

## SECTION 1 – ITEM 6

**Application No:** 21/P/3529/OUT

**Proposal:** Outline planning application for a residential development of up to 70no. dwellings and associated infrastructure and landscaping, with access for detailed approval and matters of appearance, scale, layout and landscaping reserved for subsequent approval

**Site address:** Land off Anson Road, Kewstoke

**Applicant:** Mead Realisations Ltd

**Target date:** 20.06.2022

**Extended date:** 16.12.2022

**Case officer:** Jessica Smith/Emma Hawthorne

**Parish/Ward:** Kewstoke/WsM Kewstoke

**Ward Councillors:** Councillor Lisa Pilgrim and Councillor Roz Willis

### **REFERRED BY COUNCILLORS WILLIS AND PILGRIM**

#### **Summary of recommendation**

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

#### **The Site**

The application site is located adjacent to a residential area of Worle and west of Anson Road, Weston-super-Mare but within the parish of Kewstoke. The site is open agricultural land that is currently vacant of any built form. The site is bounded by Queensway to the north and Kewstoke Road to the south. Adjoining the site at the western boundary are agricultural land and one residential property. The site is bounded on all side by hedgerows and trees.

#### **The Application**

- This is an outline application for up to 70 no. 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;
- Vehicular access is provided from Queensway to the north of the site;
- A mix of one and two bedroom apartments, and two, three, and four bedroom houses are proposed, comprising a maximum of three storey height;
- 30% of the proposed units will be for affordable housing;
- The site density is approximately 19 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 with public open space located to the south of it and a community orchard to the east of it.

### **Relevant Planning History**

None.

### **Policy Framework**

The site is affected by the following constraints:

- Outside settlement boundary for Weston-super-Mare;
- North Somerset and Mendip Bats Special Area of Conservation (SAC) Consultation Zone: Zone C; and
- Worlebury Ridges and Combes Landscape Character Area (LCA).

### **The Development Plan**

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

The following policies are particularly relevant to this proposal:

CS1	Addressing climate change and carbon reduction
CS2	Delivering sustainable design and construction
CS3	Environmental impacts and flood risk management
CS4	Nature Conservation
CS5	Landscape and the historic environment
CS7	Planning for waste
CS9	Green infrastructure
CS10	Transport and movement
CS11	Parking
CS12	Achieving high quality design and place making
CS13	Scale of new housing
CS14	Distribution of new housing
CS15	Mixed and balanced communities
CS16	Affordable housing
CS20	Supporting a prosperous economy
CS25	Children, young people and higher education
CS26	Supporting healthy living and the provision of health care facilities
CS27	Sport, recreation and community facilities
CS28	Weston super Mare
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
DM8	Nature Conservation
DM9	Trees
DM10	Landscape
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
DM34	Housing type and mix
DM36	Residential densities
DM42	Accessible and adaptable housing and housing space standards
DM70	Development infrastructure
DM71	Development contributions, Community Infrastructure Levy and viability

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

The following policies are particularly relevant to this proposal:

SA1 Allocated residential sites (10 or more units)

**Other material policy guidance**

National Planning Policy Framework (NPPF) (2021)

The following sections are particularly relevant to this proposal:

- 1 Introduction
- 2 Achieving Sustainable Development
- 4 Decision-making
- 5 Delivering a sufficient supply of homes
- 9 Promoting sustainable transport
- 11 Making effective use of land
- 12 Achieving well designed places
- 14 Meeting the challenge of climate change, flooding and coastal change
- 15 Conserving and enhancing the natural environment

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)
- Development contributions SPD (adopted January 2016)

- 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:** 154 letters of objection have been received. The principal planning points made are as follows:

- Increased traffic and congestion impacting highway safety
- The proposal will significantly impact road safety, pedestrian safety, cyclists, horse riders and dog walkers
- During summer months traffic levels increase dramatically as holiday makers travel to Sand Bay and Weston. Kewstoke Road cannot support any more traffic
- Queensway is not safe to have a junction to the proposed housing
- Limited bus routes, leading to extra car journeys for new occupants. The proposal does not contribute to sustainable travel
- Traffic survey has been carried out in November during a pandemic
- There is no provision for overspill parking or visitor parking
- There is no employment in the locality necessitating further vehicular journeys. Employment gain of construction jobs is only short-term and temporary
- Loss of countryside / green space, trees and hedgerow. The site lies wholly outside the settlement boundary in a semi-rural location
- This field separates Kewstoke from Worle when viewed from Sand Point or Woodspring Priory. Kewstoke village will become part of Worle
- Impact on / loss of wildlife, including bats, deer, owls, foxes, hawks and newts. The effect on the bat population cannot be fully know yet as surveys conducted were inadequate
- The pond will represent a serious hazard to young children and as such will need to be visually fenced off from the estate
- Impact on existing infrastructure, including schools, doctors and dentists
- Increased flood risk and drainage problems in the area
- Increased noise, disturbance, crime, nuisance, pollution and odour
- The development is out of character with Kewstoke and Kewstoke Road
- Impact on visual amenity from current neighbouring houses. The proposal would be overbearing in nature. Overlooking and loss of privacy
- The development lacks recreational features for children
- The Historic Environment Assessment submitted is inaccurate as one of the closest houses to the site has a cave. The site will have Roman artefacts due to the proven Roman mining history within metres of the site

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

- Affordable housing is needed in this area
- There is a lack of properties that become available near Worle
- There are schools that are within walking distance
- Businesses would benefit massively from this development
- The wood is close for nature and ecology to prosper

- Kewstoke copes with its summer tourism very well, and that is an influx of hundreds if not thousands of people, and therefore an additional 70 houses will have little impact
- Traffic and accidents are not limited to Kewstoke and happen elsewhere
- There is a national shortage of housing within the UK
- Light pollution hasn't become a problem with previous new build sites across Weston (which are much bigger), and noise hasn't been affected
- There's lots of jobs available for different career choices in Weston
- A new PROW should also be provided to link with the current PROW between Norton Lane and Kewstoke Road

**Kewstoke Parish Council:**

“Following a well attended Planning Meeting by members of the Public, the Parish Council would like to register its objection for a number of reasons:-

The proposed location is outside of the current Village Settlement Boundary as outlined by the "Village Fence" which outlines the areas within the Village where residential development is permitted. NSDC new Local Plan clearly sets out the Council's aspirations for long term sustainable growth in appropriate locations, and that for the parish of Kewstoke this is limited to infill development. Local residents are not opposed to all growth, however this should be done in a planned way rather than speculatively, to provide certainty and ensure that growth is well planned.' The Parish Councils own adopted Development Planning Policy KPC0012 derived from local residents' input over a number of years, includes stated requirements in respect of residential developments to achieve residents wishes, in particular:-

No building should be permitted outside the current settlement boundary as outlined by the "Village Fence"

Development must not prejudice highway access to the Village

Land and Buildings safeguarded for existing or planned community facilities must be protected. It is felt that the proposed development does not meet these requirements.

The proposed development would generate unacceptable additional levels of traffic placing extra pressure on narrow country lanes providing essential access to the Village of Kewstoke.

1. The proposed development would exasperate the already existing flooding and drainage issues apparent on the part of Lower Norton Lane below and adjacent to the proposed site.
2. The proposed access to & from the site is in close proximity to the proposed Pier to Pier cycleway which follows a route along Lyefield Road and will attract a large number of cyclists, forming a dangerous mix of cyclists and additional motor vehicles. Lower Norton Lane is also used as recreational route used frequently by horse riders.
3. It is felt that light pollution derived from the proposed development would have a detrimental effect on the local bat population.

4. Encouraging potential residents of the proposed site to utilise any newly created wildlife havens would have a detrimental effect on the wildlife attracted to them.”

The Parish Council also provides a summary of Land Use survey and comments received. A full copy is available on the online case file for this planning application.

**Other Comments Received:**

Natural England - No objection subject to appropriate mitigation being secured as set out in the appropriate assessment.

Historic England – No comment.

North Somerset Drainage Board – Objection as clarification should be sought on the following:

- Updated drainage strategy to take account of the flow path of the summer and winter penn and tide lock constraints.
- Clarification of the sizing of the pond, permanent area of water and outfall and discharge rate.
- Detail of exceedance routes.
- Clarification of any private drainage arrangements with third parties and exploration of the existing surface water network to ensure private ditches can accommodate any increase in surface water and future maintenance responsibility.

*Officer comment: The Board has been re-consulted and updated comments on the amended drawings/documents are awaited*

Crime Prevention Design Advisor – No objection subject to detailed design achieving compliance with Secured by Design (Proving compliance with Part Q of building Regulations).

**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) other matters, and (8) development contributions.

**Issue 1: The principle of residential 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. Policy CS28 provides flexibility to deliver an appropriate scale of growth adjoining the settlement boundary of Weston-super-Mare through the development management process.

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 CS28.

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.

Whilst this site does not physically adjoin the settlement boundary of Weston-super- Mare, it is considered that the extent of the separation is only by a small road and grass verge. Therefore, in policy terms the site is adjacent to, but outside the Weston-super-Mare settlement boundary. CS28 ('Weston-super-Mare') of the Core Strategy supports planning applications for up to 75 dwellings adjoining the Weston-super-Mare Settlement Boundary, subject to compliance with environmental criteria. The number of dwellings in this application complies with CS28. Other criteria of CS28 are addressed in the other planning issues below.

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

Policies CS5, CS12 and CS28 of the Core Strategy and policy DM10 of the Development Management Policies (Part 1) Plan seek to protect the character, distinctiveness and quality of the landscape, and proposals are expected to demonstrate sensitivity to the existing local character. While these policies are deemed to be out-of-date because the Council cannot currently demonstrate a five-year housing land supply, they otherwise accord with Section 12 of the NPPF. It is therefore considered these policies should still be afforded substantial weight in this application.

The site is within National Character Area (NCA) Profile NCA 142: Somerset Levels and Moors. The key characteristics of this NCA relate to the site and its surroundings. The site is also within the '*Worlebury Ridges and Combes*' LCA. This is notable for its steep escarpment slopes rising above, and creating the backdrop to, the adjacent low lying areas of Weston-super-Mare and Sand Bay as well as wooded and garden cultivar escapees. The landscape character is described as: "*a small outcrop of Carboniferous limestone forming an elevated area rising out of an otherwise flat landscape. It is split into two distinct sub-areas with contrasting characters by encroachment over the ridge by 1960s style development on the edge of Weston- super-Mare.*" The applicant's 'Landscape and Visual Appraisal' (LVA) acknowledges that the characteristics of the site reflects some of the landscape character area, including rhyes and ditches, hedgerows (although not intermittent), hedgerow trees (but not frequent), semi-enclosed with views to the limestone ridges (Middle Hope and Worle Hill).

The application proposes to develop a large field to the north of the existing settlement edge, filling an area west of the residential properties along Anson Road. The overall site measures approximately 3.89 hectares, and the proposal put forward under this application would result in up to 70 dwellings, new access, public open space including a

community orchard, and an attenuation pond to be kept permanently wet to support biodiversity. The western expansion of Weston-super-Mare has already absorbed a number of historic farms and lanes, including Manor Farm and Newton Farm, now The Old Manor Inn and The Newtons, significantly changing the area's character. There is a sharp transition between the end of Queensway and the narrow rural Lower Norton Lane. Anson Road, a modern link between the historic Kewstoke Road and Lower Norton Lane / Queensway forms the western edge of the settlement of Weston-super-Mare and is a well-defined boundary, with a good hedge and trees on the application site. All the boundaries are hedges with limited glimpsed views, but the hedge along Lower Norton Road appears more recently cut. There is also a field gate here giving views into the site.

All of the land between the settlement edge and the east side of Kewstoke, including the hamlet of Norton is classified as land of high landscape sensitivity (to housing development) as noted in the North Somerset Landscape Sensitivity Assessment. This large field, part of the lower slopes of Worle Hill, represents a significant part of the rural buffer between Norton and WsM. The proposal has the potential to be locally prominent, particularly from the adjacent highway network and the rural lanes to the north, particularly as it steps up the lower slopes of Worle Hill. The Queensway / Lower Norton Lane frontage, would appear to be partially opened up as a consequence of the proposed highway access requirements, visibility splays and the incorporation of a footway back to the Anson Road junction, increasing the initial visibility of the site. Dead and dying Elms around the site boundary (as indicated on the LVA photos), will also contribute to opening up site visibility. However, the Landscape Master Plan shows the majority of the frontage hedgerow along Lower Norton Lane to be retained and in general the site is well enclosed by hedges and this effect will increase as a consequence of the proposals and further planting.

The indicative layout is typically urban in its form and house types, but set in a good landscape framework, including a well-sited buffer consisting of open space, a pond, orchard and wooded areas. 10m ecological buffers also assist in pulling back development into the site and will assist in maintaining the perimeter hedges. It is also important not to attribute significant weight to the character of the layout, as this is an outline application, and the master plan is for illustrative purposes only but is sufficient to demonstrate the feasibility of achieving an attractive layout that meets policy requirements. More detailed matters in connection with design and layout can be addressed at the reserved matters stage if approved, although the access is for determination at this stage and therefore the Council must be satisfied that the visual impact is acceptable.

The conclusions drawn in the LVA are accepted due to the extensive buffers and open spaces that permit the introduction of further planting (including woodland), notably to the north where the majority of open space provision is sited. This assists with separation from Norton and the screening of the site over time, particularly adjacent to the northern site boundary along Lower Norton Lane where currently the most open close-range view of the site exists. It is accepted that the development rising up the hill will be apparent, which is considered to be moderately adverse in the longer term and will appear similar to the Anson Road, but overall better enclosed by the more substantial new landscape proposals given time (about one third of the site area).

There are numerous medium distance views, but these tend to be gaps in otherwise quite thick hedges and many of the winter views reduce considerably in the summer months. In wide views the dwellings along Kewstoke Road are apparent and give an impression of a



more built-up edge below the woods (Viewpoint 8), but in others the site appears quite rural, despite being on the edge of the settlement. In more distant views such as Viewpoint 9 (730m north of Woodspring Priory on Collum Lane), it is evident that a green foreground will remain visible below this field and that if the dwellings are sufficiently recessive in their colouring (e.g. avoid bright finishes, such as white render) the visible dwellings will sit into the dark backdrop of the woods above. Much will depend upon the building design, the landscape proposals and the management scheme, which would be considered in detail and secured at reserved matters stage, but overall, it is concluded that there is only one major adverse impact arising, which in itself isn't sufficient to justify refusal of the application on landscape grounds.

The E2 Worlebury Ridges and Combes LCA is assessed in the North Somerset Landscape Character Assessment SPD as an area of moderate landscape character and given that the site adjoins the settlement boundary, there are no public rights of way crossing it and few views from the wider area are gained, it is considered that there would not be any significant adverse impact on the wider character area.

### **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 outline 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 Assessment (TA) 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 cause severe residual cumulative impacts.

The proposal seeks to provide access to the site from Queensway, which is a 'C' Class highway subject to a 30mph limit at the proposed access point and becomes national speed limit to the north west of the proposed access. There is currently a hedge where the proposed access is sited, with a section of this proposed to be removed to allow for the vehicular access and required visibility splays. The carriageway width is approximately 5.7m at the proposed access point with no footways.

The majority of local amenities surrounding the site are located within Worle to the south-east of the site, which is a short walking/cycling distance of the site. The submitted TA states that in total, the proposed development is forecast to generate up to 36 vehicular movements on the local highway network during the busiest peak hour. This equates to an additional vehicle movement every 100 seconds. 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 Worle and the wider area. 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 proposed junction is located 30m from Lyefield Road on the opposite side of the road and this is acceptable. The junction is now right on the speed limit change between the 40mph/NSL. Given that the speed limit change is now within the junction, the 40mph limit should be moved west towards Kewstoke. This will require a contribution of £3,600 for a Traffic Regulation Order application (TRO), to amend the speed limit and this signage removal and replacement would be secured and delivered by developer as part of Section 278 agreement works. A site access design showing the visibility splay is illustrated on drawing no.216071\_AT01, which shows the existing edge of the carriageway and the width of Queensway/Lower Norton Road at the junction. These plans show the carriageway has not been narrowed, the Highway Authority consider this acceptable. The applicant has also submitted revised plans (Site Access and Horizontal Visibility Splay 216071\_AT01 and Masterplan Design ARN-APG-XX-ZZ-DR- A) which show a shared 3-meter foot/cycleway into the site which is also considered acceptable.

The existing hedge/vegetation, where the proposed access is sited, is to be maintained, ensuring that no vegetation exceeds a height of 600mm (for acceptable visibility) as drivers need to be able to see obstructions 2m high down to a point 600mm above the carriageway. This will be secured by way of a planning condition.

The existing lighting will need extending past the junction as a result of this development, usually one lighting column past the junction, but the lighting design will dictate the requirements as far as number of lighting columns. A junction lighting scheme is to be delivered by the developer as part of a Section 278 agreement also.

The site is within the required walking distance for primary and secondary schools, and footways are available on these routes. The statutory walking distance for children under the age of 8 is 2 miles and for children over 8 it is 3 miles. The schools that would be within statutory walking distance of the proposed site are;

<b>School</b>	<b>Distance (miles)</b>
Worle Primary	0.74
St Mark's	0.793
Mendip Green	1.02
St Martin's	1.154
Becket	1.174
Castle Batch	1.214
Worlebury	1.347
Mead Vale	1.5
Milton Park	1.599
Hérons' Moor	1.875
St Georges	1.941
Ashcombe	2.529
Christ Church	2.792

Prory secondary School is situated within the statutory walking distance for pupils of that age. Home to school transport is not therefore required for primary or secondary school pupils arising from the development.

Replacement bus shelters at the Anson Road eastbound and westbound stops (two in total) with bus shelter and Real Time Information (RTI) installed are required. The existing

shelters are nearing end of life and therefore new shelters would provide a better public transport services and awareness from the proposed site to their relevant destination by bus, such as employment, retail or education from the residential site. The necessity is the move away from car travel to bus to aid in moving to carbon net neutral by 2030 in North Somerset.

The cost of the new shelter with new RTI is £25,000 and therefore a £50,000 sum is required to replace both bus stops. This is in line with the draft Enhanced Partnership and BSIP documentation for a shift to decarbonising North Somerset by reducing car travel and increasing bus travel. This is something that could be reviewed as part of the Travel Plan and making the targets more ambitious to aid in reducing car travel and increasing the use of the bus network.

In addition, there are improvements required as part of the BSIP and EP, therefore the Highway Authority are seeking a contribution of £20,000 to aid in increasing frequency of service for 3 years.

The applicant has agreed to deliver a signal-controlled crossing on Queensway at the current uncontrolled crossing point. This is to be delivered by the developer via section 278 agreement and would be secured by a planning condition. The crossing would be required to be a minimum of 3m wide to allow for potential future use by cyclists in the event of a cycleway being provided on this section of Queensway. The design of the signalised crossing would also be subject to a Road Safety Audit. As a result of the proposed crossing, the eastbound bus shelter would need to be relocated further west, but a contribution is already required for the upgrade and replacement of bus shelters. Overall, the proposed signalisation of the crossing represents a significant benefit to existing residents of Kewstoke and North West Worle as well as for future residents.

In response to concerns expressed by local members about pedestrian safety on Kewstoke Road, it is understood that the applicant has offered to pay a contribution of £50,000 for pedestrian safety improvements on Kewstoke Road. This would need to be secured by S106 agreement, for the highway authority to deliver a scheme but further clarification is being sought. The details of this scheme are not yet known.

#### **Issue 4: Ecology**

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. The Conservation of Habitats and Species Regulations 2017 ('The Regulations') also apply. Their objective is to protect biodiversity through the conservation of natural habitats and species of wild fauna and flora and it sets out legislative protection measures for such habitats and species. The Regulations also provide protection for designated sites supporting internationally-important habitats or populations of such species, known as 'European Sites'.

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.

All native hedgerow qualifies as Habitats of Principal Importance (HPI) under Section 41 of the NERC Act 2006. As assessment of impacts on these habitats needs to be provided to meet the LPA's duty in relation to the NERC Act 2006, NPPF and North Somerset's Core Strategy policy CS4 and Site and Policies Plan (Part 1), Development Management policy DM8. The mitigation hierarchy must be followed with these habitats retained and protected in the first instance, or mitigation / compensation provided with justification as a last resort.

### Horseshoe Bats

This site is of potential relevance to the North Somerset and Mendip Bats Special Area of Conservation (SAC) due to its importance for horseshoe bats. The site lies within Consultation Band 'C' of the SAC. The North Somerset and Mendip Bats Special Area of Conservation (SAC) Guidance on Development: Supplementary Planning Document (Adopted January 2018) provides guidance on the impact of development on Bats.

The Habitat Evaluation Procedure (HEP) calculations have been provided which demonstrate that the proposal will not result in a net loss of habitat for both greater and lesser horseshoe bats. Furthermore, the 10m ecological buffers comprised of a double hedgerow proposed on the western, southern and eastern boundaries will retain connectivity for horseshoe bats across the site. The lighting strategy (Southwest Environmental Ltd, August 2022) demonstrates that the proposal will not result in light spill above 0.5 lux onto any retained or newly created habitat suitable for horseshoe bats. On this basis, Natural England concur with the conclusion of the HRA that the proposal will not result in an adverse effect on the integrity of the North Somerset and Mendip Bats SAC provided all mitigation measures are appropriately secured in any planning permission given.

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.

The hedgerows on site are predominantly being retained, with the exception of 20-30m of H1. The proposed management references a minimum of 2m height, however this should be increased to at least 3m in height, with bushy structure, for the benefit of horseshoe bats and other species, and can be secured by condition through a Landscape Ecological Management Plan (LEMP).

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.

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.

### Biodiversity Net Gain (BNG)

All proposals should achieve no net loss and a net gain of biodiversity. The application includes an 'Ecological Impact Assessment'. This examines the ecological baseline of the site in terms of its conservation importance; habitats within and surrounding the site; protected and notable species; the impact of the proposal on the ecological baseline during and post construction; avoidance, mitigation, compensation and enhancement opportunities and residual and cumulative impacts. An addendum to the Ecological Impact Assessment was also submitted in support of this proposal and confirms that the development would deliver a net of biodiversity in accordance with the NPPF and North Somerset policies CS4 and DM8. The updated assessment confirms that the proposal would equate to a 28.41% net gain in habitat units and 94.84% net gain in hedgerow units. A management plan will be required and can be secured by a planning condition if permission is granted, to demonstrate that habitats will be appropriately managed for biodiversity net gain for a minimum of 30 years, and how the bat replacement habitat will be managed for Annex II bats for the duration of the development.

Subject to the imposition of appropriately worded conditions to cover matters including retained habitats, ecological buffer zones, a lighting plan and a management 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. There is a network of ordinary watercourses to the west and a ditch along the northern and western site boundaries.

The application is accompanied by a number of supporting documents including a Flood Risk Assessment (FRA) (and subsequent addendum) and revised Drainage Layout, which includes a preliminary surface water drainage strategy.

The provided preliminary surface water drainage strategy shows that attenuation is proposed through the use of an attenuation pond, it is also shown that surface water flows collected from the impermeable areas of the site is proposed to be piped through open space to the pond. It is noted within the FRA that there will be a permanently wet area of the pond, to provide greater opportunity for biodiversity.

Surface water discharge is proposed to be limited to the calculated greenfield QBAR rate, with the exact location of the outfall to the surrounding, existing land drain to be confirmed on site.

The comments from the North Somerset Drainage Board are noted, and they have since been re-consulted on the additional drawings and documents submitted. The site is outside of the Internal Drainage Board (IDB) District and the lowest point of the site is 6.5m above the IDB District, therefore summer and winter penning and tide locking is not a

direct issue. The Council's Flood Risk Manager has reviewed the amended proposal and has confirmed that this point has been covered in the later submissions. In terms of details of exceedance routes and other points raised by the IDB, further details would be required at the reserved matter stage, and conditions can be attached to the outline planning permission to secure this. The Council's Flood Risk Manager has no objection to outline approval being granted, subject to the drainage conditions set out below. As such, it is considered that these matters are addressed by conditions.

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 on 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 east of an agricultural barn property along Kewstoke Road (Field North Of 110 Kewstoke Road), however it is noted that planning permission was recently granted under reference 21/P/3103/FUL, for the 'Change of use of an existing agricultural barn to form holiday let accommodation.' Residential properties along Anson Road are located to the west of the application site, however these properties are separated by Anson Road and a grass verge.

The proposals, albeit in outline form, provide an indication of the potential layout and a quantum of development, which would ensure that neighbouring amenity is respected. 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 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 proposal does not affect the setting of any listed buildings.

### **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 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 up to 70 dwellings and therefore subject to developer contributions.

Contributions have been sought towards:

- (a) affordable housing;
- (b) green infrastructure; and
- (c) highway and transport matters.

### Affordable Housing

Policy CS16 of the Core Strategy sets a trigger for on-site provision of 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 70 units coming forward equates to an affordable housing requirement of 21 of the units.

### Green Infrastructure

On-site provision of green infrastructure will include the provision of;

- 966 m2 of neighbourhood open space for new residents of the development;
- 1610 m2 of woodland as indicated on submitted drawings;
- 1932 m2 conservation Site (rural) would be enhanced by the proposal;
- Green Corridors which should aim to integrate existing green corridors, with new provision across the development; and
- 400 m2 play area – enclosed and equipped play area for toddlers / younger children, with 6 pieces of equipment which is required due to the distance from existing facilities.

### Highways and Transport

The following contributions are sought via a s106 agreement;

- Contribution of £50,000 for pedestrian safety improvements along Kewstoke Road;
- Contribution to public transport of £20,000 per annum for a period of 3 years to support and grow a scheduled bus service;
- Contribution for the replacement and upgrade of bus shelters of £50,000;
- Contribution of £3,600 for a TRO application for a speed limit location change; and
- Sustainable travel vouchers totalling £120/dwelling;

The following highway improvement works are sought via a S278 agreement, as specified below;

- A signal-controlled crossing on Queensway at the current uncontrolled crossing point; and

- Removal and replacement of speed limit signs to be delivered by the developer as part of Section 278 works.

#### 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

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 there is no harmful impact to heritage assets. 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. 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 proposed erection of up to 70 dwelling adjacent to the settlement boundary Weston-super-Mare is considered to accord with development plan policies, particularly Core Strategy policy CS28. However, as these policies are deemed out of date by virtue of the five year housing land supply position the application falls to be considered under the 'tilted balance' in NPPF paragraph 11.

The provision of up to 70 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 site layout and proposed S106 includes provision of land for an enclosed and equipped play area, as well as public open space and community orchard. This is considered to improve green infrastructure within the development and is afforded limited weight in favour.

The applicant has agreed to delivering a signal-controlled crossing on Queensway at the current uncontrolled crossing point and provide £50,000 for improvements on Kewstoke Road, in addition to a contribution over 3 years towards public transport improvements. This is considered to improve sustainable transport within the locality and is afforded moderate weight in favour.

The delivery of up to 70 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 receipt and consideration of the comments of the North Somerset Drainage Board on the amended drawings and documents;
- (b) the completion of a Habitat Regulation Assessment;
- (c) the completion of a section 106 legal agreement securing financial contributions towards affordable housing, green infrastructure and highway and transport improvements;
  - i. The provision of 30% on site affordable housing;
  - ii. The provision of 966 m2 of neighbourhood open space;
  - iii. The provision of 1610 m2 of woodland as indicated on submitted drawings;
  - iv. The provision of 1932 m2 conservation Site (rural) would be enhanced by the proposal;
  - v. The provision of Green Corridors;
  - vi. The provision of 400 m2 play area;
  - vii. Contribution of £50,000 for pedestrian safety improvements along Kewstoke Road;
  - viii. Contribution to public transport of £20,000 per annum for a period of 3 years to support and grow a scheduled bus service;
  - ix. Contribution of £50,000 for the replacement and upgrade of bus shelters;
  - x. Contribution of £3,600 for a TRO application for a speed limit location change; and
  - xi. Sustainable travel vouchers totalling £120/dwelling.
- (d) the completion of a section 278 agreement securing highways works to be delivered by the developer;
  - i. A signal-controlled crossing on Queensway; and
  - ii. Removal and replacement of speed limit signs.

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 general accordance with the approved plans and documents;

ARN-APG-XX-ZZ-DR-A 0000 P01 - Location Plan  
ARN-APG-XX-ZZ-DR-A 0001 P04 - Illustrative Masterplan Design  
05729.TPP Rev A 17.05.22 - Tree Protection Plan  
05729 TCP 29.10.2021 - Tree Constraints Plan  
2838/05 Rev B - Landscape Masterplan  
216071\_AT01 Rev F - Site Access and Horizontal Visibility Splay  
216071\_PDL\_01 P01 - Preliminary Surface Water Drainage Strategy

Lighting Assessment, S22-746/LA, August 2022  
Arboricultural Impact Assessment Report, 17 December 2021  
Flood Risk Assessment and Drainage Strategy, December 2021  
Flood Risk Assessment Addendum, 216071, 20th May 2022  
Project Design for an Archaeological Trial Trench Evaluation, ACW1405/2/0, May 2022  
Tree Survey, 05729, 28th October 2021

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

5. No more than 70 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 CS28 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. The development hereby permitted shall not be carried out except in accordance with the approved Arboricultural Method Statement Report and Tree Protection Plan. No occupation of the approved development shall commence until a signed certificate of compliance by the appointed Arboriculturalist has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the trees to be retained are not adversely affected by the development, in the interests of the character and biodiversity value of the area, and in accordance with Policies CS4 and CS9 of the North Somerset Core Strategy, Policies DM8, DM9, DM10 and DM19 of the North Somerset Sites and Policies Plan Part 1 and the North Somerset Biodiversity and Trees SPD.

9. 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.

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.

10. 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.

11. Any lighting shall be installed and operated in accordance with the lighting strategy design as set out in the Lighting Assessment S22-746/LA August 2022, Rev 6.2\_C. If amendments to the type and location of the proposed lighting, or specifications are required, details of the changes must be submitted in writing, supported by updated proposed lux levels and lighting contour plans, and agreed by the Local Planning Authority before relevant works proceed. The development shall then be implemented in accordance with the agreed changes.

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

12. The development shall not take place except in strict accordance with the mitigation measures outline in the appropriate assessment prepared by Clarkson and Woods, dated August 2022. If amendments to the mitigation are required, details of the changes must be submitted in writing and agreed by the Local Planning Authority

before relevant works proceed. The development shall then be implemented in accordance with the agreed changes.

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

13. The development shall not take place except in strict accordance with the measures outlined in Ecological Impact Assessment Whites Croft, Norton December 2021 and the Ecological Addendum White Croft, Norton, June 2022. If amendments to the methodology are required, details of the changes must be submitted in writing and agreed by the Local Planning Authority before relevant works proceed. The development shall then be implemented in accordance with the agreed changes.

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

14. A Construction Environmental Method Statement (CEMP) shall be submitted to and approved by the Local Planning Authority before works commence. The CEMP will include measures to protect ecological features during the construction phase.

Details shall cover, but not limited to:

- Protection measures and detailed methodology during construction
- Protection of trees and hedgerows
- Sensitive lighting strategy, including street lighting
- Full and final specifications for protected species methodology including seasonal timing and site clearance methodology (RAMs dormice, reptiles, breeding birds, and other notable species).

Works shall be implemented in strict accordance with the approved methodology.

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

15. Before the development hereby approved is brought into operation, a 30 year ecological management plan for the site shall be submitted to and approved in writing by the Local Planning Authority. This shall include objectives, prescriptions, and a table of works, including monitoring. Ongoing management shall be carried out in accordance with the approved details. The LEMP shall include details of ecological enhancement measures (including management, bat and bird boxes and hedgehog connectivity measures) and a monitoring strategy.

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

16. None of the dwellings hereby approved shall be occupied until the new site access to Lower Norton Lane / Queensway 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.

17. 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.

18. 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.

19. 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.

20. Prior to the commencement of the development hereby permitted, a road safety audit for the proposed works to Lower Norton Lane / Queensway shall be undertaken and submitted to and approved in writing by the Local Planning Authority, including

details of any mitigations required. Any mitigations required shall be implemented in accordance with the approved details.

Reason: In order to preserve highway safety and amenity and in accordance with policy CS3 of the North Somerset Core Strategy and policy DM24 of the North Somerset Sites and Policies Plan (Part 1).

21. Prior to first occupation of the development, a travel plan which shall include clear objectives and modal split targets, together with a time-bound programme of implementation, monitoring, regular review and update; and be based on the particulars contained within the approved plans and documents, shall be submitted to and approved in writing by the Local Planning Authority and thereafter operated in accordance with the agreed details.

Reason: In order to secure sustainable modes of travel and in accordance with policies CS1 and CS10 of the North Somerset Core Strategy, policy DM26 of the North Somerset Sites and Policies Plan (Part 1) and the North Somerset Travel Plans SPD.

22. 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.
  - b) 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)
  - c) Flood water exceedance routes both on and off site
  - d) 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 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.

23. The drainage works hereby permitted shall be maintained by the developer 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.

24. No development shall take place until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and;
1. The programme and methodology of site investigation and recording (for the area in red on the attached plan)
  2. The programme for post investigation assessment
  3. Provision to be made for analysis of the site investigation and recording
  4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
  5. Provision to be made for archive deposition of the analysis and site investigation
  6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

No development shall take place other than in accordance with the approved Written Scheme of Investigation.

The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the approved Written Scheme of Investigation and the provision made for analysis, publication and dissemination of the results and archive deposition has been secured.

Reason: To make provision for a programme of archaeological mitigation, so as to record and advance understanding of any heritage assets which will be lost, in accordance with policy CS5 of the North Somerset Core Strategy and policy DM6 of the North Somerset Sites and Policies Plan (Part 1 – Development Management Policies).

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 and CS2 of the North Somerset Core Strategy and policy DM2 of the North Somerset Site and Policies Plan Part 1.

26. If, during construction, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted a remediation strategy to the Local Planning Authority detailing how this unsuspected contamination shall be dealt with, and that the strategy has been approved, in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To prevent pollution of the land and water environment and in the interests of the living conditions of occupiers in accordance with Policy CS3 of the Core Strategy.

27. The dwellings hereby approved shall be built in accordance with the Nationally Described Space Standards, and a minimum of 17% of the dwellings shall be constructed to comply with the requirements of The Building Regulations 2010 Volume 1 M4(2) Category Two: Accessible and adaptable dwellings.

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

28. All residential units hereby approved shall be constructed to comply with, as a minimum, the equivalent of the requirements of Code Level 4 of the Code for Sustainable Homes. This equates to a 19% improvement on Part L of the Building Regulations. Unless otherwise first agreed in writing by the Local Planning Authority, and prior to the commencement of the development of any dwelling hereby approved, a copy of a Design Stage SAP Assessment for each dwelling, issued by a suitably qualified and accredited energy expert (SAP Assessor), shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, each dwelling shall be constructed in accordance with the approved Design Stage SAP Assessment unless a revised Assessment has first been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of promoting good design and sustainable construction and in accordance with policies CS1 and CS2 of the North Somerset Core Strategy and the council's 'Creating sustainable buildings and places' Supplementary Planning Document.

29. Prior to the commencement of any onsite works, a section 278 agreement securing a signal-controlled crossing on Queensway and removal and replacement of speed limit signs to be delivered by the developer shall be formally completed.

Reason: In the interests of highway and pedestrian safety.