

**SECTION 6 – ITEM 1**

**Application No:** 22/P/0227/OUT

**Proposal:** Outline planning application with all matters reserved, except access, for demolition of existing structures on site (75 Greenhill Road) and subsequent residential led mixed-use development comprising of up to 49no. residential dwellings (Class C3) and a change of use of land for the provision school building (Use Class F1), with defined ancillary community use (Use Class F2), along with associated infrastructure and works including landscaping, servicing, parking, new accesses, and a new access road

**Site address:** Land To The South Side Of Greenhill Lane And North Of Greenhill Road Sandford

**Applicant:** Stonewood Partnerships Ltd And Progress Land (Sandford) Ltd

**Target date:** 16.05.2022

**Extended date:** 22.06.2022

**Case officer:** Andrew Stevenson

**Parish/Ward:** Winscombe And Sandford Banwell And Winscombe

**Ward Councillors:** Councillor Karin Haverson Councillor Ann Harley

**REFERRED BY COUNCILLOR HARLEY**

**Summary of recommendation**

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

**The Site**

The site measures around 2.5 ha and comprises three fields of pasture extending along the rear of existing properties from behind Sandford Primary school to the junction of Greenhill Road with Greenhill Lane. The site is outside the settlement boundary for Sandford and adjoins existing residential development to the south and the Sandford Primary school to the south west. A development of 118 dwellings has recently been completed on land to the west. Beyond the northern boundary the land opens out to farmland. Hedgerows mark the boundaries to the north and west, with the southern boundaries comprising a mix of walls, hedges and fencing.

A public right of way (AX29/46/10) runs through the site north to south from Greenhill Lane to Greenhill Road.

### **The Application**

- This is an outline application for up to 49 dwellings, with garaging and parking, with all matters reserved for subsequent approval, with the exception of access, which is to be considered as part of this application.
- The site is accessed from Greenhill Road with the existing public rights of way, which cross the site, and will be incorporated into the development of the site.
- A mix of one, two, three, and four bedroom houses are proposed, comprising a maximum of two storey height.
- Up to 31% of the proposed dwellings will be for affordable housing
- The site density is approximately 20 dwellings per hectare.
- The existing boundary hedgerows around the site are retained and reinforced with new planting for the most part. A drainage attenuation pond is to be located towards the north western corner of the site where there is a natural fall in the level of the land.
- An area of land immediately to the north of Sandford Primary school is to be transferred to the school to facilitate the school's expansion if and when the need arises.

### **Relevant Planning History**

**Year:** 2019  
**Reference:** 17/P/0887/OUT  
**Proposal:** Outline application for up to 93 dwellings and associated infrastructure  
**Decision:** Appeal dismissed

**Year:** 2018  
**Reference:** 18/P/3625/OUT  
**Proposal:** Outline application for up to 85 dwellings (duplicate application to appeal scheme)  
**Decision:** Withdrawn

### **Policy Framework**

The site is affected by the following constraints:

- Outside the Sandford settlement boundary

### **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
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
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
DM4	Listed Buildings
DM8	Nature Conservation
DM9	Trees
DM10	Landscape
DM11	Mendip Hills Area of Outstanding Natural Beauty
DM24	Safety, traffic and provision of infrastructure etc associated with development
DM25	Public rights of way, pedestrian and cycle access
DM26	Travel plans
DM28	Parking standards
DM32	High quality design and place making
DM71	Development contributions, Community Infrastructure Levy and viability

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

SA1	Allocated residential sites (10 or more units)
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**Other material policy guidance**

National Planning Policy Framework (NPPF) (2021)

The following sections are particularly relevant to this proposal:

4	Decision-making
5	Delivering a sufficient supply of homes
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

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 2021)
- North Somerset Landscape Character Assessment SPD (adopted September 2018)
- Biodiversity and Trees SPD (adopted December 2005)
- Affordable Housing SPD (adopted November 2013)
- North Somerset and Mendip Bats Special Area of Conservation (SAC) Guidance on Development: SPD (Adopted January 2018)

**Consultations**

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

**Third Parties:** 26 letters of objection have been received. The principal planning points made are as follows:

- Appeal for a similar housing development was dismissed
- Unsustainable location with limited services, facilities and transport links
- Reduction in the number of dwellings from 85 to 49 still does not overcome the adverse impacts
- The emerging local plan identifies other and better site
- The Banwell bypass development will increase traffic along the A368
- Overdevelopment and harmful to the rural character
- Increased traffic and congestion
- Harmful impact to living conditions of nearby residents
- Lack of local job opportunities
- No capacity at local schools
- Harm to nearby Mendip Hills AONB
- Disruption to wildlife and protected species
- Loss of agricultural land
- Parts of the site and surrounding areas at risk of surface water flooding
- Overall adverse effects of development outweigh the benefits of providing housing.

**Winscombe and Sandford Parish Council:**

Recommend approval subject to suggested developer contributions/conditions – That the land allocated to the school be officially made as such. That a footbridge be put over the ditch from this development to the Strongvox site. That the absolute minimum affordable housing be 31% and that the correct license be obtained to deal with the badger sett.

## **Principal Planning Issues**

The principal planning issues in this case are (1) the principle of development, (2) landscape and character impact (3) transport and access, (4) ecology, (5) flood risk and drainage (6) living conditions (7) Impact to nearby listed buildings (8) Other matters, and (9) development contributions.

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

Section 38 (6) of the Planning and Compulsory Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan includes the adopted Core Strategy and policy CS13 requires sufficient developable land to deliver a minimum of 20,985 dwellings between 2006 and 2026. Policy CS14 sets out the broad distribution of the housing requirement across the settlement hierarchy. This prioritises new housing development at Weston-super-Mare followed by the other towns and then service villages. Policies CS28, CS31 and CS32 provide flexibility to deliver an appropriate scale of growth within and adjoining town and service village settlement boundaries through the development management process.

The site is adjacent to, but outside the Sandford settlement boundary. Sandford is currently designated as an infill village where new housing proposals are to be determined against Policy CS33. This policy limits new residential development to infilling within the defined settlement boundary and strictly controls development elsewhere. The proposed development of up to 49 dwellings outside the settlement boundary therefore conflicts with this policy.

However, the Council cannot currently demonstrate a five year housing land supply, with a recent appeal decision in respect of Farleigh Farm, Backwell finding that the Council has only a 3.5 year supply of land. Paragraph 11 of the NPPF confirms that where a Local Planning Authority cannot demonstrate a 5 year housing land supply, the policies most important for determining applications for housing are deemed to be out of date. This includes policy CS33.

In such circumstances, the NPPF directs that planning permission should be granted unless the application of policies in the NPPF that protect areas or assets of particular importance provide a clear reason for refusal, or unless any adverse impacts of giving consent would significantly and demonstrably outweigh the benefits, again having regard to the policies in the framework. This matter is considered in more detail in the 'Planning Balance and Conclusion' section of this report.

The site is greenfield land located outside the Sandford settlement boundary and is not allocated for development in the Development Plan. Sandford has a limited range and scale of services and facilities. The adjacent site which has been developed for 118 dwellings also comprised a greenfield site and planning permission was granted on appeal in 2016.

The applicant has confirmed that the development will provide 30% on-site affordable housing provision at nil public subsidy. The affordable housing requirement is therefore 15 units which will be secured and delivered via a s106 agreement. This together with contributions to the school (see below) may assist the sustainability of Sandford by promoting a greater mix of housing and opportunity for younger people.

### Appeal decision 17/P/0887/O

A previous appeal for a larger development on this site was dismissed in 2019. It is therefore pertinent to examine whether there have been any material changes either in terms of policy context or the site context that would point to a different outcome.

In the period since the appeal decision in June 2019 the circumstances of the village have continued to evolve. For example, some of the bus services have been withdrawn, reducing access to public transport, whilst on the other hand the Thatcher's cider plant has continued to expand contributing to an increase in local employment opportunities.

There are a number of differences between the proposals now before the Council and those dismissed at appeal in June 2019. Physically the site condition has remained relatively consistent between 2019 and now, however there has been a small reduction in the size of the development site, with the eastern corner of the site now omitted from the scheme. As a consequence, the site access has been moved approximately 50m to the west and would be located where there is presently a small garden machinery retail unit. The site access is therefore positioned a further distance away from the Grade II listed Pool Farmhouse. Impact to the listed building is dealt with within issue 7 of this report.

With regard to the proposed development, the primary change is in the reduction in quantum of development from up to 93 dwellings to up to 49 dwellings. Accordingly, this enables a reduction in the density of development from around 37 dwellings per hectare (dph) to around 20dph and increases the proportion of open space across the site. Additional landscape screening is proposed along the southern boundary softening and filtering views between existing properties and the new development. Details of the provision of land to be transferred to the school for outdoor play space have been further refined since the appeal scheme but in essence remain broadly similar. In addition, a smaller development will generate fewer traffic movements than the original proposal. Whilst these changes are encouraging in terms of mitigating some of the impacts of development, nevertheless, the proposals remain in conflict with the locational strategy of the Development Plan and Policy CS33.

Turning to the policy framework, in the 2019 appeal decision the settlement hierarchy of the Core Strategy, and thus policy CS33, was afforded a great degree of weight. This was because at the time of the appeal the Core Strategy had recently been adopted. The Inspector found that the Core Strategy housing figure was sound as it was subject to early review, and at that time was satisfied that the required review was taking place as the Council had produced a Strategic Housing Market Assessment and were progressing with the Joint Spatial Plan (JSP) and a new Local Plan.

However, the policy circumstances and hence the weight which can be given to the development plan have changed since 2019. The Core Strategy was adopted in full in 2017, although it had been first adopted in 2012 but legally challenged in respect of the

housing requirement. That challenge was upheld, and the relevant policies were remitted for re-examination. In re-examining those policies, the examining Inspector concluded that Policy CS13 was sound, subject to a commitment to review the housing requirement by 2018. The JSP was intended to be the mechanism for implementing that review and a consequence of the JSP not progressing is that the review has not yet been completed. Accordingly, Inspectors in more recent 2022 appeal decisions have found that the most important policies for determining the application (which in this case would include CS33), can only carry limited weight as there is no five year housing land supply. In the period since the 2019 appeal decision, the gap between review of the strategic housing policies has therefore grown and this in turn limits the weight that can be afforded to them.

In addition, during the period since 2019, the Council's five year housing supply shortfall has increased. At the time of the previous appeal decision the Council could demonstrate 4.4 years supply. This has reduced to 3.5 years, which underlines the weight to be given to the need for housing,

The Council is preparing a new Local Plan to address the housing needs of North Somerset and as part of this the settlement hierarchy is being reviewed. The role of Sandford is part of this, and the consultation draft Preferred Options plan suggested it as one of the more sustainable small villages falling within a new "Category B" group of villages. These are villages which are considered to be relatively sustainable by virtue of their proximity to a higher order settlement. They have some services and facilities and are closely related to a much higher order settlement which has a wide range of services and facilities.

## **Issue 2: Landscape and character impact**

Policies CS5 and CS12 of the Core Strategy seek to protect the character, distinctiveness and quality of the landscape, and proposals are expected to demonstrate sensitivity to the existing local character. Views into and out of larger sites must also be carefully considered in terms of landscape setting.

The site is not within any statutory landscape designations although it is approximately 200m north of the Mendip Hills Area of Outstanding Natural Beauty (AONB). The North Somerset Landscape Character Assessment identifies the land as part of the landscape character area J2 River Yeo Rolling Valley Farmland landscape which is of moderate overall character, and in good condition.

The application proposes to develop three fields to the north of the existing settlement edge, filling an area between the existing residential properties along Greenhill Road to Greenhill Lane. The overall site measures approximately 2.5ha, and the proposals now put forward would result in approximately 1.3ha being developed for residential use.

Sandford has a distinctive linear shape where older and historic buildings are located along Greenhill Road and Hill Road. Later infill development has continued this pattern. More recently, the Strongvox development on land immediately to the west has introduced a northern expansion to the village edge. Development of the application site would consolidate this expansion and infill the area between the Strongvox site to the west and Greenhill Lane and Sandmead Road to the north and east.

It is considered that in the context of wider views and key vistas any significant adverse landscape effects are mainly confined to the site itself. The site is potentially visible from the northern edges of the AONB, however it would not be prominent and would be viewed in the context of existing development. The paths through the AONB are densely wooded, so do not provide significant views to the site. Due to the topography and the existing built form, visibility of the site from in and around the village is restricted to properties immediately adjacent to it, from Sandmead Road and glimpses from Greenhill Road at the site entrance.

In the immediate surroundings the character of the site would become more urban in nature appearing as a northern extension of the village and as such the rural ambience would change. This would increase the depth of development to the north of Greenhill Road, though this change to the pattern of development has already occurred with the development of 118 houses on the 2019 appeal site to the west. As such it is considered that the proposed development would not appear unduly prominent or incongruous.

The illustrative masterplan demonstrates how the impact of development can be mitigated to some degree by the retention of landscape buffers along the northern edge of the development site and by the strengthening of landscaping along the southern boundary separating the site from adjacent properties. In comparison to the previous appeal scheme, the reduction in the number of dwellings has resulted in a looser form of development which would include stronger landscaping buffers and a greater extent of open space. The illustrative layout demonstrates how a scheme of up to 49 units could be presented, however this is caveated with the fact that design and appearance, layout and landscaping are reserved matters. The proposed design principles include a clear road hierarchy, a landscape strategy which supports a significant amount of green space and the provision of land for a playing field. The impact of new dwellings to the rear of existing properties situated along Greenhill Road would be assessed as part of a subsequent reserved matters application, however on the basis of the illustrative layout provided it is considered there is scope for any new development to accord with the adopted residential design guide SPD. For these reasons it is considered the extent of the landscape harm would be limited.

Comments have been received to say the proposals would give rise to adverse impacts on the Mendip Hills AONB. As the site is not within the AONB, there would not be any direct adverse impact on it. Instead, any impact would be on views to and from the AONB, however views of Sandford from that part of the AONB nearest the village are limited. Future impact can be softened by the proposed landscaping and the development would be seen to and from the AONB in the context of and as a natural extension to the village rather than an unwelcome projection into the open countryside.

Thus, as had also been identified by the 2019 appeal Inspector, development of the site would not introduce a distinct new built form into an AONB setting where none currently exists. Furthermore, the position of the site to the north of the village means the settlement edge would not encroach further towards the AONB. Any impact upon the AONB, in relation to views from or to it, would therefore be negligible.

### **Issue 3: Transport and access,**



Policy DM24 of the Sites and Policies Plan Part 1 seeks to ensure that new development will not prejudice highway safety of the operation of the highways network and that the impact of any new developments are adequately mitigated. Development giving rise to a significant number of travel movements will only be refused on transport grounds if it is likely to have severe residual cumulative impact on traffic congestion or on the character of the surrounding area.

The highway matters to be assessed with this application comprise the location of the proposed access and impact of this on the wider highway network, road safety and accessibility considerations. In support of the application a Transport Statement has been submitted which provides information on trip generation from the planned development, site access arrangements, and accessibility to local services facilities and job opportunities by pedestrian, cycle and public transport options. This concludes that the development site can be suitably and safely accessed by all users and will not have a material impact on the operation of the local highway network.

The site forms a parcel of land between the A368 Greenhill Road and Greenhill Lane. The site is bordered to the south by residential dwellings and proposals include the demolition of the garden machinery store at 75 Greenhill Road to provide access to the site. It is close to Sandford primary school and within walking distance of a local convenience store. The A368 Greenhill Road is an 'A' Class highway which provides a link between Weston-super-Mare and the A38. It joins the A38 in the east at Churchill signalised crossroads which then provides access to Bristol. The access to Weston-super-Mare is via Banwell and the junction with the A371.

A Transport Statement and subsequent Technical Design Note have been submitted with the application. These include data on the expected trip generation based on a housing mix of market and affordable housing which is consistent with the application. There would be an expected total of 169 daily trips resulting from the development, with arrivals and departures being 19 during the am peak and 18 during the pm peak. It is considered therefore that trip generation from this quantum of development would be relatively limited and well within existing junction capacity taken alone and cumulatively with other development in Sandford, Churchill and the wider area. It should be noted that there was no highway reason for refusal on the previous appeal scheme for 85 dwellings. As such, this level of vehicle movements would not result in a 'severe' impact to the local highway network as identified at paragraph 111 of the NPPF.

The applicant proposes to access the site via a new priority junction from the A368 Greenhill Road. The applicant has submitted revised access plans, swept path tracking plans and a stage one road safety audit to address comments received. At the time of writing there is still some ongoing dialogue in relation to the visibility splays at the site entrance in relation to vehicle speeds along this section of the A368 to address concerns that the stopping sight distances (SSD) on the revised visibility splays do not comply with the Manual for Streets guidance. This may be overcome with revised visibility splays with SSD's aligned with the results of the speed surveys or delivery of an acceptable scheme for speed reduction mitigation measures. It is expected that this will be resolved prior to the committee meeting and an update will be provided to the committee.

Home to school transport

The site is adjacent to Sandford Primary school with safe pedestrian connections therefore no transport contributions towards primary school transport are required. The application site is also within the statutory walking distance to the nearest secondary school at Churchill however, due to the local highway network and absence of footways along Churchill Green and Dinghurst Road, a safe walking route is not available. Home to school transport costs would therefore result from the development and are expected to be met by the applicant. In the absence of a safe route, and the applicant not providing the funding it may not be possible to provide public transport leading to future residents transporting pupils by car. This would increase low vehicle occupancy, resulting in a net increase in vehicle trips. This is not in the interests of sustainable travel or convenience, and it is contrary to Policy CS10 of the Core Strategy. The contribution sums are set out in section 8 Development Contributions section of this report and are proportionate to the totals costs of providing bus travel to and from secondary school.

### Public transport

The only public bus service through the village is the 51 service. To ensure the service is robust and attractive to deal with all future demands required in the early morning and later evening, the service would benefit from increased hours of use and increased frequency. A contribution of £20,000 per year (for 3 years) is considered a proportionate from this development and will enhance the flexibility of the service for users to reduce the reliance on single car journeys from the site. By providing funding for 3 years to extend the bus service it can increase the operating hours of a key local service and greater incentivise the use of public transport. This should encourage occupants of the proposed development and other local people to make greater use of public transport.

The closest east and west bound bus stop to the proposed development are on Greenhill Road and the planning obligations can be sought are to improve access to these bus stops. The bus shelters at these bus stops are outdated and they need replacing.

### **Issue 4: Ecology**

Policy CS4 of the Core Strategy and DM8 of the Sites and Policies Plan Part 1 seek to protect priority habitats and the policy requires that development that could directly or indirectly harm protected species will not be permitted unless the harm can be avoided or mitigated. The NPPF puts in place the framework for assessing development proposals. This includes reference to minimising impact to biodiversity and ensuring that Local Planning Authorities place appropriate weight to statutory and non-statutory conservation designations, protected species, and biodiversity.

Whilst the appeal proposals had been subject to detailed ecological surveys and a Habitats Regulation Assessment concluding that no there would be no unacceptable impacts to protected species, these are no longer up to date due to the period of time since these surveys were carried out. The applicant has therefore undertaken further surveys of the site and surroundings to assess the ecological significance, constraints and opportunities of the site in order to provide a robust mitigation strategy in respect of protected species and nature conservation and enhancement. The site has been subject to an extended phase 1 ecological survey together with further protected species surveys. The two badger setts that had previously been identified along the western side of the site are no longer active.

This site is of potential relevance to the North Somerset and Mendip Bats Special Area of Conservation (SAC) due to its importance for lesser and greater horseshoe bats. The site lies within Consultation Band B of the SAC.

The proposed mitigation strategy for the site includes measures to retain and protect hedgerows and trees, the incorporation of ecological buffer zones within the indicative layout, and the creation of a SuDS system. It is considered no significant loss of habitat for horseshoe bats will result from the development proposals. Important habitats, namely the hedgerows, will be retained and subject to appropriate management

Light spill from street lighting in Greenhill Road already adversely impacts bat activity, particularly over the eastern field. A condition requiring the submission and approval of a lighting plan which avoids illumination of the hedgerows would ensure no further adverse impact on bats present on the site.

A shadow Habitats Regulation Assessment (HRA) has been undertaken in respect of the development's potential impacts on the North Somerset and Mendips Bats SAC. This shows that individually or cumulatively with other developments in the area, the development is unlikely to have significant effects on the Bats SAC. At the time of writing the formal HRA in relation to the SAC required for this proposal has not been completed however the principles within the shadow HRA are broadly agreed. Appropriately worded conditions are required to secure the mitigation as set out in the plans and reports accompanying the application. A monitoring programme must include triggers and mechanisms for action, both in relation to lighting and in relation to habitat condition. Outline information on how the long-term monitoring and management of greenspace on site will be achieved should be provided in advance of determination, including financial and management mechanisms and responsibilities for implementation.

Accordingly, the adoption of the HRA and appropriate conditions to secure the mitigation as set out in the plans and reports accompanying the application are stipulated in the recommendation at the end of this report and members will be updated accordingly.

Subject to the imposition of appropriately worded conditions to cover matters including retained habitats, ecological buffer zones and a lighting plan, it is considered that the proposal will not have an adverse impact to ecology and protected species.

### **Issue 5: Flood risk and drainage**

Policies CS3 of the Core Strategy and DM1 of the Sites and Policies DPD seek to ensure that new development does not create problems in terms of flood risk. The site lies within Flood Zone 1.

The submitted drainage strategy demonstrates how surface water flows will be attenuated ensuring that the discharge rate does not exceed that of the calculated greenfield rate. Overland surface run off routes can be contained within the site with falls to ensure that the site generated surface water run-off is intercepted by the attenuation pond to be situated in the lowest part of the site towards the north-west corner. Further details would be required at the reserved matter stage, and conditions can be attached to the outline planning permission to secure this. For the purposes of assessing the outline application

the development is not considered to be at risk of flooding and with an appropriate drainage scheme will not increase the risk of flooding to neighbouring properties or the highway. It is therefore in accordance with policies CS3 and DM1.

### **Issue 6: Impact to living conditions of neighbours**

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

The application site is positioned to the rear of properties along Greenhill Road and to the south of a group of dwellings accessed from Greenhill Lane. Towards the western end of the site these neighbouring properties are set within good sized plots, although from the centre where Greenhill Croft projects into the site and onwards towards the eastern edge of the site the plot sizes taper in.

The properties along Greenhill Road have a slightly elevated view over the application site and across the levels landscape beyond. Whilst residents will no doubt attach substantial value to these views, it is an established principle of the planning system that little weight can be given towards the protection of a private view.

The proposals, albeit in outline form, provide an indication of the potential layout, and a reduced quantum of development in comparison with the appeal proposals allows for the more relaxed layout as shown on the indicative plans. Whilst this would be assessed further at reserved matters stage, it is considered that there is sufficient space relative to the site shape and proportions to ensure the quantum of development now sought is capable of being set in such a manner that it does not prejudice the living conditions of future residents or existing neighbours having regard to the residential design guide SPD. Matters of detail and individual relationship between existing and proposed dwellings can be assessed at the reserved matters stage.

It is considered therefore that an appropriate layout can be achieved that would be in accordance with the guidelines of the Residential Design Guide SPD and the aims of policy DM32.

### **Issue 7: Impact on nearby listed buildings**

The site access is located approximately 50m to the west of the Grade II listed Pool Farmhouse and the listing extends to the curtilage listed barn which sits along the pavement on the south side of Greenhill Road. The setting of this barn is already compromised by the A368.

The main listed building cannot be seen from the road due to the position of the barn and the large hedgerows, however the setting of the listed buildings does not only include visual impact to the buildings but also the extra noise and traffic generated from the development site. In accordance with paragraphs 199 and 202 of the NPPF the impact to the significance of the heritage asset must be given great weight, and where less than substantial harm may occur, this should be weighed against the public benefits of the proposal.

It is considered that as the location of the access is off-set from the barn, and is clearly separated by the A368 any impact to the setting of the listed building would be negligible. In reaching this conclusion, consideration has been given to any additional increase in traffic and movement that may occur from the site. As identified in issue 3 of this report, the trip generation from the 49 dwellings will be relatively limited, and in this case would assimilate into existing traffic flows passing by the curtilage listed barn.

The proposed development would be situated to the north of existing dwellings along Greenhill Road and would be no more than two-storey in height. This arrangement ensures there is no inter-visibility between the site and the listed building and thus no impact to the settling of the heritage asset.

### **Issue 8: Other matters**

The Parish Council comments together with the third-party representations have been given full consideration. All the issues which have been raised have been taken into account in reaching the recommendation below.

### **Issue 9: Development contributions.**

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 up to 49 dwellings and therefore subject to developer contributions which are identified below.

Contributions have been sought towards affordable housing, green infrastructure, and highways and transport matters.

#### Affordable Housing

Policy CS16 of the Core Strategy sets a trigger for on-site provision are schemes of 10 or more dwellings. There is no upper limit on affordable housing provision, but 30% of the total housing number provided as 'affordable housing' is the normal requirement. The applicants have agreed that they would deliver 30% of the homes as 'affordable housing' units which, based on a total of up to 49 units coming forward equates to an affordable housing requirement of 15 of the units.

#### Green Infrastructure

On-site provision of green infrastructure. On-site provision will require 15 year commuted maintenance sums to be paid prior to adoption, where the land is to be transferred to and maintained by North Somerset Council or Sandford and Winscombe Parish Council.

This will also include the transfer of land to the rear of the primary school for use as a playing field free of encumbrances and enclosed by a fence of equivalent height and design to the secure line of the existing school.

#### Highways and transport

- A contribution of £235,741.67 towards NSC Home to School Transport costs. The contributions are required for transportation and/or delivery of a highway improvement scheme (should this be commissioned during the contribution period).

- A Public Transport contribution to provide an enhanced bus service (service 51) of £20,000.00 per year for 3 years (total £60,000.00) and replace 2 bus stops at £25,000.00 each (total £50,000.00) total contribution of £110,000.00
- A £120.00 per dwelling contribution to be spent on active travel incentives such as bus vouchers, bicycle vouchers etc.
- A £6,800 contribution required to make improvements to PRow AX29/45.

### 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](http://www.n-somerset.gov.uk/cil).

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

The impact of the proposal on European protected species is referred to within Issue 4 above.

### **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.

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

The proposed development will not have a material detrimental impact upon crime and disorder.

### **Local Financial Considerations**

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

### **Planning Balance and Conclusion**

In the absence of a 5 year housing land supply, paragraph 11 of the NPPF deems that the policies which are most important for determining the application are out of date which means that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole. This is commonly referred to as the "tilted balance".

As noted above, the Council cannot currently demonstrate a five-year housing land supply, with the most recent tested position indicating that supply stands at around 3.5 years.

In this particular case there are no areas or assets of particular importance where NPPF policies would provide a clear reason for refusing the development, and therefore consideration must be given to whether any adverse impacts of approving the proposal would significantly and demonstrably outweigh the benefits.

### Adverse impacts

The proposed erection of 49 dwellings outside the settlement boundary of this infill village is in conflict with development plan policies particularly CS33. However, as these policies are deemed out of date by virtue of the five year housing land supply position this conflict has to be given reduced weight and the application falls to be considered under the tilted balance in NPPF paragraph 11.

Sandford is an infill village with a limited range of services and facilities, which would mean the day-to-day needs of future residents would more likely be sought away from the village. As there are limited bus services and constraints to on easy convenient and safe cycle and pedestrian movements between the settlements this may lead to a reliance on the private car.

A change from open fields to housing could be seen as inherently harmful and weigh against the development in the planning balance. The site does not however form part of a designated or protected landscape and impact to heritage assets will be negligible. These impacts should be given some weight.

The proposed development would result in the loss of some existing hedgerow where a new access road would need to pass through the two central hedges. Without the mitigation measures proposed this would impact on the presence of bats and other wildlife. There is therefore some environmental impact likely in the short term whilst the development is implemented, and any new and replacement planting undertaken. Over time the provision of green infrastructure on site, the retention of trees and hedgerows, and establishment of ecological buffer zones to support the bat population and protected Species will even this out. The short term environmental impact should be given limited weight

### Benefits

The provision of up to 49 dwellings is a benefit that should be afforded substantial weight. It would support the Government's objective of significantly boosting the supply of homes, as set out in paragraph 60 of the NPPF. The proposed development would also provide the policy-compliant figure of 30% affordable housing. This further benefit too should also be afforded significant weight.

The Council is preparing a new Local Plan and as part of this the settlement hierarchy is being reviewed. The role of Sandford is part of this and the consultation draft Preferred Options plan identifies it as one of the more sustainable small villages as it has some services and facilities and are closely related to higher order settlements which have a wider range of services and facilities. The relationship to these higher order settlements is accorded weight in favour of the proposals.

The site layout and proposed S106 includes provision of land as a playing field which will assist with the expansion of the Primary school should the need arise. The school site is currently limited in size which is a constraint to its future growth and expansion. In terms of use of the land as a playing field this is a positive aspect of the proposal which carries weight in favour of the proposal. The creation of a footpath link over the watercourse running between this and the development site to the west. This is considered to improve the connectivity of the development and is afforded some limited weight in favour.

The delivery of 49 new homes would give rise to some economic benefits as a result of the jobs created during the construction phase and the spending power of new residents within the local economy. These benefits would arise from any similar-sized housing development and therefore are given limited weight.

### Conclusion

Accordingly, it is concluded on balance, that in the absence of a 5 year housing land supply the adverse impacts do not significantly or demonstrably outweigh the benefits associated with the delivery of new market and affordable housing when assessed against the policies of the NPPF as a whole and the application should be approved.

### **RECOMMENDATION:**

Subject to

- a) the completion of a Habitat Regulation Assessment and
- b) the submission of revised visibility splays drawings with SSD's aligned with the results of the speed surveys or delivery of an acceptable scheme for speed reduction mitigation measures, and
- c) the completion of a section 106 legal agreement securing financial contributions towards the provision of
  - £235,741.67 towards NSC Home to School Transport costs.
  - £20,000.00 per year for 3 years to provide an enhanced bus service (service 51) £50,000.00 to replace 2 bus stops
  - A £120.00 per dwelling contribution to be spent on active travel incentives such as bus vouchers, bicycle vouchers etc.
  - A £6,800 contribution required to make improvements to PRoW AX29/45
  - The transfer of land for a playing field, and
  - The provision of 30% on site affordable housing

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

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



2. The development hereby permitted shall be begun before the expiry of two years from the date of approval of the last of the reserved matters to be approved.

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

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

Reason: The application was submitted as an outline application in accordance with the provisions of Article 4 of the Town and Country Planning and Regulatory Committee 8 August 2018 Planning (Development Management Procedure) Order 2010 and in accordance with Policies DM32 of the Sites and Policies Plan Part 1 and Policy CS12 of the North Somerset Core Strategy.

4. The development hereby permitted shall be carried out in accordance with the approved plans (*to be inserted*).

Reason: For the avoidance of doubt and in the interest of proper planning.

5. No more than 49 dwellings shall be erected on the application site.

Reason: To avoid an overdevelopment of the site which would be likely to result in a form of development that is out of keeping with the character and appearance of the site and surrounding area in accordance with Policy CS33 of the Core Strategy and DM32 of the Sites and Policies Plan Part 1.

6. No work shall be commenced until samples of the materials to be used in the development have been submitted to and approved, in writing, by the Local Planning Authority. The development shall be carried out in the approved materials unless otherwise agreed in writing.

Reason: To ensure that the materials are 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.

7. The dwellings shall not be occupied until details of a scheme for providing space and facilities for the storage and collection of waste have been submitted to and approved in writing by the Local Planning

Authority and the approved scheme has been implemented. 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 shall be permanently retained unless otherwise agreed in writing with the Local Planning Authority.

8. No development shall commence until a tree and hedgerow retention plan identifying all existing trees and hedgerows to be retained has been submitted to, and approved in writing by the Local Planning and Regulatory Committee 8 August 2018 Authority.

Reason: To ensure that features of ecological and landscape importance are maintained and in accordance with Policy DM9 of the Sites and Policies Plan Part 1.

9. No development shall take place until a method statement identifying measures to protect all trees to be retained has been submitted to and approved in writing by the Local Planning Authority. The method statement shall include proposed tree protection measures during site preparation (including clearance and demolition work), construction and landscaping operations (including any changes to ground levels). Thereafter the site clearance works and development shall be undertaken in accordance with the approved details.

Reason: To ensure the protection of trees during the development process in the interests of the character and biodiversity of the area and in accordance with policies CS4 and CS5 of the North Somerset Core Strategy and Policy DM9 of the Sites and Policies Plan Part 1.

10. The reserved matters application for landscaping shall be accompanied by a detailed Landscape Masterplan and Strategy to demonstrate that the landscaping proposals have taken account of and been informed by the existing landscape characteristics of the site and by any loss of existing vegetation on the site.

Reason: To ensure that a satisfactory landscaping scheme is implemented and in accordance with Policies DM9, DM10 and DM32 of the Sites and Policies Plan Part 1.

11. Trees, hedges and plants shown in the landscaping masterplan and strategy to be submitted with the reserved matters application for landscaping, that are to be retained or planted which, during the

development works for a period of ten years following full implementation of the landscaping scheme, are removed without prior written consent from the Local Planning Authority or die, become seriously diseased or are damaged, shall be replaced in the first available planting season with others of such species and size as the Authority may specify in accordance with DM9 and DM10 of the Sites and Policies Plan Part 1 Publication Version 2015.

Reason: To ensure as far as possible that the landscaping scheme is fully effective and in accordance with Policy DM9 and DM10 of the Sites and Policies Plan Part 1.

12. All landscaping works should be carried out during the months of October to March inclusive following occupation of the dwellings or completion of the development, whichever is the sooner.

Reason: To ensure that a satisfactory landscaping scheme is implemented in accordance with policy CS9 of the North Somerset Core Strategy and policy DM9 of the North Somerset Sites and Policies Plan Part 1.

13. Details of the external lighting shall be provided at the Reserved Matters stage including:
- (i) details of the type and location of the proposed lighting;
  - (ii) existing lux levels affecting the site (dark and full moon);
  - (iii) the predicted lux levels; and
  - (iv) lighting contour plans.

The scheme shall ensure that light levels do not exceed 0.5 lux above base on features important to bats, including foraging habitat and flight lines and boundary buffer corridors. Any external lighting shall be installed and operated in accordance with the approved details and shall not be varied without agreement in writing from the Local Planning Authority.

Reason: To reduce the potential for light pollution in accordance with Policy CS12 of the Core Strategy, Policy DM8 of the Sites and Policies Plan Part 1 and to protect bat habitat in accordance with the Conservation of Habitats and Species Regulations 2010 (as amended) and Wildlife and Countryside Act 1981 (as amended).

14. Prior to the commencement of development details of the fencing or means of enclosure to be provided around private gardens of the individual dwellings adjacent to the ecological buffer zones shall be submitted to, and approved in writing by the Local Planning Authority. The fencing or means of enclosure shall be of sufficient height and standard to prevent light spill from individual dwellings onto the boundary hedgerows and ecological buffer zones. Thereafter the approved

boundary treatment shall be constructed in accordance with the approved details for each dwelling before the occupation of that dwelling.

Reason: To reduce the potential for light pollution in accordance with Policy CS12 of the Core Strategy, Policy DM8 of the Sites and Policies Plan Part 1 and to protect bat habitat in accordance with the Conservation of Habitats and Species Regulations 2010 (as amended) and Wildlife and Countryside Act 1981 (as amended).

15. Before commencement of development, a Construction Environment Management Plan (CEMP) shall be submitted to, and approved in writing, by the Local Planning Authority. This shall include mitigation measures required to protect legally protected species and their retained habitats from injury or damage and include information for construction workforce; timings of site clearance; details of appropriate fencing for buffer areas to protect retained on site habitats; overnight ramps placed within open trenches and daily checks of excavations for trapped wildlife; pre-commencement surveys for species that are dynamic in distribution (e.g. badger); a walk over check by ecologist immediately prior to vegetation and other site clearance activities. The approved plan shall be implemented and adhered to during the vegetation clearance and construction phases.

Reason: To ensure the retained habitats and species are not adversely impacted by the proposed works in accordance with the Wildlife and Countryside Act 1981 (as amended); Wild Mammals Protection Act (1996) and policy CS4 of the Core Strategy policy CS4 and policy DM8 of the Site and Policies Plan Part 1.

16. Prior to the commencement of development, a Habitat Management Plan shall be submitted to, and approved in writing, by the Local Planning Authority. The plan shall cover a ten-year period and include measures for establishment, enhancement and management of habitats within the site, including planting schedules and details of ongoing management. This shall include a timetable for management activities as well as a monitoring schedule for habitats and species, including bat monitoring post completion.

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

17. None of the dwellings hereby approved shall be occupied until the new site access to Greenhill Road has been constructed and the related visibility splays have been provided in accordance with the approved details. The approved visibility splays shall be maintained free of vegetation or other

obstruction above 600mm above the nearside carriageway level at all times thereafter.

Reason: in the interests of highway safety and in accordance with policy DM24 of the Sites and Policies Plan Part 1.

18. No dwelling hereby permitted shall be occupied until the access serving the dwelling has been completed in accordance with the details shown on the approved plans.

Reason: in the interests of highway safety and in accordance with policy DM24 of the Sites and Policies Plan Part 1.

19. Prior to the occupation of each dwelling, the relevant number of parking spaces for that dwelling will be provided in accordance with the North Somerset Parking Standards SPD.

Reason: To ensure that each dwelling has the necessary on-site parking provision and in accordance with the North Somerset Parking Standards SPD.

20. Prior to the commencement of development, a Construction Method Statement shall be 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:
- i. The method and duration of any pile driving operations to include expected starting date and completion date
  - ii. The hours of work, which shall not exceed the following: construction and associated deliveries to the site shall not take place outside 07:00 to 19:00 hours Mondays to Fridays, and 08:00 to 16:00 Saturdays, nor at any times on Sundays or Bank Holidays
  - iii. The arrangements for prior notification to the occupiers of potentially affected properties
  - iv. The responsible person (e.g. site manager / office) who could be contacted in the event of complaint
  - v. measures to control the emission of dust and dirt during construction
  - vi. Details of wheel washing facilities
  - vii. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
  - viii. A scheme for recycling/disposing of waste resulting from demolition and construction works
  - ix. The parking of vehicles of site operatives and visitors

Reason: In the interests of residential amenity and to ensure the safe operation of the highway and to minimise disruption.

21. No development shall take place 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. This shall provide for 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, and the results of the assessment provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the system shall be designed such that there is no surcharging for a 1 in 30-year event and no internal property flooding for a 1 in 100-year event + 40% allowance for climate change. The submitted details shall:
- a) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site to greenfield run off rates and volumes, taking into account long-term storage, and urban creep and the measures taken to prevent pollution of the receiving groundwater and/or surface waters; temporary storage facilities, means of access for maintenance Planning and Regulatory Committee 8 August 2018 (4 metres minimum to sustainable drainage elements) to prevent flooding.
  - c) Any works and calculations required off site to ensure adequate discharge of surface water without causing flooding to existing properties and highways or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant)
  - d) Flood water exceedance routes both on and off site
  - e) Details of the management of the surface flow route through the site, so existing and new properties do not flood.

Reason: To secure a working drainage system to the approved strategy that shall therefore be implemented and retained in accordance with paragraph 17 and sections 10 and 11 of the National Planning Policy Framework, Paragraph 103 of the National Planning Policy Framework ;and the Technical Guidance to the National Planning Policy Framework (March 2015) and the Core Strategy policy CS3 and paragraph 1 of policy DM1: Flooding and Drainage of the North Somerset Council - Sites and Policies Plan Part 1 Development Management Policies.

22. The drainage works hereby permitted shall be maintained by the developer for 1 year prior to being offered to an approved body (approved by the LPA or LLFA) for maintenance, this must include all open watercourses. The system will then be maintained by the approved body for the lifetime of the development. In accordance with submitted details:
- a) As built drawings
  - b) Maintenance schedule and Operational manual.
  - c) Detailed plan of the drainage system, annotated with who maintains which parts including watercourses

- d) Name and address of the operator and maintenance company
- e) The developer will rectify any defects prior to hand over to an approved body within the set timetable.

Reason: To ensure that maintenance of the sustainable drainage system can be carried out for the lifetime of the development.

23. No development will take place within 5 metres of the top of bank of any watercourse on one bank to allow access for maintenance and a biodiversity corridor.

Reason: To ensure clear access for maintenance over the lifetime of the development and in accordance with policy CS3 of the North Somerset Core Strategy.

24. No culverting of watercourses on the site will take place except for access points without the agreement of the Local Planning Authority

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.

25. The dwellings hereby approved shall, unless otherwise first agreed in writing by the Local Planning Authority, not be occupied until measures to generate 15% of the on-going energy requirements of the use (unless a different standard is agreed) through micro renewable or low carbon technologies have been installed and are fully operational in accordance with the approved 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: To proactively support the wider transition towards a low carbon future through the use of renewable and low carbon energy in accordance with policy CS1 of the North Somerset Core Strategy and policy DM2 of the North Somerset Site and policies Plan Part 1, Development Management.