

SECTION 1 – ITEM 6

Application No: 22/P/0564/OUT

Proposal: Outline planning application for the development of up to 68 no. dwellings supported by the provision of highways, open space, ecological enhancement and associated and ancillary infrastructure, with access for approval off A368 (Bath Road); with appearance, landscaping, layout and scale reserved for subsequent approval

Site address: Land south of Bristol Road and north of Bath Road, Churchill

Applicant: Vistry Homes

Target date: 02.06.2022

Extended date: 15.03.2023

Case officer: Andrew Stevenson

Parish/Ward: Churchill /Blagdon And Churchill

Ward Councillors: Councillor Patrick Keating

REFERRED BY COUNCILLOR KEATING

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 comprises approximately 5.6 ha of greenfield pasture extending along the rear of the existing properties fronting onto the A38 Bristol Road, and to the north of the A368 Bath Road. To the west is a triangular area of land adjacent to Churchill Gate junction which is currently being developed by Newland Homes for a scheme of 41 dwellings. Land to the east comprises open field, interspersed with some residential properties along Says Lane.

The site is outside the settlement boundary for Churchill and adjoins existing residential development to the north and new residential development to the west. Hedgerows mark the boundaries to the south and east.

A public right of way (AX14/15/10) runs along the eastern edge of the site.

The Application

This is an outline application for up to 68 dwellings, with all matters reserved for subsequent approval, with the exception of access, which is to be considered as part of this application.

In response to consultation comments received, amended plans have been submitted that reduced the scale of development from “up to 83 dwellings” to “up to 68 dwellings”. The description of development has been updated to reflect these changes.

The site is to be accessed from A368 Bath Road. The alignment of the road is proposed to be adapted adjacent to the new site access to form visibility splays.

The existing public right of way crossing the site will be incorporated into the development of the site. Pedestrian and cycle access will come via the neighbouring Newland Homes development

Up to 30% of the proposed dwellings will be for affordable housing.

Landscaping will comprise a central open space and landscape buffer to the southern edge. 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 eastern corner of the site where there the level of the land is lowest.

Policy Framework

The site is affected by the following constraints:

Outside the Churchill settlement boundary
Adjacent to the Mendip Hills AONB
North Somerset and Mendip Bats SAC. The site lies within consultation zone C

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
CS32	Service Villages

- CS33 Smaller settlements and countryside
CS34 Infrastructure delivery and Development Contributions

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

The following policies are particularly relevant to this proposal:

- DM1 Flooding and drainage
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

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)

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

Outside the settlement boundary. Not an allocated site in the current Development Plan or draft Local Plan. Contrary to national and local planning policies
Significant new development has already taken place around Churchill

No local need for further development

Overdevelopment and harmful to the rural character. Lack of pavements and safe walking routes.

Unsustainable location with limited services, facilities and transport links

Increased traffic and congestion. Access to the A368 inappropriate and dangerous

Harmful impact to living conditions of nearby residents

Harm to views into and out from the nearby Mendip Hills AONB and negative impact on dark skies through site illumination

Parts of the site and surrounding areas at risk of surface water flooding, potential flood risk and concerns over proposed surface water drainage strategy

Disruption to wildlife and protected species

Loss of agricultural land

One letter of support has been received. The principal planning points made is that housing is desperately needed across the country

Churchill Parish Council:

- “1. The reduction in house numbers does not materially affect the reasons why this proposal should be rejected.
2. The proposal remains in conflict with numerous provisions contained within planning policy at both local and at national level. Far from being plan-led, this proposal is starkly plan-opposed. None of the major objections raised previously by Churchill Parish Council and many residents have been substantially addressed
3. The site remains outside of the village settlement boundary and its development would be contrary to Policy CS32.
4. There exists here a major flooding problem attributable to surface water flooding (and additionally evident as flooding of the adjacent A368. This is caused by substantial through-flow and overland flow delivered from the adjacent Mendip Hills. This was apparent during the recent construction of the adjacent development immediately west of this proposed site. The attenuation pond proposed here is an inadequate substitute for the present absorption and consequent attenuation of rapid runoff (north of the A368) by the existing pastureland. Furthermore, the very extended route proposed to convey floodwater offsite, away from the site's (inadequate) attenuation pond, is both implausible and directs stormwater into an already inadequate stormwater sewer which follows the (sometimes flooded) A38, subsequently drains into the Langford Brook, and thus ultimately contributes to flooding in Lower Langford at Blackmoor. In this flood context, the failure of the applicants to supply key geotechnical data for the site is particularly notable and very disturbing. This lack of data is also commented upon adversely by the Lead Local Flood Authority.
5. The applicant's ecological survey work indicates the high biodiversity of this site. It is entirely unclear how the proposed mitigation measures might offset substantially the considerable ecological damage done by this development. It is particularly unclear how an inevitable increase in local night-time light levels could be offset. This increase in light pollution is unacceptable on a site adjacent to an AONB (see below) and would certainly confuse and deter the two highly light-sensitive species of (highly protected) Horseshoe Bats found here.
6. We are further concerned that an existing rural Public Right of Way would be diverted and converted into an urban walkway across this rural village site.
7. It must also be carefully noted that the Mendip Hills Area of Outstanding Natural Beauty (AONB) is immediately adjacent. In landscape terms, views both into and outwards from

the AONB are protected by statute. This Act places an explicit duty on the relevant local authority to sustain and enhance these views. The construction here of a highly visible housing estate would have precisely the opposite effect.

Finally, we must reiterate that, since there is no sign of new supporting infrastructure, it would be irresponsible to add yet more population to an area, remote from centres of employment, and already sorely disadvantaged by meagre, and persistently declining local services. The recent permanent closure of Churchill Sports Centre together with the decline in rural bus services and the oversubscribed local medical services are prime examples.”

Objections have also been received from Wrington and Burrington Parish Councils. The principal points made are:

- The proposals in this application are clearly contrary to local plan policies including, in particular, Policies CS14 and CS32 of the adopted Core Strategy (January 2017) which identify Churchill as a 'service village'. The site is well outside the defined settlement boundary and does not adjoin that boundary. This site (identified as Site HE2010105) has already been considered by North Somerset Council, and has been discounted through its Strategic Housing Landscape Availability Assessment, February 2022.
- The scale of development which Churchill Parish has had in the last few years has outgrown the village amenities, increased its carbon footprint and damaged its previous rural distinctiveness and character.
- There are questions as to whether Churchill Primary School and local medical services can continue with the increased demands upon their services, which already appear to be stretched. Churchill Academy
- This proposed development adds nothing to the local environment or landscape setting, but would result in a further 'urban sprawl' totally contrary to maintaining any sense of 'village'.
- Working families will need to travel to employment sites outside the immediate area. Bristol, Bath and Weston-super-Mare are the nearest centres of employment and none is reached conveniently by cycling, walking or public transport. The car will be the preferred means of transport and that will result in increased congestion on what is already a major and congested artery into Bristol (A38).
- No amount of enhanced hedging or tree lining to 'hide it' from the views out of the AONB
- North Somerset Council does not have a 5 year housing supply shortfall based on recent data. Even if there were to be a deficit in housing land supply across North Somerset as a whole, that would not be a good reason to grant permission for more housing on sites outside defined settlements of the size proposed in this application, given the role of Churchill as a service village'.
- Any further permissions on sites of this kind would be most likely to lead to further speculative applications on ad hoc sites around and outside the village, without an overall plan that takes account of (and mitigates) the cumulative impacts of housing development on the local environment, and infrastructure.

Other Comments Received:

Natural England

Initial concerns have been addressed through correspondence and revised plans and lighting strategy.

Mendip Hills AONB Service

The proposed outline development as set out above is located outside boundary of the nationally protected landscape of the Mendip Hills Area of Outstanding Natural Beauty (AONB), but within the setting of the AONB. The site is outside of the existing settlement boundaries of Langford and Churchill, and is not a strategic allocation.

The Mendip Hills AONB Partnership consider that the proposed outline development will have a significantly detrimental impact on views towards the Mendip Hills AONB from the Public Rights of Way (PROW) traversing the east of the site, which runs north-south. In addition, the site is visible from Dolebury Warren, a Scheduled Ancient Monument Iron Age hill fort impacting upon both daytime and night-time views out across the eastern edge of the North Somerset Moors across the Yeo Valley to Cadbury Hill Fort and the Severn Estuary. Views into, and out from the AONB are an important part of the special qualities of the AONB designation, the natural beauty of which should be conserved and enhanced.

Should North Somerset LPA be minded to approve this outline proposal, the Mendip Hills AONB Partnership request that careful consideration be given to design, scale, roof ridge heights and orientation of buildings to minimise the impact on views towards, and out from the AONB. We request that any street lighting should be kept to a minimum and be designed in accordance with Institution of Lighting Professional Guidance for Bats and Artificial Lighting. We also request that hedgerows and any specimen trees should be retained and protected during any development, and enhanced as important nature recovery networks and green infrastructure. Finally, we request that robust biodiversity net gain is secured to mitigate against the adverse impact of any forthcoming development

Principal Planning Issues

The principal planning issues in this case are (1) the principle of development and sustainability issues, (2) landscape and character impact (3) transport and access, (4) ecology, (5) flood risk and drainage (6) living conditions, (7) any other matters) and (8) development contributions.

Issue 1: The principle of development in this location

The site is outside the settlement boundary for Churchill and the application is for up to 68 dwellings. The site is close to, but not within, the Mendip Hills AONB. The AONB designation extends towards the south east corner of the site but is separated from the site by Elmgrove Farm and the A368 Bath Road.

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 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 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.

Where a development does not adjoin the settlement boundary policy CS33 applies. This policy limits new residential development to infilling within the defined settlement boundary and strictly controls development elsewhere. The proposed development is for up to 68 dwellings outside the settlement boundary and therefore conflicts with this policy and is contrary to the Development Plan.

However, the Council cannot currently demonstrate a five year housing land supply having had its position tested at 3 public inquiries in 2022. The most recent appeal decision in respect of Farleigh Farm, Backwell found that the Council has only a 3.5 year supply of land. Paragraph 11 of the National Planning Policy Framework (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' section of this report.

Notwithstanding the extent of the Churchill settlement boundary, which at its closest edge follows the northern side of the A38 Bristol Road, the application site does physically adjoin the built edge of the village comprising recent development on the Newland Homes site and a ribbon development of older properties located on the southern side of the A38. It is anticipated that as part of the emerging Local Plan process the settlement boundary may be redrawn to follow the extended edge of the village to the southern side of the A38 Bristol Road, as consulted upon in the Preferred Options local plan (Regulation 18) consultation last year. However, at this point in time, as the draft new local plan has not reached examination stage it carries very limited weight. As a matter of principle the proposed development is contrary to Policy CS33. Even if the proposed development were to adjoin the defined settlement boundary then the scale of development of up to 68 dwellings is so in excess of that set out as being appropriate for service villages that it raises issues in relation to the spatial strategy.

As indicated above however, the Council cannot demonstrate a five year housing land supply and so the relevant development plan policies are deemed to be out of date and therefore do not carry full weight. Accordingly consideration must be given to paragraph 11 of the NPPF (the so called "tilted balance") and 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 NPPF taken as a whole. In this respect, paragraph 60 of the NPPF reaffirms the Government's objective of significantly boosting the supply of homes, and at paragraph 79 it stipulates that in order to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities and provide opportunities for villages to grow and thrive, especially where this will support local services.

It should be noted that the development is in outline form so final details are not yet established. Nevertheless, the parameters of development set out through the indicative layout and landscaping proposals in terms of use of the land and inclusion of green edges respects the local character and demonstrates that the development could be made acceptable if the principle of development is agreed. In this context its position as an extension to the adjacent development and proximity to existing development to the north and west south would ensure the new development would be capable of being assimilated into the village edge. The site is accessible on foot to local facilities available in Churchill by connections along the route of the existing public right of way and through the adjacent development. With these pedestrian connections the site is sufficiently close to bus stops positioned along the A38 and A368 which in turn provide for a reasonable level of bus services. Whilst there are no footways or safe cycle routes along the A368 Bath Road from the new vehicle access to the site, the development would have pedestrian and cycle connections through to the Newland Homes development and pedestrian links via the public right of way that join with the local connections of paths and footways.

The proposed housing mix is for determination at reserved matters stage however the illustrative layout plan shows a mix of short terraces, semi-detached and detached two-storey dwellings which is considered to be appropriate to the village. Churchill is classified as a service village and it is considered that an additional 68 dwellings would not cause significant adverse impacts on the village's role as a local hub for community facilities and services either individually or cumulatively when taken with other recent residential development in Churchill as there is no overriding evidence of insufficient capacity. As set out in detail in the following sections of this report, it is considered that the cumulative impacts on traffic will not result in a severe impact and the site-specific matters connected with achieving safe access to the site itself can be satisfactorily resolved.

In summary, the location of development is in conflict with Policy CS33. Furthermore, a development of up to 68 dwellings outside the settlement boundary would conflict with policy CS32 if the development were to be adjacent to the settlement boundary. However, the Council cannot currently demonstrate a five year housing land supply. 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 below and in the 'Planning Balance' section of this report.

The applicant has confirmed that the development will provide 30% on-site affordable housing provision at nil public subsidy, with a tenure split of 77% social rent and 23% shared ownership. The affordable housing requirement of 15 units will be delivered via a s106 agreement.

Issue 2: Landscape and character impact

Landscape policy is set out in policy CS5 of the Core Strategy, and which is amplified through DM10 and DM11 of the Sites and Policies Plan. Policy DM10 includes a requirement for development not to have an unacceptable adverse impact on the designated landscape character of the district as defined in the Landscape Character SPD. Policy DM11, states development which would have an adverse effect on the

landscape, setting and scenic beauty of the AONB, including views into and out the AONB will not be permitted unless there are exceptional circumstances.

Though the site is not within any statutory landscape designations, its close proximity to the northern edge of the Mendip Hills means views into and out of the AONB are a material consideration. The tests of policy DM11 therefore apply.

The application proposes to develop a triangular shaped field situated to the south of the existing settlement edge, filling an area on the southern side of the village between the A38 Bristol Road and A368 Bath Road. The proposals would result in approximately 3ha being developed for residential use, primarily for the new dwellings and associated infrastructure, but would also include landscape buffers and areas for ecological mitigation of the site.

The site is adjacent to the existing village edge, and in longer views would appear as an extended part of the built area. It is contained by development to the west and north, and also by Bath Road to the south. Retained hedgerows together with proposed planting would provide a reasonable degree of screening.

Visibility of the site from within and around the village is restricted to the road and properties immediately adjacent to it. The character of the site, if developed, would become more urban in nature, appearing as an infill of a parcel of land and contributing to an extension of the village to the south and outwards along the A368 Bath Road.

The North Somerset Landscape Sensitivity Assessment 2018 notes that land to the south adjacent to Bristol Road, is allocated for development (the Newlands Homes site) and land beyond this and adjacent to the settlement edge (including the application site) is generally well enclosed by hedgerows and trees. This land has inter-visibility with the AONB to the south, however, if this land was developed it would be seen in context with existing development and development at allocated sites. Owing to this, land to the south and south-east of Churchill, adjacent to the settlement edge, is defined as being of medium landscape sensitivity.

Initial concerns were expressed in relation to the extent and projection of the proposed development to the south, towards the AONB. As such the applicant has responded to this by reducing the scale of development, leaving the southernmost section of the site undeveloped, and increasing the depth of the landscape buffers adjacent to A368 Bath Road. The Illustrative Masterplan shows properties fronting onto this southern edge in an informal pattern following the frontage line created by the adjacent Newland Homes site.

With regard to impact on the landscape there would be a loss of existing open grassland, arising from the construction of the dwellings and access roads. There would also be a loss of hedgerow arising as a consequence of the vehicle entrance off the Bath Road and its road realignment, which could give rise to extensive views into the site. As the site access is to be located on the outside of a curve a significant section of the existing hedgerow and embankment would need to be removed and repositioned further into the site to achieve the necessary visibility splays. The removal of the existing hedgerow and embankment is a significant impact of the development. In the short term this will increase visual impact of the development from the A368, as well as the AONB and its setting and cause some degree of harm. To mitigate this impact replacement hedgerow planting is proposed along Bath Road to restrengthen the screening. A detailed mitigation scheme

for the loss of this hedge would be required and would need to be implemented at an early stage of construction to gain some growth whilst the dwellings are still under construction.

The revised proposals with a reduction in the number of units as shown on the indicate layout plan now enables sufficient space for a landscaped buffer to the south, which would help to address the impact by allowing new hedge banks to replace the existing hedge where it is to be removed.

The application is supported by a Parameter Plan and Illustrative Masterplan which demonstrates how 68 units can be accommodated on the site. The Illustrative Masterplan is typical of contemporary housing estates, with dwellings arranged as a mix of terraces, semi-detached and detached properties along a network of estate roads.

Impact upon the AONB and its immediate setting.

At its nearest point the site is approximately 150m from the edge of the AONB. The application has been accompanied by a Landscape Visual Impact Assessment (LVIA). The LVIA includes consideration of the effects on the AONB for robustness given its proximity, albeit the site itself is not the subject of any statutory landscape designation. The LVIA concludes that the two special qualities of the AONB that may be affected by the proposed development are the dark skies and panoramic views out from the AONB. Views towards the site from the AONB are limited, mainly due to the screening effect of the woodland on the hillside to Dolebury Warren. Where the development does feature in these views, it would be seen in the context of, and set against, the existing and recently emerged built form and will not significantly change the character and composition of such views. From Dolebury Warren and the Limestone Link long distance footpath approximately 1km to the south, views from these elevated positions take in much wider vistas and in this context the impact of development on the application site would be less obvious. Even though the site is on the southern side of the A38 its development would not dominate the immediate foreground. An appropriate landscaping scheme strengthening the southern boundary line will over time, help to lessen any visual impact when viewed from the AONB. In relation to lighting, the site is surrounded on two sides by existing residential development. The A368 Bath Road is unlit, but the existing settlement to the north and west is a source of light. The proposed development will be seen in the context of this more substantial light source.

The LVIA has been reviewed and it is agreed that there are no substantial adverse impacts arising from the proposed development. The loss of the hedgerow to form the access is an adverse impact and there would be a loss of open fields, but in all other respects the impact upon the wider landscape is relatively confined, assisted by the retention and replacement of the hedge along the A368 Bath Road and additional landscape planting on the southern and eastern boundaries.

Comments have been received to say the proposals would give rise to adverse impacts on the Mendip Hills AONB. However, the site is not within the AONB and there would not be any direct impact on it. Instead, any impact would be on views to and from the AONB. On this point, and as described above, views of Churchill 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 existing development and as an extension to the village rather than an unwelcome and substantial projection into the open countryside.

The application site is not held to be of a unique character or of a high level of sensitivity to change. In the absence of any demonstrable, overriding harm to the character and appearance of the site other than the loss of its intrinsic rural appearance, it is considered that the proposed development is reasonably sensitive to its setting. The proposal therefore does not conflict with policies CS5 and CS12 of the Core Strategy, and DM10 of the Sites and Policies Plan.

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 impacts 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 to the wider highway network, road safety and accessibility considerations. A Transport Assessment (TA) has been submitted with the application providing 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 TA includes data on the expected trip generation based on a housing mix of market and affordable housing for an application of up to 83 dwellings, although in revising the proposals, this number of units has dropped to up to 68 so in this regard the TA is over-specified in terms of vehicle movements. It is considered that trip generation from a development of up to 68 dwellings would not be significant and would not negatively impact on existing junction capacity in its own right, or when combined with other development in Churchill 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 vehicle access is proposed via a new priority junction with the A368 Bath Road, approximately 380m to the east of the A38 junction. The visibility splays have been updated in response to comments from the Local Highway Authority and these are now sufficient to serve the new access. Pedestrian and cycle access is proposed via a connection to the adjacent Newland Homes development. This would need to be secured by a condition to ensure a good level of connectivity is provided to the services and facilities of the village.

If outline permission is granted, the internal road layout would be designed to reflect the North Somerset Highway Development Design Guide and the majority of the roads would be delivered via a Section 38 agreement and offered for adoption by the Highway Authority. Parking is a reserved matter and has therefore not been considered in detail at this stage, however it would be expected that any subsequent development must adhere to the parking standards set out in the North Somerset Parking Standards SPD, which establishes the minimum required number of car parking spaces for residential development.

The applicant has indicated agreement to the £150,000 sum requested towards public transport contributions plus an additional £150 per dwelling towards travel vouchers to be secured through a S106. With the pedestrian and cycle connection through the adjacent Newlands Home development, the site is within safe walking distance to Churchill Primary and Churchill Academy Secondary Schools. If this connection had not been agreed a contribution to meet home to school transport costs would be sought.

Overall, it is considered that the scale of the development would not result in significant number of new vehicle movements that would have a severe impact on junction capacity. The revised site access plans demonstrate that there will be no unacceptable harm to highways safety as a result of the proposed development. The application is therefore in accordance with Policy DM10 of the Sites and Policies DPD.

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.

The site is located within the 5km protection zone for the North Somerset and Mendip Bats Special Area of Conservation. The application has been accompanied by an Ecological Impact Assessment setting out the appropriate surveys that have been undertaken to assess the potential for the development to impact upon protected species and priority habitats. This has also been updated to include revised Biodiversity Net Gain (BNG) metrics which reflect the reduced number of dwellings and revised parameter plans.

On-site ecological improvements include a wide buffer to the eastern and southern edges bordered with hedgerows and new hedgerow planting to assist bat habitats. Revisions made to proposals include the provision of a hedgerow to either side of the southern area of public open space which is intended to create a suitable dark area for bats. The revisions and reduction in the number of dwellings now also allow for a deeper buffer to be provided to the eastern edge, which in turn will help protect an area for a dark corridor to support bat movements.

The impact of lighting from the development, and the need to minimise or avoid light spill to manage potential impact to bats has been assessed. The applicant has provided a detailed lighting strategy based on the parameter plans which demonstrate levels of light spill from the development can be minimised to ensure dark corridors for bats along the sensitive site edges can be retained. The principles of this lighting strategy are accepted and this can be conditioned to ensure lighting levels adhere to the lighting strategy when the exact layout of the dwellings is established at reserved matters stage.

Due to the site location within the Bats SAC, a Habitats Regulation Assessment (HRA) has been carried out which included bat survey data and mitigation strategy. The data submitted infers that both Lesser and Greater Horseshoe bats use the linear features of the application site. The development provides a mitigation strategy comprising a

minimum of 5m buffers alongside existing hedgerows and lighting strategy designed to ensure dark conditions are maintained. It is considered that sufficient bat habitat is retained on site.

The HRA has assessed in-combination effects with other committed developments within the SAC and it is concluded that as mitigation appropriate to horseshoe bats has been secured with each development that there would be no likely significant effect in-combination effect on horseshoe bat populations. In consultation with Natural England it has been concluded that this proposal would not have a likely significant effect (alone or in combination with other plans and projects) on the North Somerset and Mendip Bats Special Area of Conservation provided that the specified planning conditions are imposed if planning permission is granted.

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 and comply with the relevant development plan policies.

Issue 5: Flood risk and drainage

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

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 will be required at the detailed design 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 fronting onto Bristol Road and to the east of the new dwellings being constructed on the Newlands Homes site. The properties along Bristol Road have relatively deep gardens and mature boundary planting affording a good level of screening.

The proposals, albeit in outline form, provide an indication of the potential layout, and a reduced quantum of development in comparison with the initial proposal allows for a more flexible 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: Other matters

The Parish Councils' comments together with the third-party representations have been given full consideration. It is recognised that there is opposition to the development and all the issues which have been raised have been taken into account in reaching the recommendation below.

An archaeological survey has been carried out including written scheme of investigation and geophysical survey work. This has established that there are no features of definite archaeological interest present on the site and thus there is no need for further archaeological investigation.

In terms of important trees the central oak tree will be retained and should have a clear 15m Root Protection Area. The submitted Arboricultural Impact Assessment demonstrates how this can be achieved although details of landscaping are reserved so ultimately this will be dealt with at reserved matters stage.

Issue 8: 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..

Contributions have been sought towards: (a) affordable housing, (b) green infrastructure, and (c) highways and transport matters as set out below.

Affordable Housing

Policy CS16 of the Core Strategy follows Government Policy and sets out the Council's policy on affordable housing and says the 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 68 units coming forward equates to an affordable housing requirement of 21 of the units.

Green Infrastructure

On-site provision of green infrastructure 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 Churchill Parish Council.

Green Infrastructure requirements will include new on site provision for neighbourhood open space, conservation site, green corridors, woodland and an equipped play area.

Highways and transport

- A Public Transport contribution to provide an enhanced bus services of £150,000
- A £150.00 per dwelling contribution to be spent on active travel incentives such as bus vouchers, bicycle vouchers etc.
- A £2,800 contribution required to make improvements to the public rights of way network in the vicinity of the site.

The applicant has stated that a pedestrian and cycle access can be provided via a segregated connection into the adjacent Newland Homes Mendip Gate site. A planning condition has been worded to secure this in a timely manner. As a fall back, if the route cannot be delivered a contribution of £925,233 would be sought towards NSC Home to School Transport costs.

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.

Natural Environment and Rural Communities (NERC) Act 2006

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

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.

Equalities assessment

The Equalities Act 2010 sets out the Public Sector Equalities Duty ("PSED"). This duty has to be taken into account in the determination of this application.

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. 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

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. This means that Paragraph 11(d) of the NPPF (the “tilted balance”) is engaged. 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 scheme fails to accord with the locational strategy set out in the adopted development plan and is contrary to the provisions of Policy CS33 which seeks to restrict unsustainable development. The housing policies of the Core Strategy and Site Allocations Plan are consistent with the NPPF and the spatial strategy is underpinned by the notion of directing new housing to the most sustainable locations. However, in the absence of a five-year housing land supply the weight that can be afforded to Policy CS33 is reduced.

The size of the proposed development is significant for a service village where, had this been a site adjoining the settlement boundary, policy CS32 indicates that developments of around 25 dwellings might be appropriate subject to other considerations. Policy CS32 requires that larger schemes should be progressed through the plan making process as they may have implications for sustainable development particularly any cumulative impacts. However, in the circumstances where there is a 5 year housing land supply shortfall this requirement carries less weight.

The site is outside the Churchill settlement boundary but does sit adjacent to existing development fronting onto A38 Bristol Road and new development under construction by Newlands Homes at the Churchill Gate junction. This is a material consideration insofar that the edge of the settlement is already well established beyond the defined settlement boundary. The proposed development would extend the village edge further into the countryside which is a negative aspect of the proposal. Nevertheless, this adverse impact is mitigated to some degree by the shape of the site and form of the proposed layout as shown on the indicative plan which maintains landscaped edges to the south and east.

The site is in close proximity to the northern edge of the Mendip Hills and the impact to, and views into and out of, the AONB are a material consideration to be given substantial weight. It has been concluded that there would be no overriding adverse visual impacts to the AONB arising from the proposed development. The loss of the hedgerow to form the access would have an adverse impact and there would be a loss of open agricultural land, though the retention and replacement of the hedge along the A368 Bath Road and additional landscape planting on the southern and eastern boundaries would temper this impact. Considering the proposed mitigation measures to be secured through the reserved matters and conditions, the potential significant impact to the AONB can be reduced to a moderate adverse impact.

The proposed development would result in the loss of some existing hedgerow and embankment on the northern side of the A368 Bath Road and without suitable mitigation this would result in landscape and character harm that could be afforded significant weight. A change from open fields to housing does create some harm which weighs against the development. However, the site does not form part of a designated or protected landscape and as no significant harm would occur the adverse landscape character impact is given moderate weight.

Without sufficient control, artificial lighting emanating from the development could have an adverse impact on the AONB. Nevertheless, parameter plans and a lighting strategy have been provided to demonstrate how this impact could be substantially reduced and therefore any negative impact to the AONB in terms of lighting and activity can be reduced to a moderate adverse impact.

Where the proposed development would result in the loss of some existing hedgerow and trees and without the mitigation measures proposed would impact on the presence of bats and other wildlife. Therefore there would be some environmental impact likely in the short term whilst the development is implemented, and any new and replacement planting undertaken. This is given moderate weight.

Some impacts will arise from additional traffic and transport pressures as well as fundamental change in the character of the village resulting from rapid unplanned growth, which in combination with other nearby development will change the character of Churchill as a place to live. This is given moderate weight.

Benefits

As the Council is unable to demonstrate a five-year supply of deliverable housing land, the tilted balance of paragraph 11 of the NPPF applies. This means the application has to be considered in the context of the presumption in favour of sustainable development unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits of doing so.

The provision of an additional 68 dwellings contributes to housing supply and helps to meet the need for affordable housing. In the absence of a five-year housing land supply substantial weight is therefore attached to these benefits. This aligns with the Government's objective of significantly boosting the supply of homes set out at 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 development would give rise to some limited economic benefits as a result of the jobs created during the construction phase and the spending power of new residents within the local economy.

The existing public right of way that crosses the site would be upgraded along with some resurfacing of the footpath through the site. This would benefit those walking to and from the site and would encourage greater use of the Public Right of Way network and active travel modes. Moderate to significant weight is given to this.

Both on and off-site ecological and bat mitigation measures are proposed with a resulting biodiversity net gain which exceeds that required in respect of the development proposal. The landscape conditions which are recommended together with their subsequent implementation following the grant of the reserved matters application would benefit the habitat of local ecology and wildlife. This is given moderate weight.

Conclusion

It is concluded on balance, that in the absence of a 5 year housing land supply the adverse impacts of the development 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 an acceptable Habitats Regulation Assessment , and
(b) completion of a legal agreement securing, where not funded through the CIL: (i) the provision of on-site affordable housing (ii) green infrastructure, (iii) financial contributions towards the improvement of public transport services and the provision of travel packs (iv) improvements to PROWs and (v) contribution to Home to School Transport if the link through the Newlands Homes development is not delivered within a set period.

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

1. Application for approval of the first 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 Core Strategy.

4. The development hereby permitted shall be carried out in accordance with the approved plans.

Location Plan LP.01 Rev C

Parameters Plan PP.01 Rev E

Proposed Site Access P20-2499 Figure 4.1 Rev B

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

5. No more than 68 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.

Materials

6. No development above DPC level 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.

Waste collection

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 in accordance with Policy CS7 of the Core Strategy.

Trees and hedgerows

8. No development shall commence until a detailed Arboricultural Method Statement Report with Tree Survey and Tree Protection Plan following the recommendations contained within BS 5837:2012 has been submitted to and approved in writing by the Local Planning Authority. The arboricultural method statement report shall include the control of potentially harmful operations such as site preparation (including demolition, clearance and level changes); the storage, handling and mixing of materials on site, burning, location of site office, service run locations including soakaway locations and movement of people and machinery. The report shall incorporate a provisional programme of works; supervision and monitoring details by an Arboricultural Consultant and provision of site visit records and certificates of completion to the local planning authority. The Tree Protection Plan must be superimposed on a layout plan, based on a topographical survey, and exhibit root protection areas which reflect the most likely current root distribution, and reflect the guidance in the method statement report. No development or other operations shall thereafter take place except in complete accordance with the approved details.

Reason: The details are required prior to commencement of development because the development/construction works have the potential to harm retained trees and to ensure that 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, CS5 and CS9 of the Core Strategy, policies DM8, DM9, DM10 and DM32 of the Sites and Policies Plan Part 1 and the North Somerset Biodiversity and Trees SPD.

9. No site access works to Bath Road shown on plan (ref. P20-2499 Fig 4.1 Rev B) shall commence until details of the landscape measures shown on the approved illustrative masterplan (ref. IMP.01 Rev F) as features 4 (hedgerow infilling to eastern corridor), 5 (hedge planting to southern corridor), 8 (hedge bank installation to southern corridor) and the proposed hedgerow/line of trees adjacent to the eastern boundary, and as specified in more detail on the approved Landscape Strategy Plan (ref. 13540_P12b), are submitted to and approved by the local planning authority. These features shall be delivered within the first planting season following completion of the access works to Bath Road.

Reason: In the interest of maintaining a dark corridor to support foraging horseshoe bats in accordance with policy CS4 of the Core Strategy and the North Somerset and Mendip Bats SAC SPD and the timely implementation of a landscape mitigation scheme in accordance with policy CS5 of the Core Strategy and policies DM8, DM9, DM10, and DM11 of the Sites and Policies Plan Part 1.

Landscaping

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.

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, and completed 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 Core Strategy and policy DM9 of the Sites and Policies Plan Part 1.

Lighting strategy

13. Any application for approval of reserved matters shall be accompanied by an external lighting report which models the effect of the proposed street lighting on the southern and eastern ecology corridors. The external lighting report shall employ a maintenance factor of 1 and shall demonstrate that lighting levels in the ecology corridors will be a maximum of 0.5 lux and equal to or lesser than those demonstrated in the illustrative external modelling (Report and Plan ref. 16948 R5, dated March 2023) accompanying the outline application. The developer shall commit to any necessary mitigation measures required to achieve these lighting levels, which include, but are not limited to, the use of non-standard lighting columns which may necessitate that sections of the highway are maintained by a private Management Company (rather than being suitable for adoption).

Reason: In the interest of maintaining a dark corridor to support foraging horseshoe bats in accordance with policy CS4 of the Core Strategy and the North Somerset and Mendip Bats SAC SPD.

14. Any application for approval of reserved matters shall be accompanied by an internal lighting report which models the effect of the proposed internal lighting within dwellings on the southern and eastern ecology corridors. The internal lighting report shall set out details for maintenance and shall demonstrate that lighting levels in the ecology corridors will be a maximum of 0.5 lux and equal to or lesser than those

demonstrated in the illustrative internal modelling (Report ref. 16948 R2, dated March 2023) accompanying the outline application. The developer shall commit to any necessary mitigation measures required to achieve these lighting levels, which include, but are not limited to the erection of appropriate boundary treatments, and the use of reduced fenestration (where not detrimental to residential amenity) on upper floors. Any dwelling proposed with an associated private rear garden immediately abutting the eastern ecology corridor must be enclosed by a close boarded fence or other solid enclosure to a minimum height of 1.8m.

Reason: In the interest of maintaining a dark corridor to support foraging horseshoe bats in accordance with policy CS4 of the Core Strategy and the North Somerset and Mendip Bats SAC SPD.”

15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order 2015 (or any order revoking and re-enacting that order with or without modification), in relation to any dwelling (excluding gardens) proposed within 5m of the eastern ecology corridor or southern ecology corridor (the extent of which is shown on the approved Parameters Plan ref. PP-01 Rev D), no development relating to Class A and Class B of Part 1 of Schedule 2 shall be undertaken without the prior written approval of the local planning authority.

Reason: In the interest of maintaining a dark corridor to support foraging horseshoe bats in accordance with policy CS4 of the Core Strategy and the North Somerset and Mendip Bats SAC SPD.

CEMP

16. Prior to commencement of development a Construction Environmental Management Plan (CEMP) shall be submitted to, and approved in writing by the Local Planning Authority. This plan shall include avoidance, mitigation and compensation measures as detailed within Section 5 of the EclA and shadow HRA (Tyler Grange, 2022) and pollution prevention measures in line with PPG6. Thereafter the development must be carried out in accordance with the approved details.

Reason: To comply with the Wildlife and Countryside Act 1981 (as amended), The Conservation of Habitats and Species Regulations 2019 (as amended) and the Environment Act 2021; Policy C4 of the Core Strategy and Policy DM8 of the Sites and Policies Plan (Part 1).

LEMP

17. Prior to commencement of development, a Landscape and Ecological Management Plan (LEMP) must be submitted to, and approved in writing by the Local Planning Authority. The plan should include all details relating to avoidance, mitigation, compensation and biodiversity net gain measures as detailed within Section 5 of the EclA and Biodiversity Net Gain Report (Tyler Grange, 2022). Thereafter the development must be carried out in accordance with the approved details.

Reason: To comply with the Wildlife and Countryside Act 1981 (as amended), The Conservation of Habitats and Species Regulations 2019 (as amended) and the Environment Act 2021; Policy C4 of the North Somerset Core Strategy and Policy DM8 of the North Somerset Sites and Policies Plan (Part 1).

Habitats management plan

18. 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. Thereafter the development must be carried out in accordance with the approved details.

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.

Highways

19. No dwelling hereby approved shall be occupied until the new site access to A368 Bath 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.

20. No dwelling hereby approved shall be occupied until a site plan and implementation timetable showing a pedestrian and cycle route through up to the site boundary with the adjacent Newland Homes Mendip Gate site to Bristol Road via a segregated connection has been submitted to, and approved in writing by the Local Planning Authority. Thereafter the development must be carried out in accordance with the approved details.

Reason: in the interests of highway safety and to encourage active travel connections in accordance with policy DM24 of the Sites and Policies Plan Part 1.

21. No dwelling shall be occupied until the roads, footpaths and turning spaces shown on the approved plans, have been constructed in such a manner that each dwelling, is served by a properly consolidated and surfaced footpath and carriageway between the dwelling and the existing highway.

Reason: To ensure adequate access available for each occupier and in accordance with policy CS10 of the North Somerset Core Strategy and policy DM24 of the North Somerset Development Management Policies Sites and Policies Plan Part 1.

22. Prior to the occupation of each dwelling, the relevant number of vehicle and cycle 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.

23. 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.

Drainage

24. No above ground work 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. Before these details are submitted, an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in the National Planning Policy Framework, associated Planning Practice Guidance and the non-statutory technical standards for sustainable drainage systems, 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:

- i. 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; and
- ii. include a timetable for its implementation.

Reason: To reduce the risk of flooding to the development from surface water/watercourses, and in accordance with policy CS3 of the Core Strategy policy and policy DM1 of the Sites and Policies Plan Part 1.

25. No above ground work shall take place until details of the implementation, maintenance and management of the approved sustainable drainage scheme have been submitted to and approved, in writing, by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. The details to be submitted shall include:

- a) a timetable for its implementation and maintenance during construction and handover; and
- b) a management and maintenance plan for the lifetime of the development which shall include details of land ownership; maintenance responsibilities/arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable urban drainage scheme throughout its lifetime; together with a description of the system, the identification of individual assets, services and access requirements and details of routine and periodic maintenance activities.

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

26. Prior to commencement of development details of the discharge location shall be submitted to, and approved in writing, by the Local Planning Authority. The details shall include the location, invert levels, flow rates and plan for implementation including third party landowner approvals.

Reason: To ensure that the necessary off-site drainage works are secured and that the site has a working drainage system, and in accordance with policy CS3 of the North Somerset Core Strategy policy and policy DM1 of the North Somerset Sites and Policies Plan (Part 1- Development Management Policies).

Contaminated land

27. An investigation and risk assessment application must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the

findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwater and surface waters, ecological systems, and archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s). This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason: In order to ensure that land is suitable for the intended uses and in accordance with section 11 of the National Planning Policy Framework and policy CS3 of the Core Strategy.

28. In the event that the investigation and risk assessment identifies any contamination on site, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason: In order to ensure that land is suitable for the intended uses and in accordance with section 11 of the National Planning Policy Framework and policy CS3 of the Core Strategy.

29. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification Dc5007 report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the Local Planning Authority.

Reason: In order to ensure that land is suitable for the intended uses and in accordance with section 11 of the National Planning Policy Framework and policy CS3 of the Core Strategy.

30. Contamination not previously identified but subsequently found to be present at the site shall be reported to the Local Planning Authority as soon as is practicable. If deemed necessary development shall cease on site until a remediation method statement, detailing how the unexpected contamination is to be dealt with, has been submitted to and approved in writing to the Local Planning Authority (including any requirements that it may specify). The development shall then be undertaken in accordance with the approved details.

Reason: In order to ensure that land is suitable for the intended uses and in accordance with section 11 of the National Planning Policy Framework and policy CS3 of the Core Strategy.

Sustainability

31. 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 Core Strategy and policy DM2 of the Site and policies Plan Part 1.

Housing Standards and Accessible Homes

32. All dwellings shall comply with the DCLG 'Technical housing standards 2015 (as amended) - nationally described space standards', unless shown not to be practicable and viable.

Reason: This is the appropriate space development standard for new and market housing, and it is required under policy DM42 of the North Somerset Sites and Policies Plan Part 1.

33. A minimum of 17% of the dwellings hereby approved shall comply with the requirements of The Building Regulations 2010 Volume 1 M4(2) Category Two: Accessible and adaptable dwellings.

Reason: 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.