

SECTION 2 – ITEM 6

Application No: 23/P/1707/OUT

Proposal: Outline planning permission for the erection of 3no. detached dwellings with access for approval; with appearance, landscaping, layout and scale reserved for subsequent approval.

Site address: Land known as The Paddock East Of Rockville Bridge Road Bleadon BS24 0AU

Applicant: Mr Henley

Target date: 05.12.2023

Extended date:

Case officer: Anna Hayes

Parish/Ward: Bleadon Hutton And Locking

Ward Councillors: Councillors Mike Solomon and Terry Porter

REFERRED BY COUNCILLOR SOLOMON

Summary of recommendation

It is recommended that the application be **REFUSED**. The full recommendation is set out at the end of this report.

The planning application can be viewed at [23/P/1707/OUT](#)

The Site

The application site is located within a residential area of Bleadon. The site comprises an existing paddock located at the end of a residential cul de sac. The site is located on undulating land with the cul de sac set at a lower level. The immediate vicinity is characterised by dwellings with modest sized gardens. The site is adjacent to the former Bleadon Quarry that has been granted planning permission for 42no. dwellings.

The Application

This is an outline planning application with access for approval and the remaining matters to be considered under reserved matters.

Relevant Planning History

Year: 2003

Reference: 03/P/1928/O

Proposal: Erection of 2 dwellings
Decision: Refused, appeal dismissed

Year: 2002
Reference: 02/P/1867/O
Proposal: Outline permission for the erection of two dwellings
Decision: Refused

Year: 1982
Reference: 547/82
Proposal: Erection of dwelling and garage
Decision: Refused

Year: 1982
Reference: 086/82
Proposal: Erection of stable block
Decision: Approved with conditions

Policy Framework

The site is affected by the following constraints:

- Within settlement boundary for Bleadon
- 80m from Wildlife Site
- Formerly part of Little Down Quarry, Bleadon
- Bat Zone C
- Adjacent to group of protected trees (north east of site)

The Development Plan

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

The following policies are particularly relevant to this proposal:

CS4 Nature Conservation
CS5 Landscape and the historic environment
CS10 Transport and movement
CS11 Parking
CS12 Achieving high quality design and place making
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:

DM6 Archaeology
DM8 Nature Conservation
DM9 Trees
DM10 Landscape
DM24 Safety, traffic and provision of infrastructure etc associated with development

DM28	Parking standards
DM32	High quality design and place making
DM37	Residential development in existing residential areas
DM71	Development contributions, Community Infrastructure Levy and viability

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

The following policies are particularly relevant to this proposal:

SA2 Settlement boundaries and extension of residential curtilages

Other material policy guidance

National Planning Policy Framework (NPPF) (2023)

The following sections are particularly relevant to this proposal:

- 5 Delivering a sufficient supply of homes
- 9 Promoting sustainable transport
- 12 Achieving well designed and beautiful places
- 15 Conserving and enhancing the natural environment
- 16 Conserving and enhancing the historic 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)
- North Somerset Parking Standards SPD (adopted November 2021)
- North Somerset Landscape Character Assessment SPD (adopted September 2018)
- Biodiversity and Trees SPD (adopted December 2005)
- 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: 1 letter of objection has been received. The principal planning points made are as follows:

- Impact on shared driveway
- Impact on parking

2 other letters have been received making reference to the shared driveway and ongoing maintenance of the private road.

Bleadon Parish Council: "The Parish Council supports the application"

Principal Planning Issues

The principal planning issues in this case are (1) the principle of residential development in this location, (2) highway impacts, (3) character and appearance of the area (4) ecology, (5) trees (6) archaeology and (7) land ownership.

Issue 1: The principle of residential development in this location

The site is located within the settlement boundary of Bleadon where residential development is acceptable in principle in accordance with policy CS33 of the Core Strategy provided that it respects the scale and character of the settlement and that there is no significant adverse impact on service delivery and infrastructure provision.

Policies DM32 and DM37 of the Sites and Policies Plan Part 1 (Development Management Policies) provide other criteria, such as design requirements, the need to protect the living conditions of neighbours, and the need to provide adequate amenity space. These issues are addressed later in this report. At present the Council cannot demonstrate a sufficient supply of deliverable housing sites as required by the National Planning Policy Framework (NPPF). The revised NPPF published in December 2023 indicates at para 226 that Councils which have reached Regulation 19 stage of their local plan (as this Council has) must provide at least 4 years supply of housing. For North Somerset, the current tested supply position stands at 3.5 years. This means that for applications involving the provision of housing, the policies which are most important for determining the application are deemed to be out of date and the application should be considered favourably unless the proposal conflicts with specified NPPF policies or the adverse impacts would significantly and demonstrably outweigh the benefits (NPPF paragraph 11). This matter is considered in more detail in the 'Planning Balance and Conclusion' section of this report.

Issue 2: Highway impact

This application proposes to use the existing access at Bridge Road to serve the proposed dwellings. The development of 3 additional dwellings at the site is likely to generate an additional 15-20 vehicle movements a day which would be a significant intensification in the use of the access. Given the narrow nature of the access and the poor visibility, the Highway Authority has objected to the proposal unless suitable visibility splays are submitted demonstrating that a safe level of visibility. These should be in line with the standards set out in Manual for Streets which require that 43m of visibility must be achievable in both directions from a point 2.4m back from the carriageway at the proposed access. These splays must be unobstructed from a point 2m high down to a point 600mm above the carriageway.

However, it is not possible for the applicant to provide a suitable level of visibility meeting these requirements as the visibility splay is obstructed by boundary walls measuring approximately 1.2m in height, vegetation and vehicles that are on neighbouring properties outside of the application site.

National Planning Guidance makes clear that conditions requiring works on land that is not controlled by the applicant, or that requires the consent or authorisation of another person or body often fail the tests of reasonableness and enforceability. In this instance, a planning condition to secure the visibility splay would require control of land outside the

application site not owned by the applicant and would therefore be likely to be deemed unreasonable and unenforceable.

This issue was addressed in an appeal dismissed in 2022 for 2 dwellings on land adjoining Green Acres, Kenn Road, Kenn, Clevedon, North Somerset BS21 6TT (Planning Application no: 20/P/3253/FUL) where the Inspector concluded that “... *it would appear that the land required to provide the visibility splay is not wholly within the applicant’s control. It is not wholly included within the red or blue land indicated on the submitted site location plan and equally, would not appear to be Council controlled land either. In this respect, I have doubts over whether it is even possible to provide visibility to the required standard as this would involve land in third party ownership*’.

A large hedge that was located to the right of the access has been removed which has improved visibility however, it cannot be certain that it would not be replaced given it is outside of the applicant’s ownership. There is also no footway outside of the access meaning vehicles will be edging directly into the carriageway. The presence of parked vehicles on the neighbours adjacent driveway is also likely to further reduce visibility.

In addition to the above, the access road is particularly narrow and not sufficiently wide for two vehicles to pass each other safely. The North Somerset Highways Development Design Guide specifies that private drives should have a minimum width of at least 4.8m for the first 6m from the carriageway boundary to ensure vehicles can pass each other safely. Given the constrained nature of the access, the Highway Authority is concerned that any intensification in the use of this access would increase the likelihood of vehicles being required to reverse back onto the highway should they encounter a vehicle exiting the site whilst entering. The narrow nature of the access track is also likely to increase the risk of conflict between pedestrian users of the site and vehicles.

The applicant has submitted comments in response to the Highway Authority and has suggested that the access onto Bridge Road falls within the definition of a ‘Quiet Lane’ as set out in the Department for Transport Circular 02/2006 and lesser visibility standards apply. The Highway Authority does not agree with that suggestion.

Planning permission has previously been refused and dismissed at appeal in 2003 for the erection of 2no. dwellings at this site (Application no: 03/P/1928/O). At that time the Highway Authority noted that the visibility was poor but due to traffic speed on Bridge Road, it was not sufficiently harmful to warrant refusal. However, traffic along Bridge Road has increased significantly in the previous 20 years due to the number of vehicles, car speeds and number of trips and is likely to increase further in the context of the Bleadon Quarry development. Furthermore, the latest guidance on visibility, Manual for Streets and Manual for Streets 2 were published in 2007 and 2010 respectively and provide more up to date guidance.

In view of the above, it is considered that without a visibility splay to the required standard the proposal would have a harmful effect on the safety of road users due to the lack of adequate visibility at the site entrance. Furthermore, the intensification of the use and the constrained nature of the access would increase the likelihood of vehicles being required to reverse back onto the highway should they encounter a vehicle exiting the site whilst entering. As such, the proposal is contrary to Policy DM24 of the Sites and Policies Plan Part 1, Section 9 of the NPPF, Manual for Streets which collectively seek to ensure that new development does not prejudice highway safety.

Issue 3: Character and appearance of the area

This is an outline application with the layout of the dwellings to be dealt with at the reserved matters stage. However, as the proposal is for 3no. dwelling, the council must be satisfied that the site is able to accommodate 3no. dwellings.

The submitted plans show 3no. dwellings, with one of the dwellings (Plot 3) appearing cramped and squeezed into the corner of the site. The third dwelling would be set forward from the other two houses and would have a much smaller rear and front garden compared to the other two. Due to the forward projection of the third house and the small rear garden, the proposal as illustrated would result in an unacceptably cramped development. A reserved matters application based on the illustrative layout would therefore be unlikely to be supported.

This issue is compounded by the fact that there are a number of constraints on the site that would potentially restrict the amount of land that could be developed and where the dwellings can be located. There are protected trees to the north east and south west of the site, a woodland to the south and east and the applicant is also proposing to plan a double line of native trees and shrubs along the eastern boundary. The layout of the development would also need to take into consideration the root protection area of trees and the size of the tree canopy. Furthermore, there is a wildlife corridor on the south east boundary that is used by commuting bats that would need to remain sufficiently dark and therefore the location of windows due to light spill would need to be carefully considered. In addition to the above, there are existing residential properties to the west and north west that could potentially be overlooked by proposed dwellings.

Although the layout is reserved for subsequent approval, from the information submitted, the site cannot be satisfactorily developed for 3 dwellings without adversely impacting on protected trees, bats and the living conditions of future occupiers or being unduly cramped. In this respect the proposal is therefore contrary to policy CS12 of the Core Strategy, policies DM32 and DM37 of the Sites and Policies Plan (Part 1).

Issue 4: Ecology

Boundary vegetation associated with the southern and eastern edges provides a narrow band of un-managed habitat that includes trees and shrubs. This habitat offers potential foraging and commuting habitat for bats, including horseshoe bats. This habitat links directly onto further, similar habitat that runs around the edges of the large quarry that lies directly to the east and which in turn links directly onto Bleadon Hill, which provides more extensive natural and semi-natural habitat in the form of grassland and mixed broad-leaved woodland.

The site itself is of limited ecological value due to extensive areas of paddock, introduced shrub, bare ground and hard standing. Such ecological value as there is largely derived from the hedgerow and the scrub and trees associated with the southeastern boundary.

Bat activity was recorded only between 21st-29th August and 19th-26th September with a single static detector positioned in the vegetation along the southern boundary. Results indicated the use of the scrub and trees along the southeastern boundary by bats including

both Greater and Lesser Horseshoe bats. Due to the potential impacts of the proposals on the North Somerset and Mendip Bats Special Area of Conservation (SAC) a Habitats Regulations Assessment (HRA) is required prior to any permission being granted. It has been established that both Greater and Lesser Horseshoe bats, likely to be associated with the SAC, are using the existing south-eastern boundary for commuting purposes east and west to and from the wider landscape. As a result it needs to be demonstrated that this flightline will remain sufficiently dark.

In this respect, the proposed new dwellings are likely to cause additional light spill onto this boundary. The ecology report submitted with the application suggests that a double line of native trees and shrubs along the eastern boundary should be planted to stop this. Although the applicant is proposing to plant 3m high trees, they would still take some years to establish. The applicant has not submitted any evidence to demonstrate that the planting would prevent an unacceptable amount of light spill onto this flight line. Furthermore, based on the indicative layout plan, it does not appear there would be sufficient room to accommodate this landscaping.

The applicant has been requested to provide a Lighting Strategy to demonstrate light spill will not exceed 0.5 lux for retained/created horseshoe bat habitat but this has not been provided to date. This is necessary as it needs to be shown that the light levels can be achieved for the HRA to be completed.

As the applicant has not submitted the further information, it is considered that insufficient lighting details have been provided with the application for the impacts on SAC populations to be assessed beyond reasonable scientific doubt (as required by case law). Therefore, the HRA cannot be adequately informed at this time.

Therefore, in the absence of details to the contrary, the proposal will conflict with the requirements of The Conservation of Habitats and Species Regulations 2017, policy CS4 of the North Somerset Core Strategy, policy DM8 of the North Somerset Sites and Policies Plan (Part 1) and the North Somerset 'Biodiversity and Trees' SPD.

Issue 5: Trees

Policies CS4 and CS9 of the Core Strategy and Policy DM9 of the Sites and Policies plan Part 1 seek to protect trees as they can make a positive contribution to the character and biodiversity value of an area. There are protected trees to the north east and south west of the site and a woodland to the south and east. It is proposed to removal an existing apple tree.

An Arboricultural report has not been submitted with the application. This means that the impact of the proposed development on tree roots and canopies and whether there will be adequate space for long term retention of trees and their future maintenance has not been fully assessed. As detailed above, the location of the trees both on and adjoining the site could affect how much land is suitable for development.

In the absence of details to the contrary, the proposal is therefore considered likely to have a detrimental effect on the long term health and longevity and result in the loss of trees on both the application site and adjoining land to the detriment of the character and biodiversity value of the area, contrary to policies CS4, CS5, CS9 and CS12 of the North

Somerset Core Strategy, policies DM8, DM9, DM10 and DM32 of the Sites and Policies Plan (Part 1).

Issue 6: Archaeology

The site lies in an area characterised by a particularly well-preserved prehistoric and/or Romano-British field system, and with proven activity and possibly occupation in the Iron Age and medieval periods, very close by to the north-west at the former Whitegate Farm. The latter is a site of national significance.

An Archaeological Monitoring and Recording (Watching Brief) will be required before any development commences. This could be dealt with by way of condition and in this respect the proposal would comply with policy DM6 of the North Somerset Sites and Policies Plan and Paragraph 211 of the NPPF, which requires the developer to record and advance understanding of the significance of heritage assets, and to ensure that the information gathered becomes publicly accessible.

Issue 7: Land ownership

Planning procedures require applicants for planning permission to declare whether they own the application site and, if not, to serve notice on those who do. In this case, the applicant has certified that they are the sole owner of the land to which the application relates. Concerns have been raised by objectors about whether the applicant is the sole owner of the land which includes the access road that leads to the Paddock. The applicants comments on this have been sought.

If it later transpires that an incorrect certificate has been issued, and the applicant is not the sole owner of the land, the planning permission (if granted) could potentially be challenged through the courts.

Issue 8: Community Infrastructure Levy

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

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

The proposed development does not fall within Schedule 1 or 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 and is not within a 'sensitive area' as defined in the Regulations. A formal EIA screening opinion 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

Equalities assessment

The Equalities Act 2010 sets out the Public Sector Equalities Duty ("PSED"). Case law has established that this duty is engaged when planning applications are determined and consequently this duty has been applied in the determination of this application. Due regard has been paid to the need to eliminate discrimination and promote equality with regard to those with protected characteristics.

Planning Balance and Conclusion

At present the Council cannot demonstrate a four-year supply of deliverable housing sites as required by the revised National Planning Policy Framework (NPPF), with the current tested supply position standing at 3.5 years.

This means that for applications involving the provision of housing, the policies which are most important for determining the application are deemed to be out of date (NPPF paragraph 11, footnote 8).

In accordance with paragraph 11 of the NPPF this means that planning permission should be granted unless:

- i: the application of policies in the NPPF that protect areas or assets of particular importance (as listed in NPPF footnote 7) provide a clear reason for refusing the application; or
- ii. any adverse impacts of the proposal would significantly and demonstrably outweigh the benefits

In this case, however, the proposal would have an adverse impact on highway safety. Furthermore, insufficient information has been provided to enable the Local Planning Authority to fully assess the impact on trees or to carry out a Habitats Regulations Assessment (HRA) which is required prior to any permission being granted. As such the proposal is contrary to policies CS3, CS4, CS12, CS33 of the North Somerset Core Strategy, policies DM8, DM9, DM24, DM32 and DM37 of the Sites and Policies Plan (Part 1), The Conservation of Habitats and Species Regulations 2017 and the North Somerset 'Biodiversity and Trees' SPD.

The proposal will only make a small contribution to the housing supply and therefore this benefit carries limited weight. The creation of local construction jobs is a temporary, benefit that would occur wherever a housing scheme was delivered and therefore only carries limited weight.

It is therefore considered that in this case the harm identified significantly and demonstrably outweighs the benefits of the proposed scheme, and as such the application should be refused.

RECOMMENDATION: REFUSE for the following reasons:

1. The proposed development would result in the intensification in the use of the access which would have an adverse impact on highway safety due to the lack of adequate visibility at the site entrance and the constrained nature of the access which would increase the likelihood of vehicles being required to reverse back onto the highway should they encounter a vehicle exiting the site whilst entering. As such, the proposal is contrary to Policy DM24 of the Sites and Policies Plan Part 1, Section 9 of the NPPF, Manual for Streets which collectively seek to ensure that new development does not prejudice highway safety.
2. It has not been demonstrated that the site can be satisfactorily developed for 3 dwellings without adversely impacting on protected trees, bats, the living conditions of future occupiers or being unduly cramped. In this respect the proposal is contrary to policy CS12 of the Core Strategy, policies DM32 and DM37 of the Sites and Policies Plan (Part 1).
3. Insufficient information has been submitted to allow a full assessment of the impact of the proposals on both existing trees on the application site and protected trees on land adjoining the site and, in the absence of details to the contrary, the proposal is considered likely to have a detrimental effect on the long term health and longevity and result in the loss of trees on both the application site and adjoining land to the detriment of the character and biodiversity value of the area, contrary to policies CS4, CS5, CS9 and CS12 of the North Somerset Core Strategy, policies DM8, DM9, DM10 and DM32 of the Sites and Policies Plan (Part 1).
4. Insufficient information has been provided to enable the Local Planning Authority to establish whether the proposal will result in a significant negative impact on a statutory designated site – NS and Mendip Bats SAC Consultation Zone. In the absence of details to the contrary, the proposal will conflict with the requirements of The Conservation of Habitats and Species Regulations 2017, policy CS4 of the North Somerset Core Strategy, policy DM8 of the North Somerset Sites and Policies Plan (Part 1) and the North Somerset 'Biodiversity and Trees' SPD.