 2021 (Agenda Item 4)

Resolved: that the minutes of the meeting be approved as a correct record.

PAR 104 Planning Application No. 20/P/2327/FUL: Change of use of land and extension of existing steel-framed barn for personal hobby use for storage of heritage buses. Slimeridge Farm, Links Road Uphill Weston-super-Mare BS23 4XY (Agenda Item 6)

The Director of the Place Directorate's representative drew members' attention to the update sheet which included information on a site visit by one of the authority's Enforcement Officers.

Resolved: that contrary to the officers' recommendation that the application be **APPROVED**. In approving the application, members consider that the proposed extensions were not prominent, and the existing building was in the high flood risk area so the extensions would not be unsustainable or unacceptable. Furthermore, they considered the extensions would not cause harm and could be approved subject to the following conditions:

1. The development hereby permitted shall be begun before the expiry of three 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. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any Orders revoking and re-enacting those Orders, with or without modification), the use of the extensions to the building hereby permitted shall be used in association with the storage of heritage buses and steam vehicles kept for purposes of display and exhibition and not for hire and reward transportation services and shall not be used for any other purposes except for agricultural use.
4. The movement of heritage buses or steam engines shall be limited to no more than 35 outings (70 movements) during 1st April to 31st October and no more than 15 outings (30 movements) from 1st Nov to 31st March each year.
5. Any operations associated with the storage of heritage buses and steam vehicles within the building shall not result in any audible noise external to the buildings outside of the hours of 08:00 to 19:00 hours Monday to Friday or outside of the hours of 08:00 to 13:00 hours on Saturdays and at any time on Sundays Bank or other Public Holidays
6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any Orders revoking and re-enacting those Orders, with or without modification), no extensions or alterations to the building shall be carried out without prior permission from the Local Planning Authority.
7. The development hereby permitted shall not take place except in complete accordance with the approved Flood Risk Assessment.
8. No means of external lighting shall be installed on the site unless details are

first submitted to and approved in writing by the Local Planning Authority.

9. Safeguards should be implemented to minimise the risks of pollution including from flooding from any storage or use of oils, fuels or chemicals in the building in accordance with the Environment Agency's Pollution Prevention Guidelines.

PAR 105 Planning Application No. 20/P/2447/FUL: Demolition of existing bungalow and erection of 2no detached dwellings with ancillary works at 234 Down Road, Portishead, BS20 8HU (Agenda Item 7)

The Director of the Place Directorate's representative drew members' attention to the update sheet which included additional information provided by the applicant on the removal of a low wall and minor changes to the recommended conditions after a review.

Resolved: that the application be **DEFERRED** for one cycle to allow members to conduct a site visit that conforms with national Covid regulations.

PAR 106 Delegation Arrangements Update (Agenda Item 8)

The Director of Place's representative reported on the extension of the Emergency Delegation Arrangements.

Resolved: that the arrangements be extended for a further 6 months as per the officers' recommendations.

PAR 107 Planning Appeals 17.02.2021 (Agenda Item 9)

The Director of Place Directorate's representatives reported on appeal decisions and appeals that had been lodged since the date of the last meeting.

Resolved: that the report be noted.

Chairman

SECTION 1 – ITEM 6

Application No: 20/P/0861/FUL

Proposal: Erection of 14no. dwellings, provision of access, public open space, drainage, landscaping and ancillary works.

Site address: Land to east of Youngwood Lane, Nailsea

Applicant: Clifton Homes (SW) Ltd

Target date: 14.07.2020

Extended date: 30.04.2021

Case officer: Sally Evans

Parish/Ward: Nailsea/Nailsea Youngwood

Ward Councillors: Councillor Sandra Hearne

REFERRED BY COUNCILLOR HEARNE

Summary of recommendation

It is recommended that, subject to the completion of a legal agreement, and resolution of outstanding matters, the application be **APPROVED** subject to conditions. The full recommendation is set out at the end of this report.

The Site

The site measures 0.76 ha and is located at the south western side of the developed edge of Nailsea and adjoins The Perrins at part of the northern side and Youngwood Lane at the west. It is agricultural pasture land and incorporates a rectangular field with rural boundary hedges at the east, west and south boundaries with domestic hedges at the north where the site adjoins the rear gardens of bungalows (23 - 31 The Perrins). The application site also includes a triangular area of scrubland at the eastern side where the vehicular access to The Perrins is proposed. At the east is unadopted land used as public open space, subject to a current application by Nailsea Town Council to be designated as a Town Village Green.

The Application

Full permission is sought for:

- The erection of a total of 14 dwellings consisting of:
- 10 open market units (1 x 3 bed bungalow; 2 x 2 bed bungalows; 5 x 3 bed two storey dwellings and 2 x 4 bed two storey dwellings) and:

- 4 affordable housing units (2 no social rent and 2 no shared ownership)(2 x 2 bed two storey dwellings, 1 x 3 bed two storey dwelling and 1 x 4 bed two storey dwelling.)
- Off road parking for 32 vehicles (minimum of two per dwelling)
- A new vehicular access off The Perrins.
- A green buffer at the southern and western boundaries;
- Two areas of public open space at the east and west of the site.

Relevant Planning History

Year: 2005

Reference: 05/P/0738/O

Proposal: Erection of 8 dwellings

Decision: Refused

Year: 1975

Reference: 2585/75

Proposal: Erection of 164 dwellings and garages and construction of estate roads and sewers with reservation of land for public open space.

Decision: Approved

Policy Framework

The site is affected by the following constraints:

- Within the Strategic Gap between Backwell and Nailsea.
- Adjacent to land proposed for a town/village green at the south east boundary
- Adjacent to the settlement boundary for Nailsea
- Horseshoe Bat Habitat. Zone B.
- Minimal overlap with Wildlife site designation at the southern part of the site. (Site of wildlife interest) (within site green buffer.)
- Tree preservation orders at the north and east site boundary. No's 127 (mixed species); 632 (T96 Oak); (T97 Ash); (T94 Oak); (T95 Ash.)
- EA groundwater source protection area zone 2c
- Coal Authority Development Low Risk area.
- NSC Landscape Character Assessment Area K1: Nailsea Farmed Coad Mining Measures.
- Agricultural Land Classification grade 3b.

The Development Plan

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

The following policies are particularly relevant to this proposal:

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
CS31	Clevedon, Nailsea and Portishead
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:

DM1	Flooding and drainage
DM2	Renewable and low carbon energy
DM6	Archaeology
DM7	Non-designated heritage assets
DM8	Nature Conservation
DM9	Trees
DM10	Landscape
DM18	Identification of Minerals Safeguarding Area for surface coal
DM19	Green infrastructure
DM26	Travel plans
DM27	Bus accessibility criteria
DM28	Parking standards
DM32	High quality design and place making
DM35	Nailsea housing type and mix
DM36	Residential densities
DM42	Accessible and adaptable housing and housing space standards
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:

SA2	Settlement boundaries and extension of residential curtilages
SA7	Strategic Gaps

Other material policy guidance

National Planning Policy Framework (NPPF) (February 2019)

The following sections are particularly relevant to this proposal:

1	Introduction
2	Achieving Sustainable Development
3	Plan-making

- 4 Decision-taking
- 5 Delivering a sufficient supply of homes
- 6 Building a strong, competitive economy
- 7 Ensuring vitality of town centres
- 8 Promoting healthy and safe communities
- 9 Promoting sustainable transport
- 10 Supporting high quality communications
- 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
- 17 Facilitating the sustainable use of minerals

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)
- Creating sustainable buildings and places SPD (adopted March 2015)
- Solar Photovoltaic (PV) Arrays SPD (adopted November 2013)
- Wind Turbines SPD (Adopted April 2014)
- 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)

Consultations

Amended plans and additional information was submitted 1st April. Neighbours and consultees have been renotified and the consultation period ends 21st April. The Committee will be updated on relevant comments received.

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

Third Parties: 59 letters of objection and one letter of comment have been received at the time of report writing following the initial consultation in April 2020 and after the submission of amended plans in October 2020. The principal planning points made are as follows:

- In principle objection to development in strategic gap and conflict with local plan.
- Development should be considered as part of a wider consultation for the Nailsea area in the new local plan.

- Adverse impacts to existing properties, loss of privacy.
- Increase in traffic and associated highway hazards on local and wider road network.
- Increase in noise and air pollution.
- Inadequate and unsafe access and insufficient parking.
- Adverse impacts and loss of local ecology.
- Out of character with the surrounding area.
- Proposed buildings too high and over development.
- Increased risk of flooding.
- Loss of trees and hedges.
- Insufficient community facilities for new residents.
- Adverse impact to adjacent town/village green application.

Nailsea Town Council:

“**Recommend Refusal** on grounds that:

- 1) The proposal does not fit with the adopted Core Strategy.
- 2) The site sits outside of the settlement boundary.
- 3) The site is located in the strategic gap between Nailsea and Backwell”

Other Comments Received:

Environment Agency

No comment.

Natural England.

Comments awaited.

Avon Fire Brigade.

Hydrants are required on site and a sum of £1,500 per hydrant for future maintenance.

Principal Planning Issues

The principal planning issues in this case are (1) the principle of development (2) public open space (3) highways and transport (4) sustainable urban design (5) arboricultural impacts (6) biodiversity (7) drainage and flooding (8) house types and housing space standards (9) environmental protection and acoustic assessment (10) historic coal mining use risks (11) setting of heritage assets and (12) archaeology.

Issue 1: Principle of development

The overarching principle of development is set out in the adopted Core Strategy which provides the strategic planning policies for North Somerset up to 2026. Policy CS31 allows for new housing development within and adjoining the settlement boundary of Nailsea provided it is appropriate in scale, of high quality design, respectful of the Town's distinctive character and local environment, provides sufficient infrastructure, enhances sustainability and addresses local housing needs. In terms of scale, proposals in excess of about 50 dwellings would need to be brought forward through the local plan process.

In terms of this policy, the development integrates with the settlement pattern and does not form an uncharacteristic projection into a rural area. There is no evidence that local

services and facilities will be adversely affected by it. The site is within walking distance of schools and is served by sustainable bus links and foot/cyclepaths. The range of house types complies with policy DM35 and the proposed affordable housing provision complies with policy CS16. The proposed dwellings are high quality in design and materials and the density is appropriate. On site sustainable energy provision complies with Core Strategy policies CS1 and CS2 and Development Management Plan policy DM2. Providing the outstanding matters referred to in this report are satisfactorily resolved, it is therefore considered that the proposals will conform with these aspects of policy CS31.

The application site however also lies within the designated strategic gap between Backwell and Nailsea. In this respect, Core Strategy policy CS19 states that the council will protect strategic gaps to help retain the separate identity, character and/or landscape setting of settlements and distinct parts of settlements.

The Development Management Sites Allocations Plan policy SA7 provides more detailed guidance about the circumstances in which development will be permitted in strategic gaps. It identifies 3 key criteria each of which has been assessed in turn with the conclusions set out below:

(i) "The open or undeveloped character of the gap should not be significantly adversely affected."

The land between Nailsea and Backwell is a wide valley, sloping upwards towards the settlements. The character and appearance of the Strategic Gap in this location is created by a series of fields of varying sizes, enclosed and contained by high hedges and mature trees. A number are used for equestrian uses and have associated stables and out buildings. There are houses and farms interspaced within the field structure. Adjacent to the eastern site boundary is the Perrins Public open space, it contains play equipment and paths and currently subject to an application for Town Green status. On this basis it is concluded that this part of the gap is not open in character, rather it would be defined as urban edge. As it is undeveloped, the site contributes to the gap between Nailsea and Backwell, but it is a relatively small area of land. The Strategic Gap designation covers a wide area of land in this location (approx. 1.4 km.) The loss of less than 80m in width (at the widest point) of contained land from what is a considerable undeveloped gap between settlements would not significantly adversely affect it.

(ii) "The separate identity and character of the settlements would not be harmed."

As the site is not visible from the built up area of Backwell, the development would not adversely impact on its identity or character. It is not possible to see Backwell from the application site or adjacent land. It is roughly 1.4 km from Backwell and is not part of its associated visual or historic context. The character of Nailsea's settlement shape is evolving and has changed significantly in recent years. The relatively smooth edge, following the line of the higher land, has been expanded by development extending outwards and down the slopes, including the bungalows to the north of the application site, and more recently by the allocated residential development sites at The Uplands, west of Engine Lane, north west Nailsea and Youngwood Lane. The application site should be seen in this context and is effectively a minor extension to the settlement, and follows a form previously approved. The development would be no higher than the existing bungalows as the houses would be built into the hillside and therefore would not be visually prominent. As a consequence, the proposal would not harm the separate

identity and character of the settlements in terms of significantly reducing the distance between them.

(iii) *“The landscape setting of the settlements would not be harmed.”*

The visual effects of the development are confined to the immediate site environs and limited to public viewpoints close to it at the north east corner of the boundary. The greatest change would be to the private views of nearby residents at the 5 bungalows at the northern boundary and two storey dwellings at The Perrins, but these are mostly not publicly accessible views. Land to the east would be designated a “Town Green”, if the application is approved. This would effectively prevent further residential development in that direction. To the west is Youngwood Lane and a number of large residential properties and residential curtilages, creating a barrier to development in that direction. The new houses are not proposed to be on the highest land, this is already occupied by the bungalows, but are relatively low level dwellings, to be constructed into the hillside and will not be visually prominent. It is therefore concluded that impacts to the landscape setting will be minimal.

Policy SA7 sets out that development in Strategic Gaps will be permitted provided it is assessed against the three criteria. The designation does not seek to prevent all development, just the development that does not comply with the policy criteria. The development is therefore considered to comply with policies CS19, SA7, and CS31.

Notwithstanding this, the Council cannot currently demonstrate a five-year supply of deliverable housing sites as required by the National Planning Policy Framework (NPPF), with the current supply position standing at 4.4 years. This means that for applications involving the provision of housing should be granted permission unless (i). the application of policies in the NPPF that protect areas or assets of particular importance (such as habitat sites, SSSIs, Green Belt, Local Green Space and AONB) provides a clear reason for refusing the development proposed; or (ii) any 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 impacts of the development are assessed in this report and it does not outweigh the benefits which includes 14 new high quality homes, with 30% affordable units.

Given that the conclusion from the assessment of the impacts of the development on the strategic gap is that it is not considered that the proposals will cause any overriding harm, when assessed against the criteria in policy SA7, it is considered that the application is acceptable in principle.

Issued 2: Public Open Space

It has been suggested that the application would result in the loss of public open space. The Perrins neighbourhood of 164 dwellings, associated roads and open space was developed under full planning consent ref no 2585/75, approved August 1977. That application site included the easternmost triangle of the current planning application land, and the access road to The Perrins is proposed to be constructed through it. The triangle of land was noted on the approved 1970's plans as public open space. However there were no planning conditions nor a requirement in the associated legal agreement that it be delivered, used, adopted and retained as public open space and it has never been passed

to the Council for adoption. The land therefore has no official or legal status as public open space.

Nailsea Town Council has recently submitted an application to designate land east of this site as a Town/Village Green. This is currently being assessed by North Somerset's Legal Services team but it does not include any land within the current planning application site boundary and therefore does not impact directly on the consideration of this application.

Issue 3: Highways and Transport

The site is in a sustainable location, adjoining the settlement boundary of Nailsea where developments of up to 50 dwellings are considered acceptable in principle under the terms of Core Strategy policy CS31.

There is an existing bus route along The Perrins and an improved cycle/pedestrian route to the railway station is to be delivered along this road under the terms of the S106 agreement attached to the permission at Youngwood Lane for 450 dwellings (16/P/1677/OT2). The first stage along the site frontage would be constructed by the applicants for this development.

Car parking provision complies with adopted standards and each house would have electric vehicle charging facilities on plot within car ports (which are proposed instead of garages which are deemed unlikely to remain available for parking). The closest schools are all within 15 minutes walking distance from the site therefore public home to school transport provision is not required. Traffic generation from the proposal has been assessed using the industry standard TRICS database to forecast the likely number of resulting new trips generated. The outcome found that a maximum of 7 two-way vehicle movements were likely in peak times and up to 64 vehicle movements were possible across a typical day. This would not result in a significant adverse impact on traffic volumes during morning and evening peak times and is considered acceptable.

The detailed design of the vehicle access from The Perrins has been subject to further assessment, revised plans and a Road Safety Audit. These have been submitted and are being considered. The committee will be updated on the outcome, however it is likely to be acceptable. Visibility at the junction is 43m from 2.5m back from the centre of the access which is acceptable in view of the 30 mph speed limit at The Perrins. The new road is designed as a cul-de-sac with vehicle turning and is likely to be offered for adoption. Refuse collection vehicle access tracking is being checked. Cycle parking and refuse box storage facilities will be required within plots.

Subject to confirmation from the Highway Authority, a financial contribution towards promotion of sustainable travel, the creation of new cycle and pedestrian routes may be required through the S106 agreement. Subject to the recently submitted amended plans being acceptable it is concluded that the application would comply with adopted policies, in particular Development Management plan policies DM24, DM28 and Core Strategy policy CS11.

Issue 4: Sustainable development and urban design.

Core Strategy policies CS12 and CS31 require that new developments provide high quality and locally distinctive designs, creating an individual character and identity. Development

Management Policy DM32 also supports high quality, distinctive, functional and sustainable places. The Council's Residential Design Guide Part 1 provides guidance in respect of protecting residents from overlooking, overshadowing and overbearing impacts. The development has paid due regard to these policies and subject to further consideration of the recently submitted amended plans, would comply with them. The proposed dwellings are varied, distinctive and high quality in design and include 2 single storey properties adjacent to existing houses, which lowers potential impacts to residential amenity. External materials can be agreed by planning condition but illustrations include a good mix of natural stone, timber cladding natural coloured render and brick detailing.

Sustainable energy

Core Strategy policies CS1 and CS2 supported by Development Management Plan policy DM2 require a minimum of 15% of future energy needs to be generated on site. The energy strategy for this development includes solar pv panels for the 6 no dwellings with south facing roof slopes which will comply with the minimum policy specifications.

Open space provision

To comply with the requirements of Development Management Plan policies DM8 (protection of wildlife corridors and provision of ecological mitigation) and DM32 (high quality design of new residential areas) and supported by DM70 and DM71, the layout includes 5m wide unlit green buffers at the south and western boundaries and two areas of public open space with new tree planting, one at the eastern and another at the western side of the site. The open space provision is sufficient to provide neighbourhood open space facilities for the new residents and an ecological benefit and is considered acceptable.

Affordable Housing provision

The proposals include 30% on site affordable housing provision with an acceptable mix of tenure and house types, to be delivered via a S106 agreement and therefore accords with Core Strategy policy CS16.

Issue 5: Arboricultural impacts

There are a number of trees around the periphery of the site, the majority of which are protected by Tree Preservation Orders and are being retained and protected by ecological buffers or by new public open space. Smaller trees within the eastern boundary hedgerow are to be removed and new tree planting will compensate for this. Subject to suitable conditions requiring protection during construction the proposals comply with Development Management plan policy DM9.

Issue 6 – Biodiversity and Habitat Regulations Assessment.

The Natural Environment and Rural Communities (NERC) Act 2006 places a duty on Local authorities to have regard to the conservation of biodiversity in exercising their functions and it is confirmed that the terms of the Act have been complied with in this respect. Development Management Plan policy DM8 requires that biodiversity and important species are protected. The site is within Zone B of the North Somerset and Mendip Bats Special Area of Conservation (SAC). There is evidence that Horseshoe bats are using the southern boundary and a green unlit buffer has been provided with the hedge and trees retained. A Habitats Regulation Assessment/Appropriate Assessment (HRA/AA) is being produced for consideration with Natural England. No other protected species have been

identified on site. Subject to the acceptability of the most recent additional ecological assessment information in relation to lighting specifically, and the completion of the HRA/AA and acceptable off-site mitigation if required, the proposals will be concluded to be acceptable and in accordance with policy DM8 of the Development Management Sites and Policies Plan.

Issue 7: Drainage and flooding.

Development Management Plan policy DM1 and Core Strategy policy CS2 require that the potential for site flooding and drainage requirements are properly addressed. The site is located in flood zone 1 and is at low risk of fluvial flooding. A formal Flood Risk Assessment is not required and the submitted details have provided sufficient information to demonstrate that this issue may be addressed by a pre-commencement planning condition.

Issue 8: Range of house types, accessible and adaptable housing and housing space standards.

Development Management Plan policy DM35 requires that, specifically in Nailsea, proposals for more than 10 new dwellings should include no more than 20% of units in excess of 4 bedrooms. This application is compliant albeit rounding the number up from 2.8 to 3 units. Policy DM42 of the Development Management Plan part 1, and the associated adopted SPD requires that a minimum of 17% of new housing should be constructed to the Category 2 Standards (accessibility and adaptability for all ages and abilities) under Part M of the Buildings Regulations 2015. Additionally all dwellings should conform to the minimum space standards set out in the Nationally Described Space Standards for overall floorspace and certain room sizes, where practical and viable. Subject to the acceptability of amended plans and the addition of necessary planning conditions the proposals comply with these policies.

Issue 9: Environmental Protection and acoustic assessment.

Policy CS3 requires that the potential for environmental impacts both to and from developments are addressed. Potential noise issues arising to existing and proposed residents have been assessed and it has been concluded that the proposals comply with this policy.

Issue 10: Historic coal mining use risks

The site lies within an area of Low Level coal mining risks. A full risk assessment is not required but an advice note is proposed notifying the developer that if any evidence of coal mining activities is found they should notify the Coal Authorities. The application therefore complies with the requirements of Core Strategy policy CS3.

Issue 11: Setting of Heritage Asset

The proposal does not affect any listed buildings, other heritage assets or their settings. It is therefore in accordance with policies CS5 and ECH/4 of the North Somerset Replacement Local Plan, policy DM4 of the Sites and Policies Plan (Part 1), section 16 of the NPPF and section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

Issue 12: Archaeology.

Development Management Plan policy DM6 requires that archaeological interests are fully considered and taken into account in determining planning applications. The site has been investigated and assessed by geophysical survey and trenching. Nothing of note was found. It is therefore concluded that no further archaeological requirements are necessary and the proposals comply with the relevant adopted plan policy.

Third party comments

The issues raised through the consultation process have been taken into account in the consideration of the application. Some matters which have been raised, namely loss of views, devaluation of property carry little weight in the determination of planning applications and are not controlled under adopted plan policies.

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 14 dwellings and therefore subject to developer contributions.

On site provision or contributions are required to deliver:

- (a) 30% on site affordable housing in accordance with policy CS16;
- (b) £1,500 per fire-fighting water hydrant for future maintenance;
- (c) off site mitigation measures to comply with the Habitat Regulations and Appropriate Assessment (if required) and
- (d) a financial contribution for the creation of off-site cycle/pedestrian routes, subject to confirmation.

Community Infrastructure Levy

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

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

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

The Crime and Disorder Act 1998

The Crime and Disorder Act places a Duty on Local authorities to have regard to crime and disorder issues in exercising their functions. 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

Policy CS31 allows for the principle of development on the edge of the Nailsea settlement boundary. The proposal will deliver a high quality, relatively small scale housing development which conforms to the mix of house types required for Nailsea under policy DM35 and affordable housing provision complies with policy CS16. It will integrate with the settlement pattern and will not adversely impact on the strategic gap in accordance with policies CS19 and SA7. There is no evidence that local services and facilities would be adversely affected. The site is within walking distance of schools and is served by sustainable bus links and foot/cyclepaths. On site sustainable energy provision complies with Core Strategy policies CS1 and CS2 and Development Management Plan policy DM2. Weight should also be given to the Council's housing supply shortfall in accordance with NPPF paragraph 11.

Overall therefore, provided the requirements of the Habitat Regulations are addressed, and the recently submitted amended plans and additional information is acceptable and the S106 is completed, the application is considered to be acceptable.

RECOMMENDATION: Subject to –

- (a) Final consideration of the amended plans and the resolution of any outstanding matters;
- (b) In consultation with Natural England, the completion of the Habitat Regulations Assessment and Appropriate Assessment if required, and provision for any necessary off site mitigation;
- (c) The completion of a section 106 legal agreement securing the delivery of a minimum of 30% on site affordable housing, financial contributions towards on-going maintenance of fire hydrants and for off site cyclepath links (if required).

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

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

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

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.

3. No dwelling shall be occupied until details of electric vehicle charging ducting, wiring and identified suitable fuse box connection ready to receive a charging socket serving that dwelling have been submitted to and approved in writing by the Local Planning Authority and implemented in full.

Reason: In order to secure sustainable modes of travel and in accordance with policies CS1 and CS10 of the North Somerset Core Strategy.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order, with or without modification), no extensions resulting in an increase to the height of the dwellings hereby permitted shall be carried out without the permission, in writing, of the Local Planning Authority.

Reason: The Local Planning Authority wish to retain control over extensions in order to maintain the integrity and appearance of this development, to reduce landscape impact in accordance with the outline planning permission and in accordance with policy CS12 of the North Somerset Core Strategy and policy DM32 of the North Somerset Sites and Policies Plan (Part 1).

5. All means of enclosure shall be in strict accordance with the approved details and, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order, with or without modification), no additional gates, fences, walls or other means of enclosure shall be erected or constructed forward of any wall of any dwelling which fronts onto a highway without the prior written permission of the Local Planning Authority.

Reason: The Local Planning Authority wish to retain control over means of enclosure in the interests of the character and appearance of the area and in accordance with policy DM32 of the North Somerset Sites and Policies Plan and policies CS5 and CS12 of the North Somerset Core Strategy.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order, with or without modification), no garages shall be erected or created from car ports without the permission, in writing, of the Local Planning Authority and the approval by them of the design, siting and external appearance of such garage and of the means of access thereto.

Reason: The Local Planning Authority wish to retain control over new garages in order to maintain the integrity and appearance of this development and protect the living conditions of neighbouring residents/, and in accordance with policy CS12 of the North Somerset Core Strategy and policies DM38 and DM32 of the North Somerset Sites and Policies Plan (Part 1), and the North Somerset Residential Design Guide SPD (Section 1: Protecting living conditions of neighbours).

7. No dwelling shall be occupied until the access, parking spaces and turning spaces shown on the approved plans have been constructed in such a manner that each

dwelling unit is served by a properly consolidated and surfaced footpath and vehicle access between the dwelling and the existing highway, in accordance with the approved plans.

Reason: To ensure adequate parking is 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.

8. No dwelling shall be occupied until secure parking facilities for bicycles have been provided for it in accordance with plans and specifications to be first submitted to and approved in writing by the Local Planning Authority. The approved facilities shall thereafter be permanently retained and kept available for the parking of bicycles at all times.

Reason: To ensure that secure cycle parking are provided in order to encourage the use of more sustainable transport choices and in accordance with policies CS1 and CS11 of the North Somerset Core Strategy, policies DM 28 and DM32 of the North Somerset Sites and Policies Plan (Part 1) and the North Somerset Parking Standards SPD.

9. The finished floor, ground and ridge height levels shall not exceed those shown on the approved plans.

Reason: In order to ensure that the height of the development is appropriate in the interests of the character and appearance of the area, and in accordance with policy CS12 of the North Somerset Core Strategy and policy DM32 of the North Somerset Sites and Policies Plan (Part 1).

10. Notwithstanding the approved plans no development shall be commenced above ground level until sample 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.

11. Provisions for the storage of refuse shall be constructed and made available for use in accordance with details to be submitted and approved by the Local Planning Authority prior to 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.

12. No development shall commence 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:-
- a) the number and frequency of construction vehicle movements;
 - b) construction operation hours;
 - c) construction vehicle routes to and from the site with distance details;
 - d) construction delivery hours;
 - e) vehicle parking for contractors;
 - f) specific measures to be adopted to minimise 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);
 - g) a detailed site traffic management plan to control traffic movements within the site during the construction phases;
 - h) a detailed working method statement to avoid/minimise impacts on protected and notable species and important habitats; and
 - i) 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: In order to preserve the living conditions of nearby residents and to protect road safety in accordance with policy CS3 of the North Somerset Core Strategy and policy DM24 of the North Somerset Sites and Policies Plan Part 1.

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SECTION 1 – ITEM 7

Application No: 19/P/3197/FUL

Proposal: Residential development of 60no. dwellings with supporting infrastructure and enabling works including new vehicular access with Moor Road, public open space, landscaping and drainage infrastructure

Site address: Land off Moor Road, Yatton

Applicant: Persimmon Homes Severn Valley

Target date: 14.04.2020

Case officer: Lee Bowering

Parish/Ward: Yatton/Yatton

Ward Councillors: Councillor Wendy Griggs/Councillor Steve Bridger

REFERRED BY COUNCILLOR BRIDGER

Summary of recommendation

It is recommended that, subject to the resolution of outstanding matters as set out in the report 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 2.71 ha site lies on the north-western side of Moor Road and comprises a former orchard and land which has been used by the adjacent Yatton rugby club for junior pitches. Stowey Rhyme runs along the north-eastern boundary with fields beyond. To the south, there is a Grade II listed building, The Grange, together with existing housing developments in Moor Road, Moorside and Grange Farm Road adjacent to the site.

The Application

- This is a full application for 60 dwellings forming an uneven U-shaped access road, with the junction into the site formed from the former alignment of Moor Road which is now a cul-de-sac, having been terminated at its Horsecastle end.
- It is proposed to erect 42 dwellings for sale and 18 as affordable houses (30%)
- The site is 2.71 hectares (gross) and net 1.46 ha. The site density is 41.1 dwellings per hectare.
- The access road crosses a former orchard with a footway on one side only. The former orchard is also shown to accommodate an attenuation pond and local area for play, together with footpaths leading around the pond, linking the play area and pond with the housing development site, which is located on the field used formerly

by the Rugby Club for youth training and coaching. The remnant orchard is shown to retain the few remaining elderly fruit trees and to be re-planted with new orchard fruit trees.

- The hedge separating the development from the orchard is proposed to be retained except where breached to accommodate the proposed access road and pedestrian pathway that serves the proposed locally equipped play area.
- The Moor Road frontage is shown on the landscape plans to require removal of much of the frontage banks, hedges and trees in order to accommodate the proposed access and visibility splays.
- The accommodation for sale comprises: 4x1 bed units, 4x 2 bed units, 19x 3 bed units, and 15x 4 bed units. The affordable housing mix is: 4x 1 bed flats, 8x 2 bed units and 6x 3 bed units.
- Amended plans and details were submitted during the course of the application in response to highway and drainage comments received.

Relevant Planning History

Year: 2019

Reference: 16/P/0888/F

Proposal: Residential development of 66no.dwellings with supporting infrastructure and enabling works including new vehicular access with Moor Road, public open space, landscaping and drainage infrastructure on land off Moor Road, Yatton. Land Off Moor Road Yatton

Decision: Refused

Officer comment:

The application was refused by the Committee in 2019 on the basis that “the proposed road would result in the unacceptable loss of trees and hedgerow and in conjunction with a cramped layout and excessive density of development for a semi-rural location would have a detrimental impact on the rural character and appearance of the former orchard and gateway setting of the village contrary to policies CS5 and CS14 of the Core Strategy, policies DM9, DM10, DM32 and DM36 of the Development Management Policies Sites and Policies Plan Part 1 and the North Somerset Landscape Character Area Supplementary Planning Guidance 2018”.

Policy Framework

The site is affected by the following constraints:

- Site is outside the Yatton Settlement boundary
- North Somerset and Mendip Bats SAC consultation area Zone B
- Part of the site (referred to as “Moor Road”) is allocated for residential development by policy SA1 of the Site Allocations Plan. Schedule 1 of the plan identifies a capacity on the allocated site of 60 units and the site-specific requirements or key considerations to be taken into account.
- Within setting of Grade II Listed Building Grange Farm

The Development Plan

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

The following policies are particularly relevant to this proposal:

- 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
- 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
- CS20 Supporting a successful economy
- CS32 Service Villages
- 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:

- DM1 Flooding and drainage
- DM2 Renewable and low carbon energy
- DM6 Archaeology
- DM7 Non-designated heritage assets
- 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
- DM36 Residential densities
- DM37 Residential development in existing residential areas
- DM42 Accessible and adaptable housing and housing space standards
- DM47 Proposals for economic development within towns and defined settlements
- 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:

- SA1 Allocated residential sites (10 or more units)
- SA2 Settlement boundaries and extension of residential curtilages

The Yatton Neighbourhood Plan

The Yatton Neighbourhood Plan became part of the development plan on 11 April 2019 following a successful referendum. It was formally 'made' by the Council on 23 July 2019.

The following policies are particularly relevant to this proposal:

- BP1 Transport Assessment for proposals with significant transport impacts
- EP1 Access to local public footpaths
- EP2 Local Green Space
- EP3 Amenity Areas
- EP4 Dark skies
- HP2 Sustainable urban drainage systems
- TP1 New transport infrastructure

Other material policy guidance

National Planning Policy Framework (NPPF)

The following sections are particularly relevant to this proposal:

- 1 Introduction
- 2 Achieving Sustainable Development
- 5 Delivering a sufficient supply of homes
- 6 Building a strong, competitive economy
- 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
- 15 Conserving and enhancing the natural environment

National Planning Practice Guidance

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

- Residential Design Guide (RDG1) Section 1: Protecting living conditions of neighbours SPD (adopted January 2013)
- North Somerset Parking Standards SPD (adopted November 2013)
- North Somerset Landscape Character Assessment SPD (adopted September 2018)
- Biodiversity and Trees SPD (adopted December 2005)
- Creating Sustainable Buildings and Places SPD (adopted March 2015)

- 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)
- Renewable and Low Carbon Energy Generation in North Somerset: Solar Photovoltaic (PV) Arrays (adopted November 2013)

Consultations

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

Third Parties: 74 letters of objection have been received. The principal planning points made are as follows:

- amount of new housing being built/proposed in Yatton is completely out of proportion to the size of the village which already does not have the infrastructure to accommodate the large increase in housing; ;
- no prospect of significant employment;
- more car journeys using the local road networks whilst commuting with danger of increased parking on Kenn Moor Road with safety implications. Can easily be avoided by providing access from the B road alongside the Rugby Club which will become housing in due course anyway;
- contrary to Core Strategy policy CS4 since it does not protect old remnant orchard with a rare fungus;
- does not respect this important gateway approach to the village and the cultural and biodiversity significance of Stowey Rhyne as a connecting linear feature; negative impact the open rural countryside character and appearance of a valued gateway into the village;
- negative impact on the greater and lesser horseshoe bats and potential impacts of water pollution into the nearby SSSI network and YACWAG nature reserves; loss of an historic orchard, trees and hedgerow;
- impacts on a Grade 2 listed building;
- flooding risk to the new development & to existing properties if the water table/drainage are interfered with;
- loss of sunlight and privacy that the development will have on existing properties and visual impact for residents on Grange Farm Road
- foul waste; noise and pollution
- access unsuitable

No letters of support have been received.

Yatton Parish Council: "The Parish Council recommended not supporting the application and the amended plans for the following reasons:

Amended Plans

The application has been amended since submitted. The Parish Council's comments on the amended plans are as follows:

"The Parish Council have historically never supported the development of this site and the amended plans do not include any changes that would prompt a change to this view. The one access on to Moor Road and the road safety issues it presents, together with the lack of permeability on to the High Street for any residents of that site would create an isolated community. The detrimental impact on the orchard, the area's ecology, the adjacent Grade 2 listed building and the gateway to Yatton are fundamental in the Parish Council's recommendations not to support the amended plans".

Application as submitted

On the application as submitted the Parish Council commented as follows:

"The Parish Council cannot see any merit in this new application and conclude that the long-term future of the village cannot be compromised for the short-term benefit of the developer. The principal objections made under the previous application remain unaddressed and therefore are still applicable to this new proposal.

The proposal would cause significant and irreversible harm to the rural countryside setting at the entrance gateway to the village along Moor Road, to the setting of the Grade 2 listed building 'The Grange' and to the biodiversity and ecology of the Orchard and nearby Bat Conservation Area/Kenn Moor SSSI, for all of which no satisfactory mitigation has or can be found.

The access on to Moor Road was unacceptable, and this application should not be allowed to proceed unless access can be secured through the development of the Rugby Club site which it's understood is progressing towards the planning application stage.

The Environment Agency continue to object to this application because the proposal includes residential dwellings within Flood Zone 3; in light of many parts of the country currently suffering very serious flooding this element of the site must not be compromised.

Many of the evidence documents submitted have not been updated since 2015 (including Flood, Archaeology, Travel & Transport, Energy), some of which acknowledge the negative impacts the development will have and others, in particular the Travel and Transport Plans, are no longer accurate. In five years, vehicle movement has significantly increased, and this can be evidenced by recent data gathered by PACT (Police & Communities Together) which is current and very relevant to the sustainability of this site. The site layout design will create unbroken stretches of parking with no footway, this is unsafe for pedestrians and cyclists and visually unattractive.

The Parish Council wish to re-iterate all the previous comments they have made for development on this site as they are considered to be just as relevant and applicable to this new application."

See Appendix 1 for the Parish Council's further comments in respect of the proposal and the previous refused application 16/P/0888/F.

Other Comments Received:

Environment Agency

Provided the LPA is satisfied the requirement of the Sequential Test under the National Planning Policy Framework is met, we can now withdrawal its earlier objection to the proposed development, subject to the inclusion of conditions within the Decision Notice.

Officer comment

This is an allocated site and for this reason is sequentially acceptable.

North Somerset Levels IDB

No objection to the proposals as they remain largely as proposed previously. The planting adjacent to the access/buffer strip along Stowey Rhyne should not be such that mature canopies impinge on the access/buffer strip as this will have an impact on the Board's ability to access and maintain the adjacent rhyne and potentially increasing flood risk locally.

Officer comment

The species of the proposed trees adjacent to the access buffer strip is a matter that can be resolved by an appropriate landscape planning condition.

Avon Fire and Rescue

Avon Fire & Rescue Service seeks the provision of two Hydrant requirements associated with this application. The costs will need to be borne by developers through developer contributions.

Avon and Somerset Constabulary (Crime Prevention Design Adviser)

No objection subject to comments regarding access to the former orchard, clear demarcation between public and private space, gates and lighting.

Sport England

The site has been well used by the rugby club in the recent past and was very important to the delivery of rugby in the community. The RFU formally objected to this original application back in 2016, due to the loss of playing pitches. The RFU are aware that the club has lost access to these pitches in recent years and that the club are in detailed discussions to relocate to a new location on the edge of the village, with an identified parcel of land for sports pitches, including ancillary facilities. The RFU nevertheless maintain their objection to Sport England in respect of the current application proposal due to the loss of pitches. The RFU seeks the LPA and Developer – in consultation with the RFU - to agree a financial contribution to offset the loss of these pitches and training area, so replacement pitches can be created and installed at the new proposed club site. It is not clear how this application is consistent with Policy CS27. In light of the above, Sport England objects to the application because it is not considered to accord with any of the exceptions to Sport England's Playing Fields Policy or with Paragraph 97 of the NPPF. The application raises issues regarding loss of playing field land without replacement.

Natural England

There is very likely to be a functional link between the orchard field, established Horseshoe bat roosts at The Grange and the SAC. The Shadow Habitats Regulations

Assessment (HRA) concludes that all three boundaries of the orchard field are used for commuting by both species of Horseshoe bats. Night roosts for both species of Horseshoe bat have been confirmed in the outbuilding, cellar and stables at The Grange.

Development of the access road across the orchard field will result in the removal of 314m² of hedgerow used as a commuting feature by both species of Horseshoe bat as well as urbanising the surrounding area. NE is concerned that removal of such significant amounts of hedgerow and the consequent lengthy period of time which it will take for any replacement planting to establish, together with the housing development and consequent urbanising and introduction of lighting to this currently dark area will result in abandonment of the roosts at the Grange. Horseshoe bats are territorial and faithful to their roosts so the loss of a roost used by even a low number of individuals can be significant.

NE advise that all proposed mitigation at the site should be delivered at the earliest possible opportunity. In particular, the new trees and hedgerow which are proposed at the site entrance and adjacent to Stowey Rhyne should be planted prior to or on commencement of development. In addition, the new bat roost feature in the orchard field should be complete and available for use by bats prior to the removal of any hedgerow for the access road. A Landscape and Ecological Management Plan (LEMP) will be required to govern appropriate management of mitigation planting in the orchard field.

The Council will be required to carry out an HRA. The assessment of 'In Combination' effects of the development will need to take account of relevant recent developments in the locality.

Whilst NE does not object to these proposals, it suggests, as submitted, the proposal is contrary to local plan policies. It also suggests that following NPPF guidance, significant harm to biodiversity can be avoided by accessing the housing site from the north rather than through the orchard field and draws attention to Council's declared a Climate Emergency. NE suggests the orchard site presents a great opportunity to preserve and enhance a site which has been demonstrated to support rare bat species and which has the potential to support many more species. The orchard site connects directly to the Nailsea and Kenn Moors SSSI as well as Stowey Rhyne (an important dispersal route for Horseshoe bats) and the Local Nature Reserve across the other side of Moor Road. Enhancing it for wildlife will maintain the landscape connections in this area and benefit not only bats but also pollinators, other invertebrate species, and the future residents of the housing development.

Principal Planning Issues

The principal planning issues in this case are (1) the principle of the development, (2) highway safety and capacity, (3) impact on the character of the area and living conditions of adjoining properties, (4) drainage, (5) impact on protected species, (6) design and space standards, (7) loss of playing fields, (8) impact on setting of listed building and (9) development contributions and Community Infrastructure Levy.

Issue 1: The principle of residential development in this location

Whilst the site lies outside the settlement boundary for Yatton, Policy SA1 of the adopted Site Allocations Plan (SAP) allocates part of the application site for residential

development with an indicative capacity of 60 dwellings. Schedule 1 of the plan lists specific site-related requirements that must be taken into account.

Two of these requirements relate to the parcel of land referred to as the orchard, which is within the extent of the planning application but beyond the boundary of the SAP allocation as shown on the Policies Map. In respect of access to the site, the SAP states that *“The provision of an access road across the orchard will only be considered if alternative access arrangements cannot be made and subject to a suitable scheme being agreed with Natural England. Should a suitable scheme not be agreed, alternative access arrangements must be made”*.

Options for alternative means of access have been considered. Since the last application was refused, officers have made extensive investigations into the potential for an alternative access. This has included a number of meetings with the owners and partner developers of the adjacent Rugby Club.

There are two potential routes excluding one further option which was discounted during the last application due to its potential impacts. It was considered that whilst this route, across farmland might possibly address concerns about the orchard, it leads to a number of undesirable impacts and other risks. That route lies outside the settlement boundary and is not on land allocated for any form of development. It would necessitate a new access road from Kenn Moor Road with the necessary visibility splays for the higher speed road which would be likely to damage further roadside vegetation, possibly necessitate one or two bridges or culverts to cross the roadside rhyne and the Stowey Rhyne and a breach of the hedge line along the Stowey Rhyne to access the development area. This would be likely to cause landscape and ecological harm. Development on this side of Stowey Rhyne has always previously been resisted and the geometry of the access and the need to retain maintenance margins for the Stowey Rhyne would result in a significant projection into that field and be likely to enclose land that might come under development pressure in the future. Further, it is likely that the road would need to be raised above existing field levels causing landscape harm. This alternative is not considered to be a desirable solution that can be supported.

Of the other two options, one is via Grange Farm Road and the other via the adjoining rugby club grounds. The access via Grange Farm Road involves a cul-de-sac at the end of which there is a turning head that provides access to several properties. However, this is a privately maintained highway and neither the applicants nor the Council have control over it.

The principle of accessing the development site through this route could be technically feasible but more detailed investigation might be required into the full range of highway and other issues. Some have suggested that this would be beneficial in terms of making the development site more accessible to Horsecastle and integrating it better with the village. However, it is understood that there is very little difference between the distance via Moor Road and this alternative in terms of walking or cycling distance.

The second alternative would be via the rugby club grounds. It is known that the club is actively exploring the development of its own ground. The club has been working with a selected development partner and in earlier discussions it was evident that although the club was open-minded about this possibility of deriving access from the rugby club grounds, the developer was not favourably inclined to this solution.

The applicant does not support either option and believes that with construction of an access road before any plots or servicing of land could take place together with the challenges of securing an alternative for the club, it could be 4-6 years before the site could be developable, which they consider unreasonable, with a potential risk that the rugby club site might still not become available to them for access. The applicant is opposed to being placed in a position where they are dependent on another developer for site access especially where there is a lack of certainty of a timescale for that development being brought forward or approved by the Planning Authority. A further factor is the potentially lengthy process that would ensue from the need to secure replacement pitches.

To further complicate this alternative, disruption of the existing ground could not realistically take place without the club having established a usable set of pitches at a replacement location, as it is believed there is insufficient space to allow active sport to take place alongside a major construction access to the application site. Pitch replacement normally is expected, according to Sport England, to take up to two growing seasons before being usable. The potential for such a period to be reduced is likely to be dependent on ground conditions or the construction of replacement pitches. Artificial hybrid pitches formed from rubber crumb and natural base can be formed but are not universally popular with some sporting organisations because of concerns over their impacts on players' wellbeing. Furthermore, such pitches are considerably more costly than natural pitches.

Other options such as omitting housing plots from the proposed development or agreeing not to develop some that might be used as an access or allowing a temporary access only across the orchard, pending arrangement of one of the alternatives have been discounted by the respective developers controlling adjacent sites, as unworkable.

The Neighbourhood Plan for Yatton was made on 23rd July 2019 and being at an advanced stage was a material consideration in the decision-making process on the last application (P&R Committee 17th July 2019). The orchard was included as potential Local Green Space in the submitted draft Neighbourhood Plan, but the examiner did not support the designation. Consequently, the Plan does not contain any open space or other protective designation for the orchard. The 'made' plan does not contain any housing policies directly relating to the application site, though there are other policies that have relevance if the site is approved such as those relating to dark skies and walking and cycling. There are no open space policies which affect the orchard within the Council's Site Allocations Plan 2018.

Notwithstanding this, there are strong policy reasons to resist built development on the former orchard should any be proposed in the future. Whilst the principle of residential development on the allocated part of the site has been established through the Site Allocations Plan, the Plan is clear that no development except for access, will be considered acceptable within the orchard. The orchard is part of the rural setting of the village which the Local Plan policy seeks to protect.

Because the Council currently does not have a five-year supply of deliverable housing sites, applications for housing must therefore be considered in accordance with NPPF paragraph 11(d). This requires permission to be granted unless any adverse impacts of doing so would "significantly and demonstrably" outweigh the benefits when assessed against the policies in the NPPF taken as a whole.

The benefits of approving the additional housing in accordance with the adopted plan is considered to outweigh the impacts of the development on the village gateway and ecology which can be made acceptable through the mitigation measures identified in this report. The proposal provides 30% on-site affordable housing provision at nil public subsidy, with a tenure split of 77% social rent and 23% shared ownership. The affordable housing requirement is therefore 18 units. This will be delivered via a s106 agreement.

It is considered that the proposal provides a satisfactory mix of housing sizes, though with a preponderance within the middle-sized ranges and terraced, semi and detached houses and with only 6 properties of 2.5 storeys which is considered are best limited on this site given its prominence. It incorporates policy compliant affordable housing provision within the layout.

Issue 2: Highway safety and capacity

The proposed access is onto Moor Road, close to the junction with Kenn Moor Road. The south-east end of Moor Road, which is an unclassified highway subject to a 30mph speed limit, has been blocked off and forms a cul-de-sac that serves 15 properties.

The previous application for 66 properties on this site (ref 16/P/0888/F) was refused on environmental impact and appearance but not on highway grounds. The revised housing layout provides a reduction in property numbers but maintains the same access arrangements previously approved by highways. In support of the earlier application a Transport Statement had been submitted.

The submitted plans indicate the provision of a new 5.5m wide simple priority junction onto Moor Road to serve the development and 2.0m wide footways will be provided on either side of the junction. The existing junction between Moor Road and Kenn Moor Road will be realigned. At this point the road is a 'C class highway stretching from the B3133 to the south and Nailsea Wall to the north and is part of a Quiet Lanes project to provide safe routes for people to walk and cycle safely, though this is currently being reviewed in the light of public responses to a TRO consultation. The road is subject to a 30mph speed limit along the stretch from the B3133 to just past the bridge at Stowey Rhyne, adjacent to the site access where the speed limit then increases to 40mph. The submitted plans indicate visibility on Kenn Moor Road to be 2.4m x 120m to the north which meets the required standard. Speed surveys derived at the Moor Road/Kenn Moor Road junction found the 85th percentile speed to be 40mph northbound. Visibility to the south is indicated as 2.4m x 75m within highway land which meets the required standard. The gateway feature is expected to reduce traffic speeds at this point.

The applicant has previously submitted a Road Safety Audit (Stage 1 and 2) which has not raised any highway concerns regarding road safety for the proposed development. The plans indicate the main access roads will be 5.5m wide with pavements on each side except where passing through the orchard. Concern has been raised about the road width into the development and the potential for on street parking within the development restricting widths for service vehicles. A Traffic Regulation Order (TRO) would however be required to remove the parking and this would be subject to consultation. The funding of a TRO would be secured by way of a S106 developer contribution, which would also include a contribution towards lining and traffic management measures, as required.

Tactile crossing points are shown on all relevant junctions with a bollard provided at the footpath entrances to the areas of public open space to prevent use by vehicles. A condition will be required to ensure that no planting takes place within the visibility splays that are to be kept clear.

Local residential car parking standards are set out in the North Somerset Parking Standards SPD and outline the minimum required number of car parking spaces for residential development, Policy CS11 of the Adopted Core Strategy states that adequate parking must be provided and managed to meet the needs of anticipated users (residents, workers and visitors) in usable spaces. Based on the type and number of units proposed 131 parking spaces as detailed are adequate to serve the development. The required cycle parking standards would be secured by planning condition.

The proposed road width is adequate to allow the standard size recycling, waste, and garden waste vehicles to get unhindered access. NSC Waste Team will not service an area with smaller vehicles which are less efficient, more costly and have a bigger impact on carbon emissions. A refuse collection point should be accessible no more than 30 metres from each dwelling and no more than 15 metres from adoptable highway where a refuse vehicle can manoeuvre. Whilst a plan has been provided which shows the location of bin storage, further detail secured by condition, is considered necessary to ensure that satisfactory arrangements are in place for the placing and emptying of containers.

The site is within statutory walking distance of primary schools but beyond the statutory walking distance to the nearest comprehensive school. Contributions towards school travel for secondary school pupils will be required. It is reasonably well served by the local bus network and close to the railway station for commuter trips to Bristol. There will be a requirement for the applicant to provide a contribution towards travel information packs, public transport taster tickets and cycle vouchers for each residential unit. These contributions are required to ensure the development is not reliant on single occupancy car trips and should be secured via S106 Agreement. An updated Travel Plan should be secured by planning condition and agreed prior to first occupation. It is considered that electric vehicle charging points for each plot should be provided, and the appropriate planning condition is recommended.

The local rural highway network and the volume of material that may need to be removed and brought to site must be considered and a construction management plan would be required before the commencement of development on the site. This is likely to include but not be limited to, HGV routing, provision for staff car parking, times of site operation, volume of HGV movements throughout the day, highway safety measures such as wheel washing facilities and mitigation measures for any remedial works required. The appropriate planning condition would secure this requirement.

Overall, there are no overriding adverse highway or transport impacts arising from the development proposal subject to the appropriate conditions that are referred to within this planning issue. The proposal satisfies development plan policies CS10, CS11, DM24 and DM28.

Issue 3: Impact on the character of the area and living conditions of adjoining properties

The plans do not propose residential development within the orchard, which provides an important transition between the village and its' rural setting. The access road itself would not have an unacceptable impact provided Natural England's requirements can be met.

In respect of the living conditions of neighbouring properties it is considered that there are no significant issues. The layout has been amended following the previous refusal with three gabled ended houses now facing the rear elevations of the dwellings located at the head of Dairy Close and Grange Farm Road. The closest separation distance is in excess of 19 metres and therefore well beyond the minimum 12 metres permitted in the Residential Design Guide (RDG1) Section 1. There is also screening vegetation on the boundaries of the existing properties which is understood to be within the control of those householders.

The submitted plans show planting to the rear of the proposed visibility splays and further details such as plant spacing and type will be secured by condition. Further trees within the orchard are also proposed to replicate traditional orchard planting plans and space between, for picking and mowing with a less frequent mowing regime. This will take up a slightly larger area of the orchard than originally proposed. A strong landscape buffer with hedge and tree groups along the Stowey Rhyne is proposed, which will reduce the visual impact of housing when approaching from the Moors but importantly recognises the importance of the Stowey Rhyne to bats.

This retained orchard area should be enclosed with an appropriate style of parkland railing with lockable gates to limit access to the orchard and fungus, to authorised persons to ensure protection of trees, understorey and fungus. This will need to be secured by condition. The applicant has provided a play area on the northern side of the orchard, which is considered acceptable but will need physical separation from the orchard to protect its future integrity. It is considered that a low knee rail is required along the north-eastern side of the access road and can be secured by condition. The preferred long-term management of this space would be by transfer to this Council or the Parish Council which previously had sought its designation as local green space in the draft Neighbourhood Plan. The developer has been requested to agree this or propose other suitable maintenance arrangements to protect the orchard.

There is no intention to provide streetlighting within the orchard thereby mitigating the risk of impact on bats. The character of the orchard will change as a result of the proposed road and new planting but, with sensitive care and management, the existing character and contribution which the orchard makes to the approach to the village will be maintained as far as possible.

Issue 4: Drainage and Flood Risk

The site has been assessed and would not raise unacceptable drainage or flooding issues subject to relevant planning conditions. The Internal Drainage Board (IDB) confirms the outfall invert level has been agreed so the site may discharge to the local Rhyne. An operation and maintenance schedule has also been provided and is considered satisfactory for the proposed surface water drainage arrangement. It is understood, that

either Wessex Water or a named private management company will be responsible for the maintenance of the proposed surface water features.

Issue 5: Impact on protected species

As stated under Issue 1 above, access across the orchard is only acceptable if it is demonstrated that alternative access is not achievable. This has been investigated and there are no deliverable, reasonable alternatives. Natural England does not object in principle to the proposals but has raised issues of impact on bats and a need for mitigation as well as other procedural matters. The concerns raised about impacts on a rare fungus are no longer being raised as a primary issue although measures are in place to protect and rejuvenate the orchard and protect it from the impact of the new development.

The impact of the access on bats results largely from the removal of hedgerows to create visibility splays at the entrance. It might be possible to explore less onerous visibility splays if felt desirable but notwithstanding this, replacement planting, additional landscaping and omission of streetlighting would provide the requisite mitigation. Natural England has indicated that it considers advance planting, ahead of construction works is necessary to maintain continuity of flight routes between the existing and proposed additional roost and the valuable Stowey Rhyne corridor. Confirmation is being sought from the applicant that this can form part of the s106 provisions. A formal Habitats Regulations Assessment will still need to be adopted by the Council and signed off by Natural England before a planning permission can be issued.

Issue 6: Design and space standards

The layout is satisfactory and provides for local open space including a small play area, within the former orchard and accessed by footpaths. This is considered satisfactory, though it is considered that one of the footpath links could beneficially be omitted to reduce visual impact and subdivision of the former orchard area. The submitted layout has enabled some positive effects in terms of passive solar gain, slight loosening of the layout and a better mix of buildings and is similar to that previously recommended for approval on the earlier application but with six fewer dwellings than that scheme. In terms of gross density, it is stated to be 22 dwellings per hectare (dph). In net terms, focusing only on the developable area's density is approximately 41 dwellings per hectare which is a satisfactory density. It meets the Council's requirements regarding facing windows on the private side of dwellings.

The energy report sets out its strategy for meeting necessary standards for greenhouse gas reduction mainly through locational and passive design measures. It considers a variety of different means of generating renewable energy and meeting the requirements of Policy CS2. However, despite the practical potential for using some of these the report discounts their use, including two of the most commonly used methods-solar pv panels and air source heat pumps- on the grounds of viability. However, this does not meet the Council's policy requirements and whilst this may ultimately be achievable it will be necessary to demonstrate more clearly that viability is an issue through a viability study that can be assessed independently. Policy CS2 does allow for the Council to consider viability as an issue but this is normally the case where the developer has made some attempt to achieve this but cannot achieve the *full* 15% of predicted energy requirements being made through renewables. The applicant has been asked to amend this to meet the

policy requirement or provide further justification that this would render the development unviable.

The policy objectives of Policy DM42 are not currently met. The Accessible Housing SPD states 17% of the proposed dwellings should be constructed to the above standards. The standards are applied to all house and tenure types and compliance will either need to be confirmed or amendments made to ensure compliance.

The same policy also seeks compliance with the National Described Space standards. The floor areas of the proposed dwellings are provided and show opportunity for interchange between bedroom and home office working rooms and thus can meet the standards.

The Crime Prevention Design Adviser has drawn attention to access to the former orchard, the need for clear demarcation between public and private space, gates and lighting. These are considered satisfactory, but some matters are more detailed than would normally be covered in the planning application, so it is proposed to draw the developer's attention to these through an advisory note.

Issue 7: Loss of playing fields

The application site was used over a number of playing seasons by the rugby club for youth training but had not been the subject of either formal planning or lease arrangements. That use has now ceased following termination of the informal arrangement with the landowner.

The NPPF (para 97) makes it clear that existing sports facilities (i.e. those which are used for sport, have been in the past or could be used in the future) should be protected unless specific conditions can be met. Fulfilling these conditions requires an understanding of the current and future needs and opportunities for sports facilities. Core Strategy policy CS27, also requires that existing facilities will be safeguarded unless suitable alternative facilities can be made available.

Policy DM68 seeks to protect land last used for sporting facilities whilst enabling development if acceptable alternative provision is made in the vicinity and subject to several other criteria. Sport England (SE) has considered the applicant's response regarding new grass areas at North End Yatton which is currently being used by the rugby club for youth coaching under Permitted Development provisions. There is no toilet, changing or catering at this site. SE's view is that the application site was used more extensively with access to the facilities on the adjacent main ground. Accordingly, SE has taken the stance that replacement playing fields of a suitable standard should be funded. This view is consistent with the Council's Playing Pitch Strategy 2020-2036. There would need to be detailed requirements to ensure this is spent locally on pitches if the rugby club does not proceed with its plans to provide permanent replacement pitches. Subject to the detail of the proposed section 106 agreement for an off-site financial contribution towards sports facilities the objectives of policies CS27 and DM68 will be met.

Issue 8: Impact on setting of Listed Building

The development is within the setting of the Grade II listed building, The Grange. The Grange is a mid-18th century farmhouse including a 19th century rear wing, with some

20th century alterations. It has historic links with the adjacent orchard site which forms part of the proposed development, as historically, The Grange was a cider-producing farm.

The new site layout has a limited negative effect on the listed building equating to less than substantial harm in accordance with the NPPF paragraph 196. Some harm to the setting will be caused by the addition of extra traffic but no dwellings are proposed within the orchard and thus the wider view of its context and setting may still be appreciated.

The new orchard tree planting will help reinstate this historic feature on this site and bring back the associated historic character and reflect something of the historic role of Grange Farm as a cider-producing farm. The impact of the proposal is further reduced with the omission of the footway on the north-east side of the access road.

The proposal is therefore in accordance with policy CS5 and policy DM4 of the Sites and Policies Plan (Part 1), section 16 of the NPPF and section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

Issue 9: 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 residential development of 60 dwellings and therefore subject to developer contributions.

Contributions have been sought towards: (a) the provision of a Local Landscaped Area for Play (LLAP) (b) drainage works required by the IDB, (c) funding of TRO for parking restrictions and associated works; (d) fire hydrant provision and maintenance; (e) replacement sports pitches; (f) home to school transport for secondary school pupils and (g) travel information packs, public transport taster tickets and cycle vouchers for each residential unit.

Community Infrastructure Levy

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

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.

Natural Environment and Rural Communities (NERC) Act 2006

The impact of the proposal on European protected species is referred to within Issue 5

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

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

Crime and Disorder

The proposed development will not have a material detrimental impact upon crime and disorder. This issue is considered above.

Local Financial Considerations

The Localism Act 2011 amended section 70 of the Town and Country Planning Act 1990 so that local financial considerations are now a material consideration in the determination of planning applications. This development is expected to generate New Homes Bonus contributions for the authority. However, it is considered that the development plan and other material considerations, as set out elsewhere in this report, continue to be the matters that carry greatest weight in the determination of this application.

Conclusion

This is an allocated site for housing. Recognising the criteria stated in the Site Allocations Plan the options for an alternative access to the allocated site avoiding the orchard has been thoroughly investigated and there are none that are reasonable and deliverable. In addition, the Council is currently unable to demonstrate more than 4.2 years supply of house building land and therefore unless the harm of approving the development outweighs the benefits of doing so, the development should be approved. In this case, if the matters identified above are addressed, together with the measures proposed, then the adverse impacts will have been properly mitigated.

RECOMMENDATION: Subject to –

- (a) clarification regarding renewable energy provision;
- (b) confirmation concerning compliance with Policy DM42;
- (c) the completion of a section 106 legal agreement securing:
 - I. the provision of 30% Affordable Housing,
 - II. the provision of neighbourhood open space and the transfer of the orchard to the Parish Council for future management as local green space with ecological features,
 - III. agreement to a detailed phasing plan to enable planting important to maintaining continuity of bat flight corridors to the existing and additional roosts to be carried out and established ahead of commencement on the construction works, together with
 - IV. financial contributions towards (i) replacement sports pitches (ii) the provision of a Local Landscaped Area for Play (LLAP), including associated commuted sums (iii) drainage works required by the NSIDB, (iv) funding of TRO for parking restriction on Kenn Moor Road in the vicinity of the junction with Moor Road and within the section of new road crossing the orchard; (v) fire hydrant maintenance; (vi) travel information packs, public transport taster tickets and cycle vouchers for each residential unit and (vii) home to School transport for secondary school pupils

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

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.

3. No plant, vehicles, machinery, or materials associated with or required for the construction of the development hereby approved shall be stored, used, or parked within the existing and retained orchard land unless the location has otherwise been submitted to and approved in writing by the local planning authority. The Orchard shall thereafter be retained as open space in accordance with a management plan to be submitted to and approved by the local planning authority prior to the occupation of the first dwelling. No means of external illumination shall be installed within the Orchard land and the proposed access road passing through the Orchard.

Reason: To protect and maintain the biodiversity and ecological importance of the site in accordance with policies DM7 and DM8 of the North Somerset Council Sites and Policies Plan Part 1 and in accordance with Schedule 1 of the Sites and Policies Plan, Part 2 Site Allocations Plan.

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

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

5. No development shall commence until a plan showing the location and design of tree and hedge protection fencing has been submitted to and agreed in writing by the Local Planning Authority and the agreed protection measures has been erected around existing trees and hedges to be retained. The Authority shall be informed at least seven days before works start on site so that barrier position can be established. The agreed fencing shall remain in place during site works. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, including compaction of the ground by any other means, without the written consent of the Local Planning Authority.

Reason: To ensure that trees and hedges 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) Development Management Policies and the North Somerset Biodiversity and Trees SPD.

6. No development shall take place until a Construction Environmental Management Plan and Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period and any changes shall be submitted to and approved in writing by the Local Planning Authority before they are carried out. The Statement shall provide for:
- a. hours of construction;
 - b. routing of vehicles;
 - c. details of site enabling works; method of works, including: siting and installation of services such as drainage;
 - d. the parking of vehicles of site operatives and visitors;
 - e. loading and unloading of plant and materials;
 - f. storage of plant and materials used in constructing the development;
 - g. the erection and maintenance of security fencing, where appropriate;
 - h. wheel washing facilities;
 - i. measures to control the emission of dust and dirt during construction;
 - j. a scheme for recycling/disposing of waste resulting from demolition and construction works;
 - k. measures for prevention of pollution;
 - l. measures to control noise from works on the site and;
 - m. measures for avoidance of harm to ecological features and trees. Works shall be implemented in strict accordance to the approved methodology.

Reason: In order to protect the living conditions of nearby residents, highway safety and to safeguard protected species and biodiversity - in accordance with the Wildlife and Countryside Act 1981 (as amended), policies CS3 and CS4 of the North Somerset Core Strategy, and policies DM8, DM55 and DM58 of the North Somerset Sites and Policies Plan (Part 1). The details are required prior to commencement in order to ensure that the construction activities do not cause harm to neighbours, highway safety or protected species/biodiversity.

7. Details of the finished floor and ridge height levels for each dwelling in context to the existing ground levels and the ridge height of neighbouring properties, shall be submitted to and approved by the Local Planning Authority before any foundations are excavated. The development shall thereafter be carried out in accordance with the agreed finished ground, floor and roof height levels.

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

8. Notwithstanding the approved external materials plan, Drg. No. 102 Rev. L, no development above foundation slab level shall take place until sample panels of the roofing and external wall materials, including colour of render, and surface materials to be used in the construction of the access road, driveways and

parking areas, respectively have each been submitted to and approved, in writing, by the Local Planning Authority for each part of the development. Construction shall be only in accordance with the approved sample panel in terms of colour of stone, mortar mix, jointing and means of laying. The development shall be carried out in the approved materials unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that the materials area acceptable in the interests of the appearance of the area and in accordance with section 7 and paragraph 17 of the National Planning Policy Framework, policy CS12 of the North Somerset Core Strategy and policy DM32 of the North Somerset Sites and Policies Plan Part 1.

9. The cycle storage facility for each dwelling, including the cycle storage for the proposed apartments, as shown and referred to on drawing No. 110 & 102 Rev. L shall be provided in a secure lockable form prior to the occupation of each respective dwelling 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 development shall commence until details of a Landscape Ecological Management Plan (LEMP) is submitted to and approved in writing by the Local Planning Authority. This shall include: a location plan, planting schedule and workplan, detailing management objectives, timings and details of management prescriptions. The submitted detail shall also incorporate a monitoring schedule to cover bat activity during construction and in years 1, 3 and 5 post construction together with light levels within retained dark corridors. The approved detail shall thereafter be implemented in full in accordance with the recommendations and mitigation requirements of the LEMP.

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) Development Management Policies.

11. No development shall commence until a landscape 'phasing' planting plan for the overall site, together with details and phasing of the pond construction, has been submitted to and approved in writing by the Local Planning Authority. The initial phase of the landscape planting scheme shall relate to the planting within the Orchard area and alongside Stowey Rhyne which, subject to the submission and approval of the landscape planting scheme referred to in condition 12, shall, together with the erection of protective fencing and construction of the pond, be carried out prior to the commencement of any other works on site, including the removal and breach of the existing hedgerow and the construction of the approved site access road.

Reason: To ensure that new and additional planting, together with the pond, and the benefits that it will provide to the ecology of the area, is established at the earliest opportunity in mitigation for the proposed removal of the sections of existing hedgerow, and to maintain and enhance the future habitat for bats in accordance with policy CS of the North Somerset Core Strategy and policy DM8 of the North Somerset Development Management Sites and Policies Plan Part 1.

12. Notwithstanding the submitted landscape planting plan Drg. No. Y13 and the planting schedule Drg. No. Y14, no development shall commence until further details of a landscaping scheme, including full details of the size, species and spacing of plants and trees, have been submitted to and approved in writing by the Local Planning Authority.

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

13. All works comprised in the approved details of landscaping shall be carried out during the months of October to March inclusive with the initial phase of planting within the Orchard taking place in accordance with the requirements of condition 11, and thereafter all other details of landscaping to be implemented following occupation of the dwellings or completion of the development, whichever is the sooner.

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

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 CS9 of the North Somerset Core Strategy and policies DM10 and DM32 of the North Somerset Sites and Policies Plan Part 1.

15. No culverting of watercourses on the site will take place except for access points without the agreement of the LPA.

Reason: To ensure that there is no restriction in the conveyance of the flow or volume of water. To preserve the biodiversity and habitats in the water corridor and ensure that clear access to watercourses for maintenance is allowed in accordance with the National Planning Policy Framework and 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 shall commence until surface water drainage works 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 flooding 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 in accordance with the approved FRA and the measures taken to prevent pollution of the receiving groundwater and/or surface waters; and, taking into account long-term storage, and urban creep
 - b) provide a plan indicating flood exceedance routes, both on and off site in the event of a blockage or rainfall event that exceeds the designed capacity of the system. This should contain spot levels, finished floor levels and contours.

Reason: To reduce the risk of flooding to the development from surface water/watercourses, 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 whether the discharge rates and volumes are appropriate prior to any initial construction works which may prejudice the surface water drainage strategy.

17. 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.

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.

18. No development shall be commenced until satisfactory details have been submitted to, and approved in writing, by the Local Planning Authority to show how the road drainage in the existing highway along the frontage of the site secures functionality and effective drainage of the highway and site access to the rhyne. The approved detail shall be implemented in accordance with the submitted and approved detail.

Reason: To allow safe access onto the development from the main highway for emergency services and residents and to reduce the risk of flooding to the development from surface water/watercourses, and in accordance with the National Planning Policy Framework and 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).

19. No development, including planting, shall take place within 6 metres of the top of the bank of the watercourse (Stowey Rhyne) located at the north east of the site.

Reason: To ensure that sufficient width of land is available to accommodate the future maintenance of the existing watercourse and to mitigate the risk of flooding 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) and SPD Biodiversity and Trees Section 8.4.

20. 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 kilowatt hours - kWh) through the use of micro renewable or low carbon technologies have been installed on site and are fully operational in accordance with 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(s) in accordance with policies CS1 and CS2 of the North Somerset Core Strategy.

21. The dwellings hereby approved shall not be occupied until the space and facilities provided on site for the storage and collection of waste have been constructed and implemented in accordance with the approved plans, Drg. Nos. 110 Rev. A and 102 Rev. L. Thereafter, the approved space and facilities for the storage and collection of waste shall be permanently retained unless otherwise agreed in writing with the Local Planning Authority.

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

22. No development 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.

23. No development shall commence until a bird nesting and bat roosting strategy has been submitted to and approved in writing by the Local Planning Authority. The submitted strategy shall include the specification and locations of proposed bird nesting places and bat roosting places. The development shall thereafter be carried out in full accordance with the approved details.

Reason: To put in place the necessary measures to protect nesting birds and roosting bats in accordance with policy CS4 of the North Somerset Core Strategy and policy DM8 of the North Somerset Sites and Policies Plan Part 1.

24. There shall be no planting within the proposed visibility splays located to either side of the proposed site access which shall be kept clear and free of obstruction at all times.

Reason: In the interests of road and pedestrian safety and in accordance with policy CS10 North Somerset Core Strategy and policy DM24 of the North Somerset Sites and Policies Plan Part 1.

25. The existing Travel Plan shall be updated and resubmitted for consideration and approval by the Local Planning Authority prior to first occupation.

Reason: The existing Travel Plan is several years old and requires a review to ensure compliance with policy DM26 of the North Somerset Sites and Policies Plan Part 1.

26. The areas of Orchard that will be located to either side of the proposed access road shall either prior to, or immediately following the removal of the hedge and formation of the vehicle access, be enclosed with temporary fencing which shall remain in place until such time as details of a permanent fence, to be erected on the south west side of the access road, and a knee rail on the north east side of the access road, has been submitted to and agreed by the Local Planning Authority in writing. The agreed fencing and knee rail shall thereafter be erected prior to first occupation and shall at all times be kept in good decorative condition in accordance with a management plan that shall oversee the Orchard and other

parts of the site that are not located within the private ownership control of the individual plots.

Reason: To protect the future Orchard environment and the ecological benefits that the Orchard provides to the wildlife habitat in accordance with policy CS4 of the North Somerset Core Strategy and policy DM8 of the North Somerset Sites and Policies Plan Part 1.

27. Details of the proposed play area shall be submitted to the Local Planning Authority for approval on, or before the access to the development site is provided. The submitted details shall be designed using materials appropriate to the Orchard setting. The agreed plans shall thereafter be implemented, and the play area made available for use on or before occupation of the sixth dwelling.

Reason: To ensure that an acceptable play provision appropriate to the scale of the development is provided and that the detailing is visually sympathetic to the setting of the Orchard and in accordance with policy CS27 of the North Somerset Core Strategy and policy DM32 of the North Somerset Sites and Policies Plan Part 1.

Informatives

1. The applicant/developer is advised that 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 (Tel: 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.
2. The applicant/developer is advised that 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.
3. The applicant / developer is advised that since 2016 Natural England have introduced target levels for pollution in the SSSI therefore a treatment train needs to be added to the design. English Nature's states - '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, (environmental quality standards) before entering the SSSI'

Appendix 1
Comments of Yatton and Claverham Parish Council

“**RESOLVED:** that councillors recommended NOT supporting application 19/P/3197/FUL for the following reasons:

Reason for Recommendation. The Parish Council cannot see any merit in this new application and conclude that the long term future of the village cannot be compromised for the short term benefit of the developer. The principle objections made under the previous application remain unaddressed and therefore are still applicable to this new proposal.

The proposal would cause significant and irreversible harm to the rural countryside setting at the entrance gateway to the village along Moor Road, to the setting of the Grade 2 listed building ‘The Grange’ and to the biodiversity and ecology of the Orchard and nearby Bat Conservation Area/Kenn Moor SSSI, for all of which no satisfactory mitigation has or can be found.

The access on to Moor Road was unacceptable and this application should not be allowed to proceed unless access can be secured through the development of the Rugby Club site which it’s understood is progressing towards the planning application stage.

The Environment Agency continue to object to this application because the proposal includes residential dwellings within Flood Zone 3; in light of many parts of the country currently suffering very serious flooding this element of the site must not be compromised.

Many of the evidence documents submitted have not been updated since 2015 (including Flood, Archaeology, Travel & Transport, Energy), some of which acknowledge the negative impacts the development will have and others, in particular the Travel and Transport Plans, are no longer accurate. In five years, vehicle movement has significantly increased and this can be evidenced by recent data gathered by PACT (Police & Communities Together) which is current and very relevant to the sustainability of this site. The site layout design will create unbroken stretches of parking with no footway, this is unsafe for pedestrians and cyclists and visually unattractive.

The Parish Council also wish to re-iterate all the previous comments they have made for development on this site as they are considered to be just as relevant and applicable to this new application.

16/P/0888/F – Persimmon Homes, Land off Moor Road, Yatton.

The following comments were approved by the Planning Committee at a meeting held 17th December 2018.

16/P/0888/F – Amended Plans Land off Moor Rd - Residential development of 83 new dwellings (Use Class 3) with supporting infrastructure and enabling works including: new vehicular access with Moor Road, public open space, landscaping and drainage infrastructure.

RESOLVED: that councillors recommend NOT supporting application 18/P/4585/FUH for the following reasons.

Reasons for Recommendation. The Parish Council wished to re-iterate all the previous comments they have made on this application because the fundamental issues that have been raised have not been addressed or amended. Councillors also wish to make a further point regarding the roads within the proposed plans. They are measured at 5.5 metres wide and have no suitable turning points within the design. This same specification has been a cause for considerable concern within the proposed development of the former Titan Ladders site and it is therefore very unsatisfactory to be presented with the same design specification again. This presumably will require amendment.

Previous comments on this development site

The following comments were approved by the Planning Committee at a meeting held 30th July 2018

i) 16/P/0888/F - Land Off Moor Road, Yatton - AMENDED PLANS - Residential development of 69no.dwellings with supporting infrastructure and enabling works including new vehicular access with Moor Road, public open space, landscaping and drainage infrastructure on land off Moor Road, Yatton.

RESOLVED: that councillors recommend NOT supporting applications 18/P/0888/F for the following reasons.

Reasons for Recommendation. The Parish Council cannot support plans for this development site in any form. They strongly re-iterate all their previous comments which still fully apply. In addition, it is clear that Yatton Rugby Club are now in negotiations for the development of their site and this has a significant impact on these proposals for Moor Road.

The site as a whole is outside the settlement boundary and of a size that is contrary to CS32 which only allows for development adjacent to settlement boundaries up to 25 dwellings.

In particular the Parish Council cannot condone any development of or access road through the orchard next to the Grange and this is supported within the newly adopted Site Allocations Plan April 2018 Schedule 1 and by the Natural England consultation comments. The development of the Rugby Club would provide alternative access arrangements, and this must be pursued, however the development of the Rugby Club would also provide a far more preferable development site within Yatton over the Moor Road site which would blight the beauty of the landscape entrance to the village and the setting of the listed Grange so significantly and permanently.

The following comments were approved by the Planning Committee at a meeting held 7th June 2016.

i) 16/P/0888/F – Persimmon Homes, Land off Moor Road, Yatton. Residential development of 83no.dwellings with supporting infrastructure and enabling works including new vehicular access with Moor Road, public open space, landscaping and drainage infrastructure.

RESOLVED: to strongly recommend **NOT** supporting application 16/P/0888/F.

Reasons for Recommendation The Parish Council have very serious concerns regarding this proposed development as of all the recent deluge of speculative planning applications this has the greatest and broadest of negative impacts. Firstly it is, as far as we are aware, the last in a series of development proposals to target Yatton and therefore in light of over 500 dwellings already approved by North Somerset Council an unsustainable, unnecessary, overdevelopment outside the settlement boundary.

As the number of developments North Somerset Council has seen fit to approve in Yatton has increased it is our view that the S106 that accompanies them will not provide the necessary mitigation for the negative impact they will cause to the infrastructure of our highways, education and health services.

Although it is not as large as the others at North End its position is of far greater significance. It is sited at an exceptional gateway to the village which as you approach its outskirts sees the settlement of Yatton on a ridge and the inclusion of this housing will cause a damaging alteration to this rural pastoral landscape.

The proposal is very similar in terms of size and location to the refused application on Brinsea Road in Congresbury and can be easily correlated to a judgement in the Forest of Dean for a proposed site of 85 dwellings adjacent to a listed building which was refused in the High Court.

The more specific reasons for objection to this particular site are principally on issues of the damaging effect to the adjacent listed building, its setting and ecology, the detrimental impact on the landscape and entrance to the village, the highways and access, drainage and the loss of amenity of rugby club training pitches.

The Listed Building and Surrounding Ecological, Environmental and Social Impacts.

The Parish Council strongly urge North Somerset Council to examine the case of the Forest of Dean District Council v Secretary of State for Communities and Local Government & Anr. Case No: CO/4852/2015 as there are very similar parallels to be drawn between it and the proposed Persimmon site. It was for the same number of dwellings and was also set adjacent to a Grade II Listed Building. The High Court Judge concluded that the damage to the Heritage Asset outweighed other factors including the lack of five year supply and quashed the planning inspector's decision to approve it, siding with the Forest of Dean District Council's refusal decision. This should give North Somerset Council the confidence to turn down this application by Persimmon on the same grounds especially as it has other additional constraints.

The Grade II Listed Building 'The Grange' and its present setting beside an ancient orchard is part of a wider wildlife corridor including an area of SSSI is ecologically rich. The orchard has a rare 'Orchard Tooth' (*Sarcodontia Crocea*) fungus only found in very old apple trees and there are less than 20 cases of it nationwide. The wildlife corridor is an important habitat for Greater Horseshoe bats and the submission by Yatton and Congresbury Wildlife Action Group gives a comprehensive and knowledgeable view of the importance and impact building will have on the wildlife and ecology of the site and its surroundings.

The Parish Council in their submission comments on the Site Allocation plan have requested that the orchard be removed from the plan and deemed as green open space.

The Parish Council consider its protection vital and North Somerset Council should observe the significance and adhere to its own policies and those within the National Planning Policy Framework (NPPF). It is considered that the proposed development is contrary to National Planning Policy 12, 126, 129, 131, 132, 133. Any attempts by the developers to argue that the substantial public benefit outweighs the harm to the heritage asset and its setting should be resisted. Yatton has substantially contributed already to the public benefit of housing with the 500 dwellings that have been agreed.

On a local policy level the proposed development is also contrary to CS4 Nature Conservation and CS5 Historic Environment of the Adopted Core Strategy 2012 and as these policies were unaffected by the subsequent Core Strategy challenges therefore carry full weight.

They are also linked and are contrary to DM8 Nature Conservation within Development Management Policies (DMP) February 2015 and Replacement Local Plan Policies (RLPP) ECH/11 and 13.

In addition DMP February 2015 DM4 Listed Buildings and its links to RLPP - ECH/4 Listed Buildings clearly state that development is expected to enhance the character, appearance and special interest of a listed building and its setting. It is inconceivable that building a housing estate within in its setting can be deemed an enhancement.

The Parish Council were very concerned that the Rugby Club were facing the loss of their training pitches as a result of this application. If they cannot be accommodated on an alternative site in the village it could mean the loss of a thriving sports club that provides a much valued sport and recreation facility which would especially impact on young people. This would be contrary to Adopted Core Strategy 2012 CS27 and DMP February 2015 DM68 Protection of sporting, cultural and community facilities and the NPPF paragraph 74.

Highways and Access

Since 2002 Yatton Parish Council and partnership groups have undertaken several consultations relating to the management of transport through the village and the impact on the quality of life for residents.

In 2002 the Village Character Statement identified *'the volume and speed of traffic, the number of heavy lorries and poor facilities for pedestrians and cyclists as major issues.'* Locations of concerns were the *'High Street and North End Road up to North End roundabout. The railway bridge, as there is poor visibility for accessing the main road from the station inclines both for vehicles and pedestrians'*.

North Somerset Local Plan also supported the evidence and concerns expressed within the Character Statement *'There is an urgent need for traffic calming in Yatton High Street where the pavements and road are narrow in places and the increasing heavy traffic endangers pedestrians'* *Cycling to school is discouraged because the roads are seen as hostile to cyclists and too dangerous i.e. the B3133 running from Congresbury to Clevedon and linking to the M5 motorway'*

Similar views were expressed in: 2014 following a Partners and Communities Together (PACT) Road Safety Review; 2015 Yatton Federation of Schools Parents Consultation;

2015 the precinct 100 residents survey; and in 2016 the Yatton Neighbourhood Plan Consultation.

Following a traffic survey commissioned in 2014 by the Parish Council and PACT, the data showed that over the last 10 years there had been a 28% increase in the volume of traffic through the village and the cumulative effect of housing development in North End would result in that figure being almost 50%. There have been no highways infrastructure improvements made since 2002 and as one North Somerset Council transport officer stated "Congestion is the major problem for Yatton"

In February 2015, North Somerset Council published the Sites and Policies Plan Part 1- Development Management Policies. In the Transport Section, Policy DM24: Safety, traffic and provision of infrastructure etc. associated with development, the aim states: *To ensure that new development will not prejudice highway safety or the operation of the highway network and that the impacts of new developments are adequately mitigated.* TC 10 also states: *Development will only be permitted if it is not likely to lead to an unacceptable degree of traffic congestion or to generate traffic that cannot be accommodated without seriously affecting the character of the surrounding area and can be readily integrated with public transport, cycleway and footpath links and bridleways where appropriate.*

Persimmon homes are proposing that 83 dwellings be added to Yatton village at North End on land at Moor Road. A Travel Plan has been produced that relates to the footpaths and roads within the development but has very little bearing on the transport, cycle and pedestrian infrastructures outside the development.

The access to the site itself is on Moor Road which is a very narrow lane with no footpaths, cycleway or street lighting. It is also a cul-de-sac where residents of the terraced houses on the High Street who have no parking facilities, leave vehicles parked on this narrow highway.

For these reasons we would consider that Moor Road has little capacity and is inappropriate as a vehicular access for 83 properties.



The Moor Road junction with Kenn Moor Road to the north has no footpaths or defined cycleway. It is a narrow road and observing the traffic movement over a period of one hour, drivers travelling both north and south positioned their vehicles in the centre of the road. Approaching the village, there is a bend on the road which restricts visibility of vehicles exiting from Moor Road.

The speed limit on Kenn Moor Road is 60 mph and the 30 mph limit is almost at the junction of Moor Road with Kenn Moor Lane. It has been observed by Yatton Speedwatch that vehicles travelling into a 30 mph speed zone do not reduce their speed until they are

well into the zone. This would mean that vehicles travelling at 60 mph into the village along Kenn Moor Road would be travelling at significantly more than 30 mph at the junction with Moor Road.

For reasons of pedestrian, cyclist and driver safety along this stretch of road we do not support this planning application.



To the south of the junction of Moor Road and Kenn Moor Road, the highway is congested due to the parked cars left by commuters who do not wish to pay the parking fee at the railway station.

A combination of parked vehicles, vehicles approaching the junction at speed with potentially an increase in the volume of traffic, including cyclists makes this planning application unacceptable.

Drainage and Flooding.

The report submitted by North Somerset Council Flood Risk Management Team are objecting to the proposed developments sustainable drainage systems in their present form. It is imperative that ALL the recommendations made by the team are carried out and conditioned as described. It is also notable that the Environment Agency have highlighted that the balancing tank is located in Flood Zone 3 and this would compromise its effect during a flood event due to tide lock. This together with the findings of the Internal Drainage Board when their consultation response is received should also be complied with due to the sites close proximity to Flood Zones 2 and 3.

Finally the Parish Council would like to point out to North Somerset Council P&R committee members that this site is one of those identified in North Somerset Council's Site Allocation Plan 2016, which has been described by the applicants, Persimmon, as having "absolutely no correlation between the sustainability assessment of villages, sites and the allocations made in the plan, therefore the plan is unsound".

They are clearly very critical of the entire Sustainability Appraisal process which underpins how the site allocations have been made and which heavily and unfairly overburdens Yatton, in comparison with other service villages such as Long Ashton and Backwell <http://bit.ly/21hP6E3>.

Surely if even the applicants are questioning the basis on which this site has been identified then it behoves North Somerset Council to refuse permission, particularly given the very similar situation, and successful recent refusal in the Forest of Dean."

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SECTION 2 – ITEM 8

Application No: 20/P/2447/FUL

Proposal: Demolition of existing bungalow and erection of 2no detached dwellings with ancillary works

Site address: 234 Down Road Portishead Bristol BS20 8HU

Applicant: Margaret Rose Prince

Target date: 14.12.2020

Extended date: 28.04.2021

Case officer: Ellena Fletcher

Parish/Ward: Portishead/Portishead West

Ward Councillors: Councillor John Cato and Councillor Nicola Holland

REFERRED BY COUNCILLOR HOLLAND

Summary of recommendation

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

Background

This application was deferred by the Committee at the last meeting on 17 March to allow members of the Committee to carry out a self-guided site inspection.

The Site

The application site is located within the residential area of Portishead at Down Road. The site contains an existing single storey bungalow. The land falls from Down Road to the north. Adjoining sites at the north, east and western boundaries are residential properties.

The Application

- the erection of 2no. 4 bedroom dwellings
- The existing site is 820 sq. m and proposes two dwellings with the dimensions 6.8m (w) x 12.6m (d) x 6.7m (h) (from ground floor of front elevation).
- 3 off street car parking space would be provided for each house.

Relevant Planning History

Year: 1988

Reference: 3046/87

Proposal: Erection of porch and construction of rear extension to provide increased living accommodation.

Decision: Approve

Year: 1953

Reference: 20402

Proposal: Erection of bungalow and garage and provision of vehicular access thereto.

Decision: Approve

Policy Framework

The site is affected by the following constraints:

- Within the Portishead Settlement Boundary
- NS and Mendip Bats SAC Horseshoe Bat Zone C
- Landscape Character Area *Portishead*

The Development Plan

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

The following policies are particularly relevant to this proposal:

- CS2 Delivering sustainable design and construction
- CS10 Transport and movement
- CS11 Parking
- CS12 Achieving high quality design and place making
- CS13 Scale of new housing
- CS14 Distribution of new housing
- CS31 Clevedon, Nailsea and Portishead

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

The following policies are particularly relevant to this proposal:

- DM24 Safety, traffic and provision of infrastructure etc associated with development
- DM28 Parking standards
- DM32 High quality design and place making
- DM34 Housing type and mix
- DM36 Residential densities
- DM37 Residential development in existing residential areas

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

The following policies are particularly relevant to this proposal:

- SA2 Settlement boundaries and extension of residential curtilages

Other material policy guidance

National Planning Policy Framework (NPPF) (February 2019)

The following sections are particularly relevant to this proposal:

- 1 Introduction
- 2 Achieving Sustainable Development
- 3 Plan-making
- 4 Decision-taking
- 5 Delivering a sufficient supply of homes
- 11 Making effective use of land
- 12 Achieving well designed places

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)

Consultations

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

Third Parties: 28 letters of objection have been received. The principal planning points made are as follows:

- Plot too small for two dwellings and the size and scale is out of character with the area. Harms the openness of the street scene
- Increase in traffic volumes with inadequate parking and access
- Overlooking and loss of privacy to private rear gardens with overlooking from decking and Juliet balconies
- Overbearing impact on sitting out areas and rear gardens of neighbouring dwellings with loss of sunlight to adjoining dwellings

One letter of support has been received. The principal planning point made is that the proposal would provide an additional dwelling without harming the countryside.

Portishead Town Council: *“Objection – the properties will be overbearing; it is overdevelopment of the site and there are highway safety concerns coming from a steep drive on to a busy point of Down Road.”*

Principal Planning Issues

The principal planning issues in this case are (1) principle of development, (2) character and appearance, (3) living conditions of neighbour, (4) parking and highway safety, (5) protected species, (6) setting of listed building, (7) planning balance and (8) other matters.

Issue 1: The principle of residential development in this location

The site falls within the settlement boundary for Portishead where residential development is acceptable in principle in accordance with policy CS31 of the Core Strategy and policy SA2 of the Sites and Policies Plan Part 2 (Site Allocations Plan). Policy CS31 permits residential development in principle, provided it reflects the character of the local environment and does not cause any adverse impacts. Policy DM37 of the Sites and Policies Plan Part 1 (Development Management Policies) provides other criteria, such as design requirements, the need to protect the living conditions of neighbours, and the need to provide adequate amenity space. These issues are considered in more detail below.

A similar scheme was granted planning permission on the neighbouring site at no.232 under application no.18/P/3072/FUL. The application sought the demolition of a bungalow and the erection of two 4-bedroom dwellings of a similar layout, scale and design as this application. That permission has now been implemented and built and now forms part of the street scene and context for the proposed site.

Issue 2: Character and appearance

Policy CS12 of the Core Strategy and policy DM32 of the North Somerset Sites and Policies Plan (Part 1) require a high standard of design in all new developments. These policies require that development is sensitively designed to respect the character of the site and its surroundings, taking the opportunity to enhance an area where relevant. In particular, consideration will be given to the siting, landscaping, levels, density, form, scale, height, massing, detailing, colour and materials of a development and whether these characteristics respect those of the existing building and the surrounding area.

The proposed design of the dwelling offers a more contemporary style which would be in keeping with the adjoining site at no.232, where two 4-bedroom dwellings have recently been constructed. The proposal incorporates design features of existing dwellings in the road with a hipped roof design and gable shaped windows on the front elevations. The proposed height would not exceed the ridge height of the adjoining dwellings at no.232 or be significantly higher than no.236.

There were concerns raised that the site would not be able to comfortably accommodate the two proposed dwellings and would not reflect the existing surrounding pattern of development. However, the neighbouring site was granted planning permission for a very similar scale, design and layout under application 18/P/3072/FUL. That planning permission has been built out and now forms part of the street scene and needs to be taken into consideration.

Paragraph 38 of the Government's National Design Guide advises that the immediate context of a site should be taken into consideration. When considering the proposal within the existing context, the height, size and scale would reflect the surrounding pattern of development. Therefore, when considering the context of sites in the immediate street scene, the proposed plot sizes, design, size and scale of the proposed dwellings would not adversely contrast with the existing pattern of development or street scene.

It is therefore considered that the proposed dwellings will be in keeping with the character and appearance of the area and will comply with the requirements of policies CS12 of the Core Strategy and DM32 of the Sites and Policies Plan Part 1.

Issue 3: Living conditions of neighbours

Policy DM32 of the Sites and Policies Plan (Part 1) states that the design and layout of development should not prejudice the living conditions for the occupiers of the proposed development or that of adjoining occupiers through loss of privacy, overlooking, overshadowing or overbearing impact. Policy DM37 also requires that the living conditions of the occupiers and adjoining properties are not prejudiced. A new dwelling should not cause significant harm to the living conditions of neighbouring residents when using their gardens or habitable rooms and the scheme should also be designed to provide adequate living conditions for the occupants of the proposed dwelling.

There were concerns the proposal would have an overbearing effect on the adjoining neighbours at no. 236 and no. 232a. The RDG1 applies a “45 degree test” to assess whether a proposal would have an adverse overbearing impact. The proposal would comply with the 45 degree test in terms of depth/width and height.

There were also concerns the proposal would result in an unacceptable loss of light to the adjoining occupiers. No.232a has side windows which would serve non-habitable rooms. Therefore, the proposal would not result in an unacceptable loss of sunlight to the neighbour at no.232a. The dwelling at no.236 has two side windows serving a kitchen. Whilst a kitchen is considered a habitable room, RDG1 advises that *‘secondary windows to habitable rooms at neighbouring properties are not normally given the same protection as the main window.’* One of the kitchen windows on no.236 is high level. The kitchen is also served by a window and French double doors on the rear elevation which allows in uninterrupted sunlight. The existing bungalow already minimises sunlight to the side windows at no.236. Although, the proposal would be increased in height, it would be set further off the boundary. Therefore, the proposal is unlikely to result in an unacceptable loss of sunlight to the neighbouring dwelling. There were also concerns the proposed height of the dwelling would be overbearing on the outdoor decking area of no.236. However, the outdoor decking area would be uninterrupted by development to the rear and the change in ground level would also somewhat mitigate against the impact. Overall, the proposed siting of the dwelling would be unlikely to have an adverse overbearing impact on the users of the outdoor decking area at no.236.

There were also concerns the proposal would result in a loss of privacy to the rear gardens of the adjoining neighbours due to the proposed first floor Juliet balconies and decking. However, the first floor Juliet balconies are unlikely to cause any further loss of privacy than the existing overlooking from the surrounding dwellings. The proposed Juliet balconies are angled to face directly north which would reduce any direct overlooking. The plans indicate the proposed decking would be at ground level and show the proposed boundary treatment would screen any unacceptable overlooking. The proposal is therefore, unlikely to result in any unacceptable loss of privacy.

Therefore, as the proposal would comply with the relevant tests contained in the RDG1, the proposal complies with policies DM32 and DM37 of the Sites and Policies Plan Part 1 and the Residential Design Guide 1 – Section 1: Protecting Living Conditions of Neighbours.

Issue 4: Parking and highway safety

Plans show a proposed shared access in the centre of the site measuring approximately 6 metres wide. This is a sufficient width to allow two vehicles to pass. Due to the access being directly adjacent to the existing access, an adequate level of visibility will be achievable. The applicant has also provided tracking to demonstrate that vehicles would be able to turn and egress the site in a forward gear. This is considered acceptable and in line with Policy DM24 (Highway Safety) of the Sites and Policies (Part 1).

The visibility splays at both sides of the access need to be kept free of obstruction to visibility in excess of 600mm). This can be conditioned.

The plan (P05) shows the proposed profile of the driveway. The longitudinal grade of the access way should not be too steep as to present a hazard for vehicles entering or exiting the site, particularly in frosty or snowy conditions. In order to overcome this the first 5 metres of the access way adjacent to the public highway is to have a maximum longitudinal gradient of 1:12 (8%). This can be conditioned.

Local car parking standards are set out in the North Somerset Parking Standards SPD and outline the minimum required number of car parking spaces for residential development, specifying 3 car parking spaces for a property with 4 bedrooms. Plans show provision for 3 parking spaces for each dwelling on the proposed driveways. As these meet the dimensions of 2.4 x 4.8 metres, this would meet the parking standard and be considered acceptable.

The applicant has provided information regarding cycle parking (cycle store) provision. This meets the required standard and is acceptable.

Issue 5: Protected species

The submitted ecology report advises that the proposal is unlikely to adversely affect bats. However, the ecologist does make recommendations to safeguard any bats species using the site. A bat house is also recommended to enhance the use of the site by bats. A condition is advised to ensure the recommendations set out in the ecology report is followed. In this respect, regard has been paid to the requirements of the Conservation of Habitats and Species Regulations 2017 and the Natural Environment and Rural Communities Act 2006, and to policy CS4 of the North Somerset Core Strategy, policy DM8 of the Sites and Policies Plan (Part 1) and the council's Biodiversity and Trees SPD.

Issue 6: Setting of Listed Building

The proposal does not affect the setting of any listed buildings.

Issue 7: Planning balance

The council is currently unable to demonstrate a 5-year land supply for housing, with the most recently tested position concluding that supply stands at around 4 years. Paragraph 11 of the NPPF advises where relevant policies are considered out of date because of a lack of housing supply, development should be approved without delay unless *'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.'*

The proposal would provide an additional dwelling to the housing supply in North Somerset in a sustainable location. The proposal would comply with the requirements of the neighbour impact tests set out in the RDG1. The proposed plot would be able to comfortably accommodate two dwellings and would be in keeping with the immediate context of the site. Highway concerns have been overcome subject to conditions. Therefore, on balance, the council would not be able to demonstrate the adverse impacts of the scheme outweigh the benefits. In the absence of significant and demonstrable harm, the proposal is therefore considered sustainable development.

Issue 8: Other matters

All other matters raised by the consultees have been taken into account, including loss of views but none is of such significance as to outweigh the considerations that led the recommendation below.

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

The proposed development does not fall within Schedule 1 or 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. A formal EIA screening opinion is not, therefore, required.

Conclusion

RECOMMENDATION: APPROVE (for the reasons stated in the report above) subject to the following conditions:-

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.

3. The materials to be used in the development hereby permitted shall be in complete accordance with the approved plans and specifications unless details of any alternative material have first been submitted to and approved, in writing, by the Local Planning Authority.

Reason: To ensure that the materials to be used are acceptable in order to maintain the character and appearance of the building and those of the surrounding area, and in accordance with policy CS12 of the North Somerset Core Strategy and policies DM32 and DM37 of the North Somerset Sites and Policies Plan (Part 1).

4. The development hereby approved shall not be occupied until the access and parking area have been constructed 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 a suitable parking area in order to preserve highway safety and in accordance with policies CS10 and CS11 of the North Somerset Core Strategy and Policies DM24 and DM28 of the North Somerset Sites and Policies Plan Part 1.

5. No structure, erection or planting exceeding 600mm in height above the adjoining carriageway level shall be placed within the sight lines shown on the approved plans PO1 Proposed Site Layout Plan.

Reason: To preserve sight lines in the interests of road safety 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).

6. Prior to the occupation of the dwellings details of the gradient of the driveway shall be built in accordance with the approved plan P05. The first 5 metres of the access way adjacent to the public highway is to have a maximum longitudinal gradient of 1:12 (8%). The gradient of the driveway shall not be subsequently altered without the express permission of the Local Planning Authority.

To ensure safe egress onto the highway in all weather conditions and in the interests of road safety 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).

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order, with or without modification), no windows, rooflights or dormers (other than any expressly authorised by this permission) shall be inserted in the south west or north east (side) elevations.

Reason: To protect the living conditions of occupiers of adjoining properties and in accordance with policies DM32 and DM37; of the North Somerset Sites and Policies Plan (Part 1) and the North Somerset Residential Design Guide SPD (Section 1: Protecting living conditions of neighbours).

8. The dwellings hereby approved shall not be occupied until measures to generate 10% (less if agreed in writing 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 have been installed on site and are fully operational in accordance with details that have been 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 paragraph 17 and section 10 of the National Planning Policy Framework and policies CS1 and CS2 of the North Somerset Core Strategy.

9. The finished floor, ground and ridge height levels shall not exceed those shown on the approved plans P04 Proposed Elevations 1 and P05 Proposed Elevations 2.

Reason: In order to ensure that the height of the development is appropriate in the interests of the character and appearance of the area, and in accordance with policy CS12 of the North Somerset Core Strategy and policy DM32 of the North Somerset Sites and Policies Plan (Part 1).

10. No dwellings shall be occupied until space and facilities for the separate storage and collection of waste and recycling materials have been provided for it in accordance with the approved plans and specifications. The said space and facilities shall thereafter be made permanently available for the storage and collection of waste and recycling materials only for the occupiers of the dwellings.

Reason: The Local Planning Authority wishes to encourage sustainable recycling initiatives in the interests of local amenity and sustainable waste management and in accordance with policies CS1, CS3 and CS7 of the North Somerset Core Strategy and policy DM32 of the North Somerset Sites and Policies Plan (Part 1).

11. The development shall not take place except in strict accordance with the measures outlined in section 5 of the Bat Survey dated 07.09.2020. 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).

For advice on discharging this condition, please refer to: www.n-somerset.gov.uk/batroostconditions

12. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- (a) the parking of vehicles of site operatives and visitors
- (b) loading and unloading of plant and materials
- (c) storage of plant and materials used in constructing the development
- (d) wheel washing facilities
- (e) measures to control noise from works on the site
- (f) measures to keep access roads clear of vehicles
- (g) routing restrictions

Reason: In order to preserve highway safety, local amenity and the living conditions of nearby residents and in accordance with policy CS3 of the North Somerset Core Strategy and policy DM24 of the North Somerset Sites and Policies Plan (Part 1). The details are required prior to the commencement of development in order to ensure that construction works do not pose a threat to amenity, health or safety.

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**PLANNING AND REGULATORY COMMITTEE – 21 APRIL 2021
REPORT OF THE DIRECTOR OF PLACE**

A - PLANNING APPEAL DECISIONS

1. Enforcement Notice Number 19/00479/COU

Site: Birds Farm, Kingdown Road, Winford

Description: Without planning permission, the material change of use of the land for the parking of vehicles for airport customers

Recommendation: Enforcement Notice

Appeal Dismissed 16 Mar 2021

Type of appeal: Written Representation

Officer: Karen Bartlett

Appellant: Mr Williams And Mr Gould

Costs Applications: Councils application for costs allowed in part. Appellants costs application allowed in part.

The main issues that were identified by the Planning Inspector were 1) whether the use affects the openness of the Green Belt or the purposes for including land within it, thereby amounting to inappropriate development in the Green Belt; 2) the effect of the use on highway safety; 3) whether the use would result in greater reliance on travel by private car, and 4) if the use is inappropriate development, whether there are any considerations which outweigh the harm caused by inappropriateness and any other harm sufficient to amount to very special circumstances to justify the development.

2. Enforcement Notice Number 20/00197/UAW

Site: 4 Ellenborough Crescent, Weston-super-Mare

Description: Without planning permission the erection of a fence.

Recommendation: Enforcement Notice

Appeal Dismissed 6 Apr 2021

Type of appeal: Written Representation

Officer: Gwen Lloyd

Appellant: Mr Nicholas Surry

The ground of appeal was that the time for complying with the requirements of the enforcement notice falls short of what should reasonably be allowed.

PLANNING AND REGULATORY COMMITTEE – 21 APRIL 2021
REPORT OF THE DIRECTOR OF PLACE

B – PLANNING APPEALS RECEIVED SINCE LAST COMMITTEE

None.

C- INQUIRIES/HEARINGS DATES AND VENUES

1. Enforcement Notice Number 19/00095/UAW

Site: **Land off Summer Lane, Banwell**

Description: Without planning permission, the creation of a hardstanding and access track

Type of Appeal: Hearing – 2 Nov 2021, venue to be confirmed (this is a rescheduled date)

Case Officer: Chris Joannou

Appellant: Ms Kathleen Kiely

Planning Application Number 19/P/0314/FUL

Site: **Land off Summer Lane, Banwell**

Description: Use of land for the stationing of caravans for residential purposes as a single pitch gypsy/traveller site and the erection of a day room building ancillary to that use

Type of Appeal: Hearing – 2 Nov 2021, venue to be confirmed (this is a rescheduled date)

Case Officer: Judith Porter

Appellant: Ms Kathleen Kiely

Enforcement Notice Number 20/00186/COU

Site: **Land off Summer Lane, Banwell**

Description: Without planning permission, the material change of use of agricultural land to a use as a single pitch traveller site

Type of Appeal: Hearing – 2 Nov 2021, venue to be confirmed (this is a rescheduled date)

Case Officer: Chris Joannou

Appellant: Ms Kathleen Kiely

**PLANNING AND REGULATORY COMMITTEE – 21 APRIL 2021
REPORT OF THE DIRECTOR OF PLACE**

2. Enforcement Notice Number 2017/0490

Site: Land on the East Side of Manor Road, Abbots Leigh

Description: Without planning permission, the material change of use of the land from agriculture/horticulture to a mixed use of agriculture and recreational/leisure.

Type of appeal: Public Inquiry – 7 June 2021, virtual event to be held

Case Officer: Karen Bartlett

Appellant: Mr and Mrs Johnson

3. Planning Application Number 18/P/5118/OUT

Site: Bristol Airport, North Side Road, Felton, Wrington

Description: Outline planning application (with reserved matters details for some elements included and some elements reserved for subsequent approval) for the development of Bristol Airport to enable a throughput of 12 million terminal passengers in any 12 month calendar period, comprising: 2no. extensions to the terminal building and canopies over the forecourt of the main terminal building; erection of new east walkway and pier with vertical circulation cores and pre-board zones; 5m high acoustic timber fence; construction of a new service yard directly north of the western walkway; erection of a multi-storey car park north west of the terminal building with five levels providing approximately 2,150 spaces; enhancement to the internal road system including gyratory road with internal surface car parking and layout changes; enhancements to airside infrastructure including construction of new eastern taxiway link and taxiway widening (and fillets) to the southern edge of Taxiway GOLF; the year-round use of the existing Silver Zone car park extension (Phase 1) with associated permanent (fixed) lighting and CCTV; extension to the Silver Zone car park to provide approximately 2,700 spaces (Phase 2); the provision of on-site renewable energy generation; improvements to the A38; operating within a rolling annualised cap of 4,000 night flights between the hours of 23:30 and 06:00 with no seasonal restrictions; revision to the operation of Stands 38 and 39; and landscaping and associated works.

Type of appeal: Public Inquiry – 20 July 2021 (40 days)

Case Officer: Neil Underhay

Appellant: Bristol Airport Limited

**PLANNING AND REGULATORY COMMITTEE – 21 APRIL 2021
REPORT OF THE DIRECTOR OF PLACE**

4. Planning Application Number 20/P/0204/LDE

Site: The Old Forge, Bristol Road, Felton, Wrington

Description: Certificate of lawfulness to confirm a) the amalgamation of three former planning units into one from 2006 with the Forge accommodation, Lulscott, Silveridge and the uses formerly approved at the Old Forge area of the Site becoming one enterprise, b) the building known as Lulscott is lawful and has a holiday accommodation use, c) the use of the former Silveridge area of the Site for the placement of 2 static caravans used for holiday accommodation and the retention of the building to the rear of the former Silveridge area of the Site as holiday accommodation, d) the use of the land across the Site for the parking of vehicles in association with the uses on the site, namely; holiday accommodation, office, car repair garage and car hire

Type of appeal: Public Inquiry – date to be confirmed

Case Officer: Karen Bartlett

Appellant: Mr Gregory Wedlake

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Summary Performance April 20 – March 21

Appeals received 70
Appeals decided 53
Appeals dismissed 40
Percentage dismissed of appeals decided 75.5%

Appeals Allowed April 20 – March 21

Delegated Decision 12
Committee Decision 1

Costs awarded against the Council

Delegated Decision: 1
Committee decision: none
Total: 1

Costs awarded to the Council

Delegated Decision: 2

Summary Performance April 21 – March 22

Appeals received 0
Appeals decided 1
Appeals dismissed 1
Percentage dismissed of appeals decided 100%

Costs awarded against the Council

Delegated Decision: none
Committee decision: none
Total: none