

Section 2

North Somerset Council

ITEM 7

REPORT TO THE PLANNING AND REGULATORY COMMITTEE

DATE OF MEETING: 21 July 2021

SUBJECT OF REPORT: Planning application 20/P/0861/FUL

Full application for the erection of 14no. dwellings, provision of access, public open space, drainage, landscaping and ancillary works at land to east of Youngwood Lane, Nailsea

TOWN OR PARISH: Nailsea

OFFICER/MEMBER PRESENTING: HEAD OF PLANNING

KEY DECISION: NO

RECOMMENDATIONS

Subject to:

(a) In consultation with Natural England, the completion of the Habitat Regulations Assessment and Appropriate Assessment if required, and provision for necessary on site mitigation from new tree and hedge planting and off-site mitigation (if required);

(b) 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** subject to the conditions referred to in the 24 June committee report attached as Annex 1, as amended by recommendation referred to within the 24 June Update sheet attached as Annex 2, and any other additional or amended conditions as may be required in consultation with the Chairman and Vice Chairman and local members:

1. SUMMARY OF REPORT

The application was considered by the Committee on 24 June when it was resolved that the application should be refused. As the Committee resolution was contrary to the officer's recommendation, the application was held over in accordance with the provisions of the Scheme of Delegation to enable the issues raised to be considered before the Committee confirms the decision.

2. POLICY

As set out in the report to the Planning and Regulatory Committee report of 24 June attached as Annex 1.

3. DETAILS

The application was considered by the Committee on 24 June when it was resolved that the application should be refused for the following reason:

1. The proposed development lies within a Strategic Gap where the proposed development would harm the open and undeveloped character of the area, result in incremental erosion of the gap separating Nailsea and Backwell and the landscape setting of Nailsea contrary to Policy CS19 of the Core Strategy and Policy SA7 of the Site Allocations Plan.

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

In considering the application, the Committee made observations about various issues. The most significant points are set out below followed by further explanation from officers.

(i) The site is outside the settlement boundary for Nailsea

The committee's attention is directed to policy CS31: Clevedon, Nailsea and Portishead and associated para 4.78 of the adopted Core Strategy which states that

“New residential development within the settlement boundaries and residential development for up to about 50 dwellings adjoining the settlement boundaries, will be supported provided it does not harm the objectives of the plan.”

The site adjoins the settlement boundary of Nailsea at its northern side therefore the principle of residential development complies with this policy.

(ii) The site is within the Strategic Gap and any new residential development should only be permitted if there are exceptional circumstances.

Strategic Gaps are a local designation defined in the Local Plan with the aim of preventing the coalescence of settlements and generally include areas of urban fringe land not protected by Green Belt or nationally recognised landscape designations (such as AONB.) It is not a national designation, unlike the Green Belt, and does not carry the same status or planning tests as Green Belt policy. The supporting text to CS19 sets out that Strategic Gap designations will help prevent against their erosion by incremental development, which is particularly important where it could cause coalescence of settlements. Policy SA7 sets out the three circumstances where development within a Strategic Gap would be acceptable. These are listed and the proposals assessed against them in Issue 1 of the previous committee report attached as Annex 1.

There is no requirement for development proposals in Strategic Gaps to pass an exceptional circumstances test equivalent to para 143 in the NPPF which relates to Green Belts. The only test for development proposals in Strategic Gaps is that it should comply with policies CS19 and SA7 and the Officer report conclusion was that this development complied with these policies.

(iii) The development would result in the incremental erosion of the Strategic Gap and such cumulative loss if contrary to policy CS19.

Policy SA7 sets out the three circumstances where development within the Gap may be acceptable. This application would result in development of a very small part of the Strategic Gap but this is not a reason for refusal in itself. Should any further applications for development in the Gap be submitted, they will be assessed on their own merits against policies in adopted plans.

(iv) The access road turning head is designed to permit further development expansion into the Strategic Gap south of this application site.

The access road is not designed to suitable standards to accommodate further development and any application for additional residential development would be considered on its merits as explained above.

(v) The new road access is unsafe and will increase traffic hazards at junction with The Perrings.

This has been addressed in the previous report in Annex 1 which confirms the access complies with adopted safety standards.

Conclusion

The Council currently does not have a five-year supply of deliverable housing sites, therefore applications for housing should 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.

Although policies CS19 and SA7 are considered consistent with the NPPF they also allow for small scale development within Strategic Gaps where it complies with the three criteria in SA7. The benefits of providing 14 well designed houses in a sustainable location are a considerable benefit which should be given significant weight in deciding the application.

The officer recommendation therefore remains as set out in the June report attached in Annexes 1 and 2 below.

4. CONSULTATION

Details of consultation responses are in the Committee report in Annex 1. An additional 16 letters of objection have been received and the points raised are as set out in Annex 1.

5. FINANCIAL IMPLICATIONS

The National Planning Guidance makes it clear that LPAs are at risk of an award of costs against them on appeal if they are deemed to have acted unreasonably.

6. EQUALITY IMPLICATIONS

As set out in the previous Committee report in Annex 1.

7. CORPORATE IMPLICATIONS

As set out in the previous Committee report in Annex 1.

8. OPTIONS CONSIDERED

Planning applications can either be approved or refused.

AUTHOR Richard Kent. Head of Planning

BACKGROUND PAPERS

Planning and Regulatory Committee report 24 June, update sheet and draft minutes.

ANNEX 1

REPORT TO PLANNING & REGULATORY COMMITTEE 24 JUNE 2021

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

Background.

The application was deferred by the Planning and Regulatory Committee at meeting on 21 April for a Committee site inspection. This took place on 14 May. The issues discussed at the inspection mainly related to impacts on the Strategic Gap and are addressed in the section of the report on 'Planning Issues' below. The report has been updated since the last meeting.

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 completion of a S106 agreement and Habitat Regulations Assessment. 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 Perrings at part of the northern side and Youngwood Lane at the west. It is agricultural pasture land and incorporates a rectangular field with approximately 2m high boundary hedges at the east, west and south boundaries with trees and hedges at the north where the site adjoins the rear gardens of bungalows (23 - 31 The Perrings). The application site also includes a triangular area of hedge and scrubland at the eastern side where the vehicular access to The Perrings is proposed. At the east is unadopted land used as public

open space, maintained by North Somerset Council and subject to a current application by Nailsea Town Council to be designated as a Town Green. The proposed Town Green site initially included a small section of the application but this has now been excluded from the Town Green land.

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 Perrings.
- A green buffer at the southern and western boundaries;
- Two areas of public open space at the east and west of the site.

Since the committee in April plans have been submitted to demonstrate that access by refuse vehicles complies with standards, there is a footpath priority crossing at the junction with The Perrings and a separate footpath has been added to the access road at the northern side and is not a shared surface.

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
- SA5 Local green space.
- 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

Paragraphs 99, 100, 101, 145 and 146 are particularly relevant.

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 April 2021)
- 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

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

Third Parties: 81 letters of objection and one letter of comment have been received at the time of report writing following the initial consultation in April 2020, the submission of amended plans in October 2020 and further minor amendments submitted in May 2021. 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.
- Adverse impacts to the character of Nailsea.
- Adverse impact on land with Local green space designation.

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”

Additional Comments dated 02/06/21.

“Nailsea Town Council would like to ensure that if The Perrings application does get approval (contrary to the Town Council’s objections) that S.106 funding is requested to pay for a replacement play area on the proposed Town Green land, also at The Perrings. Historically North Somerset Council installed and managed a play area on the neighbouring land. The site was well used but sadly fell into disrepair and was removed, we would like to ensure funding is allocated for a replacement play area.”

Additional comments dated 9th June 2021.

Recommended for refusal due there being no improvement to the design and so our comment remains as before.

Other Comments Received:

Environment Agency

No comment or objections.

Natural England.

The site is located in Zone B of the Mendip Horseshoe Bats SAC SPD and the proposals will require assessment under the Habitats Regulations. Additional bat surveys and further information may be required to enable the Council to undertake an HRA.

Officer comment:

Additional information has been provided by the applicant and the HRA is being drafted.

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 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 Perrings public open space. As it is undeveloped, the site contributes to the gap between Nailsea and Backwell, but it is a relatively very small area of land. The Strategic Gap designation covers a wide area of land in this location (approx. 1.4 km in width) and the application would reduce this by less than 80m in width at the widest

point. Additionally, overall the Strategic Gap covers about 63.8 hectares of land from which the application would remove 0.76 ha which marginally over 1%. The loss of a small amount of land from what is a considerable undeveloped gap between settlements is considered to be acceptable and would not significantly adversely affect the purposes of designating the Strategic Gap.

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

In summer months when tree cover is more prominent and provides screening, the site is not easily visible from the majority of the built up area of Backwell, whereas in winter views are less filtered. However it is considered that the development would not significantly adversely impact on the identity or character of either of the settlements of Backwell or Nailsea. 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 Perrings, 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 4.2 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 is do 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, proposed Town Green and Local Green Space.

The Perrings 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 Perrings 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.

Nailsea Town Council has recently submitted an application to designate land east of this site as a Town/Village Green, which was registered after this planning application was validated. This is currently being assessed by the Council's Legal Services team. It initially included a small section of the application site but this has since been excluded from the proposed Town Green land and therefore does not impact directly on the consideration of this application. The land that was initially proposed as part of the Town Green would be public open space under the current application although separated by hedges and trees (as the land is now). Therefore the impacts of this application would be minimal as the land would be in the same use as it is now.

The eastern triangular segment of the site is identified in the Development Management Part 2 Sites and Policies Plan (adopted April 2018) as Local Green Space. It is a small section measuring only 0.06 ha of the local green space designation which exceeds 8 hectares in total area. The associated policy SA5 states that planning permission will not be granted except in very special circumstances for development affecting a Local Green Space and should be considered in relation to the characteristics underpinning its designation. Schedule 3 of the plan justifies the designation on the basis that the land is a grassed open space used for informal recreation. The supporting paragraphs explain that the designation allows local communities to rule out new development other than in very special circumstances, and that the interpretation of such circumstances should be consistent with the policy for Green Belts. Para 146 of the NPPF sets out that certain forms of development are not inappropriate in the Green Belt (or in this case Local Green Space) provided they preserved the openness and do not conflict with the purposes of including land within it. They include local transport infrastructure which can demonstrate a requirement for the location.

The area of Local Green Space affected by the application is small. Of the small affected area, this application proposes to retain approximately half as public open space with the access road passing through the remainder. It is therefore considered

that this proposal complies with policy SA5 and the associated paragraphs of the NPPF because it is retaining part of the land as public open space and the remainder will be used for a small local access road which is required to serve the houses.

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 Perrings 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 considered unlikely to remain available for parking). The closest schools are 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 Perrings has been subject to further assessment, revised plans and a Road Safety Audit which comply with adopted standards. 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 Perrings. The new road has a separate footpath and is designed as a cul-de-sac with vehicle turning and is likely to be offered for adoption. 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. 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. Amended plans submitted in May included minor alterations to plot 6 which has been relocated to be slightly further from neighbouring bungalows and its upper floor dormer window has been removed. On this basis the scheme is considered acceptable.

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 sited on the south facing roof slopes of all dwellings except plot 8 where the orientation does not enable this, and 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.

S106 contribution for an equipped play area.

The Town Council has requested a contribution towards the provision of an equipped play area to replace the one previously sited on the proposed Town Green site, and which had to be removed recently as it did not conform to health and safety requirements. Such facilities are now required to be funded through CIL and cannot be included in the S106.

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. The TPO'd trees at the northern boundary have been reinspected. They are currently constrained by the existing development, and although this application may result in proposals for a small amount of crown lifting it is not a reason for refusal. 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 an unlit buffer has been provided with the hedge and trees retained. Additional new hedge and tree planting is likely to be required under the terms of the Habitats Regulation Assessment/Appropriate Assessment (HRA/AA) which is being produced under guidance from Natural England. No other protected species have been identified on site. Land adjacent to the southern site boundary is within the Nailsea and Tickenham Moors Local Wildlife site and as such is protected under policy DM8 of the Development Management Policies Plan part 1. The proposals incorporate the retention and reinforcement of the boundary hedgerow and an unlit 5m green buffer, to protect the designated land and therefore considered not to adversely impact on it. 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. The proposals include a new underground private foul pumping station and surface water soakaway at the south western corner, details of the latter will be approved under a 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) 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;

(b) 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.

ANNEX 2

EXTRACT FROM UPDATE SHEET 24 JUNE 2021

Item 6 - 20/P/0861/FUL Land to east of Youngwood Lane, Nailsea

Additional comments from Natural England.

Additional planting at the south and west boundaries is required particularly with mature native hedgerow plants to reinforce a dark buffer for horseshoe bats.

Additional information from the applicant

To enable the HRA to be completed the applicant has agreed to provide additional tree and hedge planting at the southern and western boundaries to reinforce the southern dark corridor for bats.

Officer comments:

An amended landscaping plan is awaited.

Amended plans

The applicant has submitted a revised site layout plan in May ref no 13129/002 Rev. H, which:

- Amends house type D at plot 6 to remove the only north facing dormer window and replace it with a high level roof light;
- Reorientates the house at plot 6 marginally so the rear elevation is facing further away from neighbours;
- Proposes a 3m wide blended crossing at the junction of the access road with The Perrings;
- Includes a 1.2m wide footpath with a curb at the northern side of the site access road;
- Confirms the access road is 5m wide with a 0.5m service strip at the south.

Officer comments:

Neighbours immediately adjacent to the site were notified of these amendments. The 14-day period for comment lapsed 11th June. These proposals are acceptable. This design results in the site access road being unsuitable to serve any additional residential development. The minimum distance between rear facing elevations of proposed to existing dwellings is 22.5m which complies with the adopted distances in the SPD.

Additional Third Party comments

17 additional letters of objection have been received. The principal planning points made are as set out in the report with an additional query relating to the Local Wildlife Site south of this site.

Officer comments:

The land to the south of the site is designed under the adopted Development Management Sites and Policies Plan as a Local Wildlife site (policy DM8.) A plan with the designated area has been added to the committee presentation. No adverse impacts will result to this designated site from the proposals.

Nailsea Town Council

At the meeting on 9th June the previous objections were reiterated.

AMENDMENT TO RECOMMENDATION:

The recommendation remains unaltered with the exception of part (a) which is reworded as follows:

“(a) In consultation with Natural England, the completion of the Habitat Regulations Assessment and Appropriate Assessment if required, and provision for necessary on site mitigation from new tree and hedge planting and off site mitigation (if required);”