

SECTION 1 – ITEM 7

Application No: 19/P/3197/FUL

Proposal: Residential development of 60no. dwellings with supporting infrastructure and enabling works including new vehicular access with Moor Road, public open space, landscaping and drainage infrastructure

Site address: Land off Moor Road, Yatton

Applicant: Persimmon Homes Severn Valley

Target date: 14.04.2020

Case officer: Lee Bowering

Parish/Ward: Yatton/Yatton

Ward Councillors: Councillor Wendy Griggs/Councillor Steve Bridger

REFERRED BY COUNCILLOR BRIDGER

Summary of recommendation

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

The Site

The 2.71 ha site lies on the north-western side of Moor Road and comprises a former orchard and land which has been used by the adjacent Yatton rugby club for junior pitches. Stowey Rhyme runs along the north-eastern boundary with fields beyond. To the south, there is a Grade II listed building, The Grange, together with existing housing developments in Moor Road, Moorside and Grange Farm Road adjacent to the site.

The Application

- This is a full application for 60 dwellings forming an uneven U-shaped access road, with the junction into the site formed from the former alignment of Moor Road which is now a cul-de-sac, having been terminated at its Horsecastle end.
- It is proposed to erect 42 dwellings for sale and 18 as affordable houses (30%)
- The site is 2.71 hectares (gross) and net 1.46 ha. The site density is 41.1 dwellings per hectare.
- The access road crosses a former orchard with a footway on one side only. The former orchard is also shown to accommodate an attenuation pond and local area for play, together with footpaths leading around the pond, linking the play area and pond with the housing development site, which is located on the field used formerly

by the Rugby Club for youth training and coaching. The remnant orchard is shown to retain the few remaining elderly fruit trees and to be re-planted with new orchard fruit trees.

- The hedge separating the development from the orchard is proposed to be retained except where breached to accommodate the proposed access road and pedestrian pathway that serves the proposed locally equipped play area.
- The Moor Road frontage is shown on the landscape plans to require removal of much of the frontage banks, hedges and trees in order to accommodate the proposed access and visibility splays.
- The accommodation for sale comprises: 4x1 bed units, 4x 2 bed units, 19x 3 bed units, and 15x 4 bed units. The affordable housing mix is: 4x 1 bed flats, 8x 2 bed units and 6x 3 bed units.
- Amended plans and details were submitted during the course of the application in response to highway and drainage comments received.

Relevant Planning History

Year: 2019

Reference: 16/P/0888/F

Proposal: Residential development of 66no.dwellings with supporting infrastructure and enabling works including new vehicular access with Moor Road, public open space, landscaping and drainage infrastructure on land off Moor Road, Yatton. Land Off Moor Road Yatton

Decision: Refused

Officer comment:

The application was refused by the Committee in 2019 on the basis that “the proposed road would result in the unacceptable loss of trees and hedgerow and in conjunction with a cramped layout and excessive density of development for a semi-rural location would have a detrimental impact on the rural character and appearance of the former orchard and gateway setting of the village contrary to policies CS5 and CS14 of the Core Strategy, policies DM9, DM10, DM32 and DM36 of the Development Management Policies Sites and Policies Plan Part 1 and the North Somerset Landscape Character Area Supplementary Planning Guidance 2018”.

Policy Framework

The site is affected by the following constraints:

- Site is outside the Yatton Settlement boundary
- North Somerset and Mendip Bats SAC consultation area Zone B
- Part of the site (referred to as “Moor Road”) is allocated for residential development by policy SA1 of the Site Allocations Plan. Schedule 1 of the plan identifies a capacity on the allocated site of 60 units and the site-specific requirements or key considerations to be taken into account.
- Within setting of Grade II Listed Building Grange Farm

The Development Plan

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

The following policies are particularly relevant to this proposal:

- CS1 Addressing climate change and carbon reduction
- CS2 Delivering sustainable design and construction
- CS3 Environmental impacts and flood risk management
- CS4 Nature Conservation
- CS5 Landscape and the historic environment
- CS7 Planning for waste
- CS9 Green infrastructure
- CS10 Transport and movement
- CS11 Parking
- CS12 Achieving high quality design and place making
- CS13 Scale of new housing
- CS14 Distribution of new housing
- CS15 Mixed and balanced communities
- CS16 Affordable housing
- CS20 Supporting a successful economy
- CS32 Service Villages
- CS34 Infrastructure delivery and Development Contributions

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

The following policies are particularly relevant to this proposal:

- DM1 Flooding and drainage
- DM2 Renewable and low carbon energy
- DM6 Archaeology
- DM7 Non-designated heritage assets
- DM8 Nature Conservation
- DM9 Trees
- DM10 Landscape
- DM19 Green infrastructure
- DM24 Safety, traffic and provision of infrastructure etc associated with development
- DM25 Public rights of way, pedestrian and cycle access
- DM26 Travel plans
- DM27 Bus accessibility criteria
- DM28 Parking standards
- DM32 High quality design and place making
- DM34 Housing type and mix
- DM36 Residential densities
- DM37 Residential development in existing residential areas
- DM42 Accessible and adaptable housing and housing space standards
- DM47 Proposals for economic development within towns and defined settlements
- DM48 Broadband
- DM68 Protection of sporting, cultural and community facilities
- DM69 Location of sporting, cultural and community facilities
- DM70 Development infrastructure

DM71 Development contributions, Community Infrastructure Levy and viability

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

The following policies are particularly relevant to this proposal:

- SA1 Allocated residential sites (10 or more units)
- SA2 Settlement boundaries and extension of residential curtilages

The Yatton Neighbourhood Plan

The Yatton Neighbourhood Plan became part of the development plan on 11 April 2019 following a successful referendum. It was formally 'made' by the Council on 23 July 2019.

The following policies are particularly relevant to this proposal:

- BP1 Transport Assessment for proposals with significant transport impacts
- EP1 Access to local public footpaths
- EP2 Local Green Space
- EP3 Amenity Areas
- EP4 Dark skies
- HP2 Sustainable urban drainage systems
- TP1 New transport infrastructure

Other material policy guidance

National Planning Policy Framework (NPPF)

The following sections are particularly relevant to this proposal:

- 1 Introduction
- 2 Achieving Sustainable Development
- 5 Delivering a sufficient supply of homes
- 6 Building a strong, competitive economy
- 8 Promoting healthy and safe communities
- 9 Promoting sustainable transport
- 11 Making effective use of land
- 12 Achieving well designed places
- 14 Meeting the challenge of climate change, flooding and coastal change
- 15 Conserving and enhancing the natural environment

National Planning Practice Guidance

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 2013)
- North Somerset Landscape Character Assessment SPD (adopted September 2018)
- Biodiversity and Trees SPD (adopted December 2005)
- Creating Sustainable Buildings and Places SPD (adopted March 2015)

- Travel Plans SPD (adopted November 2010)
- Affordable Housing SPD (adopted November 2013)
- Development contributions SPD (adopted January 2016)
- North Somerset and Mendip Bats Special Area of Conservation (SAC) Guidance on Development: SPD (Adopted January 2018)
- Accessible Housing Needs Assessment SPD (Adopted April 2018)
- Renewable and Low Carbon Energy Generation in North Somerset: Solar Photovoltaic (PV) Arrays (adopted November 2013)

Consultations

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

Third Parties: 74 letters of objection have been received. The principal planning points made are as follows:

- amount of new housing being built/proposed in Yatton is completely out of proportion to the size of the village which already does not have the infrastructure to accommodate the large increase in housing; ;
- no prospect of significant employment;
- more car journeys using the local road networks whilst commuting with danger of increased parking on Kenn Moor Road with safety implications. Can easily be avoided by providing access from the B road alongside the Rugby Club which will become housing in due course anyway;
- contrary to Core Strategy policy CS4 since it does not protect old remnant orchard with a rare fungus;
- does not respect this important gateway approach to the village and the cultural and biodiversity significance of Stowey Rhyne as a connecting linear feature; negative impact the open rural countryside character and appearance of a valued gateway into the village;
- negative impact on the greater and lesser horseshoe bats and potential impacts of water pollution into the nearby SSSI network and YACWAG nature reserves; loss of an historic orchard, trees and hedgerow;
- impacts on a Grade 2 listed building;
- flooding risk to the new development & to existing properties if the water table/drainage are interfered with;
- loss of sunlight and privacy that the development will have on existing properties and visual impact for residents on Grange Farm Road
- foul waste; noise and pollution
- access unsuitable

No letters of support have been received.

Yatton Parish Council: "The Parish Council recommended not supporting the application and the amended plans for the following reasons:

Amended Plans

The application has been amended since submitted. The Parish Council's comments on the amended plans are as follows:

"The Parish Council have historically never supported the development of this site and the amended plans do not include any changes that would prompt a change to this view. The one access on to Moor Road and the road safety issues it presents, together with the lack of permeability on to the High Street for any residents of that site would create an isolated community. The detrimental impact on the orchard, the area's ecology, the adjacent Grade 2 listed building and the gateway to Yatton are fundamental in the Parish Council's recommendations not to support the amended plans".

Application as submitted

On the application as submitted the Parish Council commented as follows:

"The Parish Council cannot see any merit in this new application and conclude that the long-term future of the village cannot be compromised for the short-term benefit of the developer. The principal objections made under the previous application remain unaddressed and therefore are still applicable to this new proposal.

The proposal would cause significant and irreversible harm to the rural countryside setting at the entrance gateway to the village along Moor Road, to the setting of the Grade 2 listed building 'The Grange' and to the biodiversity and ecology of the Orchard and nearby Bat Conservation Area/Kenn Moor SSSI, for all of which no satisfactory mitigation has or can be found.

The access on to Moor Road was unacceptable, and this application should not be allowed to proceed unless access can be secured through the development of the Rugby Club site which it's understood is progressing towards the planning application stage.

The Environment Agency continue to object to this application because the proposal includes residential dwellings within Flood Zone 3; in light of many parts of the country currently suffering very serious flooding this element of the site must not be compromised.

Many of the evidence documents submitted have not been updated since 2015 (including Flood, Archaeology, Travel & Transport, Energy), some of which acknowledge the negative impacts the development will have and others, in particular the Travel and Transport Plans, are no longer accurate. In five years, vehicle movement has significantly increased, and this can be evidenced by recent data gathered by PACT (Police & Communities Together) which is current and very relevant to the sustainability of this site. The site layout design will create unbroken stretches of parking with no footway, this is unsafe for pedestrians and cyclists and visually unattractive.

The Parish Council wish to re-iterate all the previous comments they have made for development on this site as they are considered to be just as relevant and applicable to this new application."

See Appendix 1 for the Parish Council's further comments in respect of the proposal and the previous refused application 16/P/0888/F.

Other Comments Received:

Environment Agency

Provided the LPA is satisfied the requirement of the Sequential Test under the National Planning Policy Framework is met, we can now withdrawal its earlier objection to the proposed development, subject to the inclusion of conditions within the Decision Notice.

Officer comment

This is an allocated site and for this reason is sequentially acceptable.

North Somerset Levels IDB

No objection to the proposals as they remain largely as proposed previously. The planting adjacent to the access/buffer strip along Stowey Rhyne should not be such that mature canopies impinge on the access/buffer strip as this will have an impact on the Board's ability to access and maintain the adjacent rhyne and potentially increasing flood risk locally.

Officer comment

The species of the proposed trees adjacent to the access buffer strip is a matter that can be resolved by an appropriate landscape planning condition.

Avon Fire and Rescue

Avon Fire & Rescue Service seeks the provision of two Hydrant requirements associated with this application. The costs will need to be borne by developers through developer contributions.

Avon and Somerset Constabulary (Crime Prevention Design Adviser)

No objection subject to comments regarding access to the former orchard, clear demarcation between public and private space, gates and lighting.

Sport England

The site has been well used by the rugby club in the recent past and was very important to the delivery of rugby in the community. The RFU formally objected to this original application back in 2016, due to the loss of playing pitches. The RFU are aware that the club has lost access to these pitches in recent years and that the club are in detailed discussions to relocate to a new location on the edge of the village, with an identified parcel of land for sports pitches, including ancillary facilities. The RFU nevertheless maintain their objection to Sport England in respect of the current application proposal due to the loss of pitches. The RFU seeks the LPA and Developer – in consultation with the RFU - to agree a financial contribution to offset the loss of these pitches and training area, so replacement pitches can be created and installed at the new proposed club site. It is not clear how this application is consistent with Policy CS27. In light of the above, Sport England objects to the application because it is not considered to accord with any of the exceptions to Sport England's Playing Fields Policy or with Paragraph 97 of the NPPF. The application raises issues regarding loss of playing field land without replacement.

Natural England

There is very likely to be a functional link between the orchard field, established Horseshoe bat roosts at The Grange and the SAC. The Shadow Habitats Regulations

Assessment (HRA) concludes that all three boundaries of the orchard field are used for commuting by both species of Horseshoe bats. Night roosts for both species of Horseshoe bat have been confirmed in the outbuilding, cellar and stables at The Grange.

Development of the access road across the orchard field will result in the removal of 314m² of hedgerow used as a commuting feature by both species of Horseshoe bat as well as urbanising the surrounding area. NE is concerned that removal of such significant amounts of hedgerow and the consequent lengthy period of time which it will take for any replacement planting to establish, together with the housing development and consequent urbanising and introduction of lighting to this currently dark area will result in abandonment of the roosts at the Grange. Horseshoe bats are territorial and faithful to their roosts so the loss of a roost used by even a low number of individuals can be significant.

NE advise that all proposed mitigation at the site should be delivered at the earliest possible opportunity. In particular, the new trees and hedgerow which are proposed at the site entrance and adjacent to Stowey Rhyne should be planted prior to or on commencement of development. In addition, the new bat roost feature in the orchard field should be complete and available for use by bats prior to the removal of any hedgerow for the access road. A Landscape and Ecological Management Plan (LEMP) will be required to govern appropriate management of mitigation planting in the orchard field.

The Council will be required to carry out an HRA. The assessment of 'In Combination' effects of the development will need to take account of relevant recent developments in the locality.

Whilst NE does not object to these proposals, it suggests, as submitted, the proposal is contrary to local plan policies. It also suggests that following NPPF guidance, significant harm to biodiversity can be avoided by accessing the housing site from the north rather than through the orchard field and draws attention to Council's declared a Climate Emergency. NE suggests the orchard site presents a great opportunity to preserve and enhance a site which has been demonstrated to support rare bat species and which has the potential to support many more species. The orchard site connects directly to the Nailsea and Kenn Moors SSSI as well as Stowey Rhyne (an important dispersal route for Horseshoe bats) and the Local Nature Reserve across the other side of Moor Road. Enhancing it for wildlife will maintain the landscape connections in this area and benefit not only bats but also pollinators, other invertebrate species, and the future residents of the housing development.

Principal Planning Issues

The principal planning issues in this case are (1) the principle of the development, (2) highway safety and capacity, (3) impact on the character of the area and living conditions of adjoining properties, (4) drainage, (5) impact on protected species, (6) design and space standards, (7) loss of playing fields, (8) impact on setting of listed building and (9) development contributions and Community Infrastructure Levy.

Issue 1: The principle of residential development in this location

Whilst the site lies outside the settlement boundary for Yatton, Policy SA1 of the adopted Site Allocations Plan (SAP) allocates part of the application site for residential

development with an indicative capacity of 60 dwellings. Schedule 1 of the plan lists specific site-related requirements that must be taken into account.

Two of these requirements relate to the parcel of land referred to as the orchard, which is within the extent of the planning application but beyond the boundary of the SAP allocation as shown on the Policies Map. In respect of access to the site, the SAP states that *“The provision of an access road across the orchard will only be considered if alternative access arrangements cannot be made and subject to a suitable scheme being agreed with Natural England. Should a suitable scheme not be agreed, alternative access arrangements must be made”*.

Options for alternative means of access have been considered. Since the last application was refused, officers have made extensive investigations into the potential for an alternative access. This has included a number of meetings with the owners and partner developers of the adjacent Rugby Club.

There are two potential routes excluding one further option which was discounted during the last application due to its potential impacts. It was considered that whilst this route, across farmland might possibly address concerns about the orchard, it leads to a number of undesirable impacts and other risks. That route lies outside the settlement boundary and is not on land allocated for any form of development. It would necessitate a new access road from Kenn Moor Road with the necessary visibility splays for the higher speed road which would be likely to damage further roadside vegetation, possibly necessitate one or two bridges or culverts to cross the roadside rhyne and the Stowey Rhyne and a breach of the hedge line along the Stowey Rhyne to access the development area. This would be likely to cause landscape and ecological harm. Development on this side of Stowey Rhyne has always previously been resisted and the geometry of the access and the need to retain maintenance margins for the Stowey Rhyne would result in a significant projection into that field and be likely to enclose land that might come under development pressure in the future. Further, it is likely that the road would need to be raised above existing field levels causing landscape harm. This alternative is not considered to be a desirable solution that can be supported.

Of the other two options, one is via Grange Farm Road and the other via the adjoining rugby club grounds. The access via Grange Farm Road involves a cul-de-sac at the end of which there is a turning head that provides access to several properties. However, this is a privately maintained highway and neither the applicants nor the Council have control over it.

The principle of accessing the development site through this route could be technically feasible but more detailed investigation might be required into the full range of highway and other issues. Some have suggested that this would be beneficial in terms of making the development site more accessible to Horsecastle and integrating it better with the village. However, it is understood that there is very little difference between the distance via Moor Road and this alternative in terms of walking or cycling distance.

The second alternative would be via the rugby club grounds. It is known that the club is actively exploring the development of its own ground. The club has been working with a selected development partner and in earlier discussions it was evident that although the club was open-minded about this possibility of deriving access from the rugby club grounds, the developer was not favourably inclined to this solution.

The applicant does not support either option and believes that with construction of an access road before any plots or servicing of land could take place together with the challenges of securing an alternative for the club, it could be 4-6 years before the site could be developable, which they consider unreasonable, with a potential risk that the rugby club site might still not become available to them for access. The applicant is opposed to being placed in a position where they are dependent on another developer for site access especially where there is a lack of certainty of a timescale for that development being brought forward or approved by the Planning Authority. A further factor is the potentially lengthy process that would ensue from the need to secure replacement pitches.

To further complicate this alternative, disruption of the existing ground could not realistically take place without the club having established a usable set of pitches at a replacement location, as it is believed there is insufficient space to allow active sport to take place alongside a major construction access to the application site. Pitch replacement normally is expected, according to Sport England, to take up to two growing seasons before being usable. The potential for such a period to be reduced is likely to be dependent on ground conditions or the construction of replacement pitches. Artificial hybrid pitches formed from rubber crumb and natural base can be formed but are not universally popular with some sporting organisations because of concerns over their impacts on players' wellbeing. Furthermore, such pitches are considerably more costly than natural pitches.

Other options such as omitting housing plots from the proposed development or agreeing not to develop some that might be used as an access or allowing a temporary access only across the orchard, pending arrangement of one of the alternatives have been discounted by the respective developers controlling adjacent sites, as unworkable.

The Neighbourhood Plan for Yatton was made on 23rd July 2019 and being at an advanced stage was a material consideration in the decision-making process on the last application (P&R Committee 17th July 2019). The orchard was included as potential Local Green Space in the submitted draft Neighbourhood Plan, but the examiner did not support the designation. Consequently, the Plan does not contain any open space or other protective designation for the orchard. The 'made' plan does not contain any housing policies directly relating to the application site, though there are other policies that have relevance if the site is approved such as those relating to dark skies and walking and cycling. There are no open space policies which affect the orchard within the Council's Site Allocations Plan 2018.

Notwithstanding this, there are strong policy reasons to resist built development on the former orchard should any be proposed in the future. Whilst the principle of residential development on the allocated part of the site has been established through the Site Allocations Plan, the Plan is clear that no development except for access, will be considered acceptable within the orchard. The orchard is part of the rural setting of the village which the Local Plan policy seeks to protect.

Because the Council currently does not have a five-year supply of deliverable housing sites, applications for housing must therefore be considered in accordance with NPPF paragraph 11(d). This requires permission to be granted unless any adverse impacts of doing so would "significantly and demonstrably" outweigh the benefits when assessed against the policies in the NPPF taken as a whole.

The benefits of approving the additional housing in accordance with the adopted plan is considered to outweigh the impacts of the development on the village gateway and ecology which can be made acceptable through the mitigation measures identified in this report. The proposal provides 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 is therefore 18 units. This will be delivered via a s106 agreement.

It is considered that the proposal provides a satisfactory mix of housing sizes, though with a preponderance within the middle-sized ranges and terraced, semi and detached houses and with only 6 properties of 2.5 storeys which is considered are best limited on this site given its prominence. It incorporates policy compliant affordable housing provision within the layout.

Issue 2: Highway safety and capacity

The proposed access is onto Moor Road, close to the junction with Kenn Moor Road. The south-east end of Moor Road, which is an unclassified highway subject to a 30mph speed limit, has been blocked off and forms a cul-de-sac that serves 15 properties.

The previous application for 66 properties on this site (ref 16/P/0888/F) was refused on environmental impact and appearance but not on highway grounds. The revised housing layout provides a reduction in property numbers but maintains the same access arrangements previously approved by highways. In support of the earlier application a Transport Statement had been submitted.

The submitted plans indicate the provision of a new 5.5m wide simple priority junction onto Moor Road to serve the development and 2.0m wide footways will be provided on either side of the junction. The existing junction between Moor Road and Kenn Moor Road will be realigned. At this point the road is a 'C class highway stretching from the B3133 to the south and Nailsea Wall to the north and is part of a Quiet Lanes project to provide safe routes for people to walk and cycle safely, though this is currently being reviewed in the light of public responses to a TRO consultation. The road is subject to a 30mph speed limit along the stretch from the B3133 to just past the bridge at Stowey Rhyne, adjacent to the site access where the speed limit then increases to 40mph. The submitted plans indicate visibility on Kenn Moor Road to be 2.4m x 120m to the north which meets the required standard. Speed surveys derived at the Moor Road/Kenn Moor Road junction found the 85th percentile speed to be 40mph northbound. Visibility to the south is indicated as 2.4m x 75m within highway land which meets the required standard. The gateway feature is expected to reduce traffic speeds at this point.

The applicant has previously submitted a Road Safety Audit (Stage 1 and 2) which has not raised any highway concerns regarding road safety for the proposed development. The plans indicate the main access roads will be 5.5m wide with pavements on each side except where passing through the orchard. Concern has been raised about the road width into the development and the potential for on street parking within the development restricting widths for service vehicles. A Traffic Regulation Order (TRO) would however be required to remove the parking and this would be subject to consultation. The funding of a TRO would be secured by way of a S106 developer contribution, which would also include a contribution towards lining and traffic management measures, as required.

Tactile crossing points are shown on all relevant junctions with a bollard provided at the footpath entrances to the areas of public open space to prevent use by vehicles. A condition will be required to ensure that no planting takes place within the visibility splays that are to be kept clear.

Local residential car parking standards are set out in the North Somerset Parking Standards SPD and outline the minimum required number of car parking spaces for residential development, Policy CS11 of the Adopted Core Strategy states that adequate parking must be provided and managed to meet the needs of anticipated users (residents, workers and visitors) in usable spaces. Based on the type and number of units proposed 131 parking spaces as detailed are adequate to serve the development. The required cycle parking standards would be secured by planning condition.

The proposed road width is adequate to allow the standard size recycling, waste, and garden waste vehicles to get unhindered access. NSC Waste Team will not service an area with smaller vehicles which are less efficient, more costly and have a bigger impact on carbon emissions. A refuse collection point should be accessible no more than 30 metres from each dwelling and no more than 15 metres from adoptable highway where a refuse vehicle can manoeuvre. Whilst a plan has been provided which shows the location of bin storage, further detail secured by condition, is considered necessary to ensure that satisfactory arrangements are in place for the placing and emptying of containers.

The site is within statutory walking distance of primary schools but beyond the statutory walking distance to the nearest comprehensive school. Contributions towards school travel for secondary school pupils will be required. It is reasonably well served by the local bus network and close to the railway station for commuter trips to Bristol. There will be a requirement for the applicant to provide a contribution towards travel information packs, public transport taster tickets and cycle vouchers for each residential unit. These contributions are required to ensure the development is not reliant on single occupancy car trips and should be secured via S106 Agreement. An updated Travel Plan should be secured by planning condition and agreed prior to first occupation. It is considered that electric vehicle charging points for each plot should be provided, and the appropriate planning condition is recommended.

The local rural highway network and the volume of material that may need to be removed and brought to site must be considered and a construction management plan would be required before the commencement of development on the site. This is likely to include but not be limited to, HGV routing, provision for staff car parking, times of site operation, volume of HGV movements throughout the day, highway safety measures such as wheel washing facilities and mitigation measures for any remedial works required. The appropriate planning condition would secure this requirement.

Overall, there are no overriding adverse highway or transport impacts arising from the development proposal subject to the appropriate conditions that are referred to within this planning issue. The proposal satisfies development plan policies CS10, CS11, DM24 and DM28.

Issue 3: Impact on the character of the area and living conditions of adjoining properties

The plans do not propose residential development within the orchard, which provides an important transition between the village and its' rural setting. The access road itself would not have an unacceptable impact provided Natural England's requirements can be met.

In respect of the living conditions of neighbouring properties it is considered that there are no significant issues. The layout has been amended following the previous refusal with three gabled ended houses now facing the rear elevations of the dwellings located at the head of Dairy Close and Grange Farm Road. The closest separation distance is in excess of 19 metres and therefore well beyond the minimum 12 metres permitted in the Residential Design Guide (RDG1) Section 1. There is also screening vegetation on the boundaries of the existing properties which is understood to be within the control of those householders.

The submitted plans show planting to the rear of the proposed visibility splays and further details such as plant spacing and type will be secured by condition. Further trees within the orchard are also proposed to replicate traditional orchard planting plans and space between, for picking and mowing with a less frequent mowing regime. This will take up a slightly larger area of the orchard than originally proposed. A strong landscape buffer with hedge and tree groups along the Stowey Rhyne is proposed, which will reduce the visual impact of housing when approaching from the Moors but importantly recognises the importance of the Stowey Rhyne to bats.

This retained orchard area should be enclosed with an appropriate style of parkland railing with lockable gates to limit access to the orchard and fungus, to authorised persons to ensure protection of trees, understorey and fungus. This will need to be secured by condition. The applicant has provided a play area on the northern side of the orchard, which is considered acceptable but will need physical separation from the orchard to protect its future integrity. It is considered that a low knee rail is required along the north-eastern side of the access road and can be secured by condition. The preferred long-term management of this space would be by transfer to this Council or the Parish Council which previously had sought its designation as local green space in the draft Neighbourhood Plan. The developer has been requested to agree this or propose other suitable maintenance arrangements to protect the orchard.

There is no intention to provide streetlighting within the orchard thereby mitigating the risk of impact on bats. The character of the orchard will change as a result of the proposed road and new planting but, with sensitive care and management, the existing character and contribution which the orchard makes to the approach to the village will be maintained as far as possible.

Issue 4: Drainage and Flood Risk

The site has been assessed and would not raise unacceptable drainage or flooding issues subject to relevant planning conditions. The Internal Drainage Board (IDB) confirms the outfall invert level has been agreed so the site may discharge to the local Rhyne. An operation and maintenance schedule has also been provided and is considered satisfactory for the proposed surface water drainage arrangement. It is understood, that

either Wessex Water or a named private management company will be responsible for the maintenance of the proposed surface water features.

Issue 5: Impact on protected species

As stated under Issue 1 above, access across the orchard is only acceptable if it is demonstrated that alternative access is not achievable. This has been investigated and there are no deliverable, reasonable alternatives. Natural England does not object in principle to the proposals but has raised issues of impact on bats and a need for mitigation as well as other procedural matters. The concerns raised about impacts on a rare fungus are no longer being raised as a primary issue although measures are in place to protect and rejuvenate the orchard and protect it from the impact of the new development.

The impact of the access on bats results largely from the removal of hedgerows to create visibility splays at the entrance. It might be possible to explore less onerous visibility splays if felt desirable but notwithstanding this, replacement planting, additional landscaping and omission of streetlighting would provide the requisite mitigation. Natural England has indicated that it considers advance planting, ahead of construction works is necessary to maintain continuity of flight routes between the existing and proposed additional roost and the valuable Stowey Rhyne corridor. Confirmation is being sought from the applicant that this can form part of the s106 provisions. A formal Habitats Regulations Assessment will still need to be adopted by the Council and signed off by Natural England before a planning permission can be issued.

Issue 6: Design and space standards

The layout is satisfactory and provides for local open space including a small play area, within the former orchard and accessed by footpaths. This is considered satisfactory, though it is considered that one of the footpath links could beneficially be omitted to reduce visual impact and subdivision of the former orchard area. The submitted layout has enabled some positive effects in terms of passive solar gain, slight loosening of the layout and a better mix of buildings and is similar to that previously recommended for approval on the earlier application but with six fewer dwellings than that scheme. In terms of gross density, it is stated to be 22 dwellings per hectare (dph). In net terms, focusing only on the developable area's density is approximately 41 dwellings per hectare which is a satisfactory density. It meets the Council's requirements regarding facing windows on the private side of dwellings.

The energy report sets out its strategy for meeting necessary standards for greenhouse gas reduction mainly through locational and passive design measures. It considers a variety of different means of generating renewable energy and meeting the requirements of Policy CS2. However, despite the practical potential for using some of these the report discounts their use, including two of the most commonly used methods-solar pv panels and air source heat pumps- on the grounds of viability. However, this does not meet the Council's policy requirements and whilst this may ultimately be achievable it will be necessary to demonstrate more clearly that viability is an issue through a viability study that can be assessed independently. Policy CS2 does allow for the Council to consider viability as an issue but this is normally the case where the developer has made some attempt to achieve this but cannot achieve the *full* 15% of predicted energy requirements being made through renewables. The applicant has been asked to amend this to meet the

policy requirement or provide further justification that this would render the development unviable.

The policy objectives of Policy DM42 are not currently met. The Accessible Housing SPD states 17% of the proposed dwellings should be constructed to the above standards. The standards are applied to all house and tenure types and compliance will either need to be confirmed or amendments made to ensure compliance.

The same policy also seeks compliance with the National Described Space standards. The floor areas of the proposed dwellings are provided and show opportunity for interchange between bedroom and home office working rooms and thus can meet the standards.

The Crime Prevention Design Adviser has drawn attention to access to the former orchard, the need for clear demarcation between public and private space, gates and lighting. These are considered satisfactory, but some matters are more detailed than would normally be covered in the planning application, so it is proposed to draw the developer's attention to these through an advisory note.

Issue 7: Loss of playing fields

The application site was used over a number of playing seasons by the rugby club for youth training but had not been the subject of either formal planning or lease arrangements. That use has now ceased following termination of the informal arrangement with the landowner.

The NPPF (para 97) makes it clear that existing sports facilities (i.e. those which are used for sport, have been in the past or could be used in the future) should be protected unless specific conditions can be met. Fulfilling these conditions requires an understanding of the current and future needs and opportunities for sports facilities. Core Strategy policy CS27, also requires that existing facilities will be safeguarded unless suitable alternative facilities can be made available.

Policy DM68 seeks to protect land last used for sporting facilities whilst enabling development if acceptable alternative provision is made in the vicinity and subject to several other criteria. Sport England (SE) has considered the applicant's response regarding new grass areas at North End Yatton which is currently being used by the rugby club for youth coaching under Permitted Development provisions. There is no toilet, changing or catering at this site. SE's view is that the application site was used more extensively with access to the facilities on the adjacent main ground. Accordingly, SE has taken the stance that replacement playing fields of a suitable standard should be funded. This view is consistent with the Council's Playing Pitch Strategy 2020-2036. There would need to be detailed requirements to ensure this is spent locally on pitches if the rugby club does not proceed with its plans to provide permanent replacement pitches. Subject to the detail of the proposed section 106 agreement for an off-site financial contribution towards sports facilities the objectives of policies CS27 and DM68 will be met.

Issue 8: Impact on setting of Listed Building

The development is within the setting of the Grade II listed building, The Grange. The Grange is a mid-18th century farmhouse including a 19th century rear wing, with some

20th century alterations. It has historic links with the adjacent orchard site which forms part of the proposed development, as historically, The Grange was a cider-producing farm.

The new site layout has a limited negative effect on the listed building equating to less than substantial harm in accordance with the NPPF paragraph 196. Some harm to the setting will be caused by the addition of extra traffic but no dwellings are proposed within the orchard and thus the wider view of its context and setting may still be appreciated.

The new orchard tree planting will help reinstate this historic feature on this site and bring back the associated historic character and reflect something of the historic role of Grange Farm as a cider-producing farm. The impact of the proposal is further reduced with the omission of the footway on the north-east side of the access road.

The proposal is therefore in accordance with policy CS5 and policy DM4 of the Sites and Policies Plan (Part 1), section 16 of the NPPF and section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

Issue 9: Development Contributions and Community Infrastructure Levy

Policy CS34 of the Core Strategy and Policy DM71 of the Sites and Policies Plan Part 1 set out the requirement and mechanism to seek developer contributions to mitigate the impacts of a development proposal. This application is for residential development of 60 dwellings and therefore subject to developer contributions.

Contributions have been sought towards: (a) the provision of a Local Landscaped Area for Play (LLAP) (b) drainage works required by the IDB, (c) funding of TRO for parking restrictions and associated works; (d) fire hydrant provision and maintenance; (e) replacement sports pitches; (f) home to school transport for secondary school pupils and (g) travel information packs, public transport taster tickets and cycle vouchers for each residential unit.

Community Infrastructure Levy

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

The Council is not permitted to enter into S106 agreements requiring infrastructure that is to be funded through the CIL. A formal list (known as the "Regulation 123 List") has been published on the above webpage setting out which infrastructure will be funded through the CIL and which will remain the subject of S106 planning obligations.

Natural Environment and Rural Communities (NERC) Act 2006

The impact of the proposal on European protected species is referred to within Issue 5

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.

Crime and Disorder

The proposed development will not have a material detrimental impact upon crime and disorder. This issue is considered above.

Local Financial Considerations

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

Conclusion

This is an allocated site for housing. Recognising the criteria stated in the Site Allocations Plan the options for an alternative access to the allocated site avoiding the orchard has been thoroughly investigated and there are none that are reasonable and deliverable. In addition, the Council is currently unable to demonstrate more than 4.2 years supply of house building land and therefore unless the harm of approving the development outweighs the benefits of doing so, the development should be approved. In this case, if the matters identified above are addressed, together with the measures proposed, then the adverse impacts will have been properly mitigated.

RECOMMENDATION: Subject to –

- (a) clarification regarding renewable energy provision;
- (b) confirmation concerning compliance with Policy DM42;
- (c) the completion of a section 106 legal agreement securing:
 - I. the provision of 30% Affordable Housing,
 - II. the provision of neighbourhood open space and the transfer of the orchard to the Parish Council for future management as local green space with ecological features,
 - III. agreement to a detailed phasing plan to enable planting important to maintaining continuity of bat flight corridors to the existing and additional roosts to be carried out and established ahead of commencement on the construction works, together with
 - IV. financial contributions towards (i) replacement sports pitches (ii) the provision of a Local Landscaped Area for Play (LLAP), including associated commuted sums (iii) drainage works required by the NSIDB, (iv) funding of TRO for parking restriction on Kenn Moor Road in the vicinity of the junction with Moor Road and within the section of new road crossing the orchard; (v) fire hydrant maintenance; (vi) travel information packs, public transport taster tickets and cycle vouchers for each residential unit and (vii) home to School transport for secondary school pupils

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

1. The development hereby permitted shall be begun before the expiry of three years from the date of this permission:

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in accordance with the approved plans and documents (*to be listed on the decision notice*).

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

3. No plant, vehicles, machinery, or materials associated with or required for the construction of the development hereby approved shall be stored, used, or parked within the existing and retained orchard land unless the location has otherwise been submitted to and approved in writing by the local planning authority. The Orchard shall thereafter be retained as open space in accordance with a management plan to be submitted to and approved by the local planning authority prior to the occupation of the first dwelling. No means of external illumination shall be installed within the Orchard land and the proposed access road passing through the Orchard.

Reason: To protect and maintain the biodiversity and ecological importance of the site in accordance with policies DM7 and DM8 of the North Somerset Council Sites and Policies Plan Part 1 and in accordance with Schedule 1 of the Sites and Policies Plan, Part 2 Site Allocations Plan.

4. No site clearance, preparatory work or development shall take place until a plan for the protection of the Orchard and the retained trees (the tree protection plan) including those outside the site boundary that may be affected by the development and the site specific statements for working methods in relation to demolition, construction, landscaping in accordance with Sections 5 to 8 of British Standard BS5837: 2012 - 'Trees in relation to design, demolition and construction - recommendations' (the arboricultural method statement) has been agreed in writing by the local planning authority. These measures shall be carried out as described and approved.

Reason: To ensure that no excavation, tipping, burning, storing of materials or any other activity takes place within this protective zone and in accordance with policies CS4 and CS9 of the North Somerset Core Strategy and the Biodiversity and Trees Supplementary Planning Document and policies DM8 and DM9 of the North Somerset Sites and Policies Plan Part 1.

5. No development shall commence until a plan showing the location and design of tree and hedge protection fencing has been submitted to and agreed in writing by the Local Planning Authority and the agreed protection measures has been erected around existing trees and hedges to be retained. The Authority shall be informed at least seven days before works start on site so that barrier position can be established. The agreed fencing shall remain in place during site works. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, including compaction of the ground by any other means, without the written consent of the Local Planning Authority.

Reason: To ensure that trees and hedges 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 North Somerset Core Strategy, policies DM8, DM9, DM10 and DM32 of the North Somerset Sites and Policies Plan (Part 1) Development Management Policies and the North Somerset Biodiversity and Trees SPD.

6. No development shall take place until a Construction Environmental Management Plan and Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period and any changes shall be submitted to and approved in writing by the Local Planning Authority before they are carried out. The Statement shall provide for:
- a. hours of construction;
 - b. routing of vehicles;
 - c. details of site enabling works; method of works, including: siting and installation of services such as drainage;
 - d. the parking of vehicles of site operatives and visitors;
 - e. loading and unloading of plant and materials;
 - f. storage of plant and materials used in constructing the development;
 - g. the erection and maintenance of security fencing, where appropriate;
 - h. wheel washing facilities;
 - i. measures to control the emission of dust and dirt during construction;
 - j. a scheme for recycling/disposing of waste resulting from demolition and construction works;
 - k. measures for prevention of pollution;
 - l. measures to control noise from works on the site and;
 - m. measures for avoidance of harm to ecological features and trees. Works shall be implemented in strict accordance to the approved methodology.

Reason: In order to protect the living conditions of nearby residents, highway safety and to safeguard protected species and biodiversity - in accordance with the Wildlife and Countryside Act 1981 (as amended), policies CS3 and CS4 of the North Somerset Core Strategy, and policies DM8, DM55 and DM58 of the North Somerset Sites and Policies Plan (Part 1). The details are required prior to commencement in order to ensure that the construction activities do not cause harm to neighbours, highway safety or protected species/biodiversity.

7. Details of the finished floor and ridge height levels for each dwelling in context to the existing ground levels and the ridge height of neighbouring properties, shall be submitted to and approved by the Local Planning Authority before any foundations are excavated. The development shall thereafter be carried out in accordance with the agreed finished ground, floor and roof height levels.

Reason: In the interests of the character and appearance of the area and in accordance with policies CS5 and CS12 of the North Somerset Core Strategy and policy DM32 of the Sites and Policies Plan (Part 1).

8. Notwithstanding the approved external materials plan, Drg. No. 102 Rev. L, no development above foundation slab level shall take place until sample panels of the roofing and external wall materials, including colour of render, and surface materials to be used in the construction of the access road, driveways and

parking areas, respectively have each been submitted to and approved, in writing, by the Local Planning Authority for each part of the development. Construction shall be only in accordance with the approved sample panel in terms of colour of stone, mortar mix, jointing and means of laying. The development shall be carried out in the approved materials unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that the materials area 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, policy CS12 of the North Somerset Core Strategy and policy DM32 of the North Somerset Sites and Policies Plan Part 1.

9. The cycle storage facility for each dwelling, including the cycle storage for the proposed apartments, as shown and referred to on drawing No. 110 & 102 Rev. L shall be provided in a secure lockable form prior to the occupation of each respective dwelling and shall thereafter be maintained by the future occupiers at all times.

Reason: To promote the use of a sustainable mode of transport and in accordance with policy CS12 of the North Somerset Core Strategy policy DM28 of the North Somerset Sites and Policies Plan Part 1 and the North Somerset Parking Standards SPD.

10. No development shall commence until details of a Landscape Ecological Management Plan (LEMP) is submitted to and approved in writing by the Local Planning Authority. This shall include: a location plan, planting schedule and workplan, detailing management objectives, timings and details of management prescriptions. The submitted detail shall also incorporate a monitoring schedule to cover bat activity during construction and in years 1, 3 and 5 post construction together with light levels within retained dark corridors. The approved detail shall thereafter be implemented in full in accordance with the recommendations and mitigation requirements of the LEMP.

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

11. No development shall commence until a landscape 'phasing' planting plan for the overall site, together with details and phasing of the pond construction, has been submitted to and approved in writing by the Local Planning Authority. The initial phase of the landscape planting scheme shall relate to the planting within the Orchard area and alongside Stowey Rhyne which, subject to the submission and approval of the landscape planting scheme referred to in condition 12, shall, together with the erection of protective fencing and construction of the pond, be carried out prior to the commencement of any other works on site, including the removal and breach of the existing hedgerow and the construction of the approved site access road.

Reason: To ensure that new and additional planting, together with the pond, and the benefits that it will provide to the ecology of the area, is established at the earliest opportunity in mitigation for the proposed removal of the sections of existing hedgerow, and to maintain and enhance the future habitat for bats in accordance with policy CS of the North Somerset Core Strategy and policy DM8 of the North Somerset Development Management Sites and Policies Plan Part 1.

12. Notwithstanding the submitted landscape planting plan Drg. No. Y13 and the planting schedule Drg. No. Y14, no development shall commence until further details of a landscaping scheme, including full details of the size, species and spacing of plants and trees, have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that a satisfactory landscaping scheme is prepared and in accordance with policy CS9 of the North Somerset Core Strategy and policies DM10 and DM32 of the North Somerset Development Management Sites and Policies Plan Part 1.

13. All works comprised in the approved details of landscaping shall be carried out during the months of October to March inclusive with the initial phase of planting within the Orchard taking place in accordance with the requirements of condition 11, and thereafter all other details of landscaping to be implemented following occupation of the dwellings or completion of the development, whichever is the sooner.

Reason: To ensure that a satisfactory landscaping scheme is implemented in accordance with policy CS9 of the North Somerset Core Strategy and policies DM10 and DM32 of the North Somerset Sites and Policies Plan Part 1.

14. Trees, hedges and plants in any development phase shown in the landscaping scheme to be retained or planted, which during the development works or during a period of ten years following implementation of the landscaping scheme in that development parcel, which are removed without prior written approval from the Local Planning Authority or which die, become seriously diseased or damaged, shall be replaced in the first available planting season with other such species and size as are to be agreed with the Local Planning Authority.

Reason: To ensure as far as possible that the landscaping scheme is fully effective and in accordance with policy CS9 of the North Somerset Core Strategy and policies DM10 and DM32 of the North Somerset Sites and Policies Plan Part 1.

15. No culverting of watercourses on the site will take place except for access points without the agreement of the LPA.

Reason: To ensure that there is no restriction in the conveyance of the flow or volume of water. To preserve the biodiversity and habitats in the water corridor and ensure that clear access to watercourses for maintenance is allowed in accordance with the National Planning Policy Framework and 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).

16. No development shall commence 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. The results of this assessment shall be provided to the local planning authority with the submitted details. The system shall be designed such that there is no flooding for a 1 in 30-year event and no internal property flooding for a 1 in 100-year event + 40% allowance for climate change. The submitted details shall:
- a) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharge rate and volume from the site in accordance with the approved FRA and the measures taken to prevent pollution of the receiving groundwater and/or surface waters; and, taking into account long-term storage, and urban creep
 - b) provide a plan indicating flood exceedance routes, both on and off site in the event of a blockage or rainfall event that exceeds the designed capacity of the system. This should contain spot levels, finished floor levels and contours.

Reason: To reduce the risk of flooding to the development from surface water/watercourses, and in accordance with the National Planning Policy Framework (notably paragraphs 17, 103 and sections 10 and 11), 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). The information is required before works start on site because it is necessary to understand whether the discharge rates and volumes are appropriate prior to any initial construction works which may prejudice the surface water drainage strategy.

17. No development 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 the National Planning Policy Framework (notably paragraphs 17, 103 and sections 10 and 11), 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). The information is required before works start on site because it is necessary to understand how the system will be maintained during construction works and before the hand over to a management company to prevent flooding downstream of the system.

18. No development shall be commenced until satisfactory details have been submitted to, and approved in writing, by the Local Planning Authority to show how the road drainage in the existing highway along the frontage of the site secures functionality and effective drainage of the highway and site access to the rhyne. The approved detail shall be implemented in accordance with the submitted and approved detail.

Reason: To allow safe access onto the development from the main highway for emergency services and residents and to reduce the risk of flooding to the development from surface water/watercourses, and in accordance with the National Planning Policy Framework and 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).

19. No development, including planting, shall take place within 6 metres of the top of the bank of the watercourse (Stowey Rhyne) located at the north east of the site.

Reason: To ensure that sufficient width of land is available to accommodate the future maintenance of the existing watercourse and to mitigate the risk of flooding in accordance with the National Planning Policy Framework (notably paragraphs 17, 103 and sections 10 and 11), 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) and SPD Biodiversity and Trees Section 8.4.

20. The dwellings hereby approved shall not be occupied until measures to generate 15% (less if agreed with the local planning authority) of the energy required by the use of the development (measured in kilowatt hours - kWh) through the use of micro renewable or low carbon technologies have been installed on site and are fully operational in accordance with 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: In order to secure a high level of energy saving by reducing carbon emissions generated by the use of the building(s) in accordance with policies CS1 and CS2 of the North Somerset Core Strategy.

21. The dwellings hereby approved shall not be occupied until the space and facilities provided on site for the storage and collection of waste have been constructed and implemented in accordance with the approved plans, Drg. Nos. 110 Rev. A and 102 Rev. L. Thereafter, the approved space and facilities for the storage and collection of waste shall be permanently retained unless otherwise agreed in writing with the Local Planning Authority.

Reason: The Local Planning Authority wishes to encourage sustainable waste collection initiatives in the interests of local amenity and sustainable waste management and in accordance with policies CS1 and CS7 of the North Somerset Core Strategy and policy DM32 of the North Somerset Sites and Policies Plan Part 1.

22. No development shall take place until a scheme for the provision and location of fire hydrants to serve the development to a standard recommended by the Avon Fire Service has been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the approved scheme has been implemented.

Reason: To ensure that the necessary water reliant infrastructure is installed in the interests of public safety and in accordance with policy CS34 of the North Somerset Core Strategy and policy DM71 of the North Somerset Sites and Policies Plan Part 1.

23. No development shall commence until a bird nesting and bat roosting strategy has been submitted to and approved in writing by the Local Planning Authority. The submitted strategy shall include the specification and locations of proposed bird nesting places and bat roosting places. The development shall thereafter be carried out in full accordance with the approved details.

Reason: To put in place the necessary measures to protect nesting birds and roosting bats in accordance with policy CS4 of the North Somerset Core Strategy and policy DM8 of the North Somerset Sites and Policies Plan Part 1.

24. There shall be no planting within the proposed visibility splays located to either side of the proposed site access which shall be kept clear and free of obstruction at all times.

Reason: In the interests of road and pedestrian safety and in accordance with policy CS10 North Somerset Core Strategy and policy DM24 of the North Somerset Sites and Policies Plan Part 1.

25. The existing Travel Plan shall be updated and resubmitted for consideration and approval by the Local Planning Authority prior to first occupation.

Reason: The existing Travel Plan is several years old and requires a review to ensure compliance with policy DM26 of the North Somerset Sites and Policies Plan Part 1.

26. The areas of Orchard that will be located to either side of the proposed access road shall either prior to, or immediately following the removal of the hedge and formation of the vehicle access, be enclosed with temporary fencing which shall remain in place until such time as details of a permanent fence, to be erected on the south west side of the access road, and a knee rail on the north east side of the access road, has been submitted to and agreed by the Local Planning Authority in writing. The agreed fencing and knee rail shall thereafter be erected prior to first occupation and shall at all times be kept in good decorative condition in accordance with a management plan that shall oversee the Orchard and other

parts of the site that are not located within the private ownership control of the individual plots.

Reason: To protect the future Orchard environment and the ecological benefits that the Orchard provides to the wildlife habitat in accordance with policy CS4 of the North Somerset Core Strategy and policy DM8 of the North Somerset Sites and Policies Plan Part 1.

27. Details of the proposed play area shall be submitted to the Local Planning Authority for approval on, or before the access to the development site is provided. The submitted details shall be designed using materials appropriate to the Orchard setting. The agreed plans shall thereafter be implemented, and the play area made available for use on or before occupation of the sixth dwelling.

Reason: To ensure that an acceptable play provision appropriate to the scale of the development is provided and that the detailing is visually sympathetic to the setting of the Orchard and in accordance with policy CS27 of the North Somerset Core Strategy and policy DM32 of the North Somerset Sites and Policies Plan Part 1.

Informatives

1. The applicant/developer is advised that the works within the highway in association with this development will require the developer to enter into a S278 Agreement (Highways Act 1980). The developer is advised to make early contact with the highways officer (Tel: 01934 426707) so that the processing of the order does not impede the implementation of planning consent. The developer will be required to agree to the specification of the works, meet the Council's costs in the drawing up of the order, provide a bond or cash equivalent and meet the Council's inspection charges.
2. The applicant/developer is advised that under section 184 (Highways Act 1980), any new works within the highway boundary must be to the Council's specification and prior to any works the developer must arrange with the Council's Streets & Open Spaces Highway Maintenance Team (01275 888802) for the approval of the works within the highway.
3. The applicant / developer is advised that since 2016 Natural England have introduced target levels for pollution in the SSSI therefore a treatment train needs to be added to the design. English Nature's states - 'Overall the system proposed should aim to achieve a quality of the surface water run-off with total phosphate levels below 0.1mg/l or as close to this as possible, and with other pollutants such as hydrocarbons below relevant EQSs, (environmental quality standards) before entering the SSSI'

Appendix 1
Comments of Yatton and Claverham Parish Council

“**RESOLVED:** that councillors recommended NOT supporting application 19/P/3197/FUL for the following reasons:

Reason for Recommendation. The Parish Council cannot see any merit in this new application and conclude that the long term future of the village cannot be compromised for the short term benefit of the developer. The principle objections made under the previous application remain unaddressed and therefore are still applicable to this new proposal.

The proposal would cause significant and irreversible harm to the rural countryside setting at the entrance gateway to the village along Moor Road, to the setting of the Grade 2 listed building ‘The Grange’ and to the biodiversity and ecology of the Orchard and nearby Bat Conservation Area/Kenn Moor SSSI, for all of which no satisfactory mitigation has or can be found.

The access on to Moor Road was unacceptable and this application should not be allowed to proceed unless access can be secured through the development of the Rugby Club site which it’s understood is progressing towards the planning application stage.

The Environment Agency continue to object to this application because the proposal includes residential dwellings within Flood Zone 3; in light of many parts of the country currently suffering very serious flooding this element of the site must not be compromised.

Many of the evidence documents submitted have not been updated since 2015 (including Flood, Archaeology, Travel & Transport, Energy), some of which acknowledge the negative impacts the development will have and others, in particular the Travel and Transport Plans, are no longer accurate. In five years, vehicle movement has significantly increased and this can be evidenced by recent data gathered by PACT (Police & Communities Together) which is current and very relevant to the sustainability of this site. The site layout design will create unbroken stretches of parking with no footway, this is unsafe for pedestrians and cyclists and visually unattractive.

The Parish Council also wish to re-iterate all the previous comments they have made for development on this site as they are considered to be just as relevant and applicable to this new application.

16/P/0888/F – Persimmon Homes, Land off Moor Road, Yatton.

The following comments were approved by the Planning Committee at a meeting held 17th December 2018.

16/P/0888/F – Amended Plans Land off Moor Rd - Residential development of 83 new dwellings (Use Class 3) with supporting infrastructure and enabling works including: new vehicular access with Moor Road, public open space, landscaping and drainage infrastructure.

RESOLVED: that councillors recommend NOT supporting application 18/P/4585/FUH for the following reasons.

Reasons for Recommendation. The Parish Council wished to re-iterate all the previous comments they have made on this application because the fundamental issues that have been raised have not been addressed or amended. Councillors also wish to make a further point regarding the roads within the proposed plans. They are measured at 5.5 metres wide and have no suitable turning points within the design. This same specification has been a cause for considerable concern within the proposed development of the former Titan Ladders site and it is therefore very unsatisfactory to be presented with the same design specification again. This presumably will require amendment.

Previous comments on this development site

The following comments were approved by the Planning Committee at a meeting held 30th July 2018

i) 16/P/0888/F - Land Off Moor Road, Yatton - AMENDED PLANS - Residential development of 69no.dwellings with supporting infrastructure and enabling works including new vehicular access with Moor Road, public open space, landscaping and drainage infrastructure on land off Moor Road, Yatton.

RESOLVED: that councillors recommend NOT supporting applications 18/P/0888/F for the following reasons.

Reasons for Recommendation. The Parish Council cannot support plans for this development site in any form. They strongly re-iterate all their previous comments which still fully apply. In addition, it is clear that Yatton Rugby Club are now in negotiations for the development of their site and this has a significant impact on these proposals for Moor Road.

The site as a whole is outside the settlement boundary and of a size that is contrary to CS32 which only allows for development adjacent to settlement boundaries up to 25 dwellings.

In particular the Parish Council cannot condone any development of or access road through the orchard next to the Grange and this is supported within the newly adopted Site Allocations Plan April 2018 Schedule 1 and by the Natural England consultation comments. The development of the Rugby Club would provide alternative access arrangements, and this must be pursued, however the development of the Rugby Club would also provide a far more preferable development site within Yatton over the Moor Road site which would blight the beauty of the landscape entrance to the village and the setting of the listed Grange so significantly and permanently.

The following comments were approved by the Planning Committee at a meeting held 7th June 2016.

i) 16/P/0888/F – Persimmon Homes, Land off Moor Road, Yatton. Residential development of 83no.dwellings with supporting infrastructure and enabling works including new vehicular access with Moor Road, public open space, landscaping and drainage infrastructure.

RESOLVED: to strongly recommend **NOT** supporting application 16/P/0888/F.

Reasons for Recommendation The Parish Council have very serious concerns regarding this proposed development as of all the recent deluge of speculative planning applications this has the greatest and broadest of negative impacts. Firstly it is, as far as we are aware, the last in a series of development proposals to target Yatton and therefore in light of over 500 dwellings already approved by North Somerset Council an unsustainable, unnecessary, overdevelopment outside the settlement boundary.

As the number of developments North Somerset Council has seen fit to approve in Yatton has increased it is our view that the S106 that accompanies them will not provide the necessary mitigation for the negative impact they will cause to the infrastructure of our highways, education and health services.

Although it is not as large as the others at North End its position is of far greater significance. It is sited at an exceptional gateway to the village which as you approach its outskirts sees the settlement of Yatton on a ridge and the inclusion of this housing will cause a damaging alteration to this rural pastoral landscape.

The proposal is very similar in terms of size and location to the refused application on Brinsea Road in Congresbury and can be easily correlated to a judgement in the Forest of Dean for a proposed site of 85 dwellings adjacent to a listed building which was refused in the High Court.

The more specific reasons for objection to this particular site are principally on issues of the damaging effect to the adjacent listed building, its setting and ecology, the detrimental impact on the landscape and entrance to the village, the highways and access, drainage and the loss of amenity of rugby club training pitches.

The Listed Building and Surrounding Ecological, Environmental and Social Impacts.

The Parish Council strongly urge North Somerset Council to examine the case of the Forest of Dean District Council v Secretary of State for Communities and Local Government & Anr. Case No: CO/4852/2015 as there are very similar parallels to be drawn between it and the proposed Persimmon site. It was for the same number of dwellings and was also set adjacent to a Grade II Listed Building. The High Court Judge concluded that the damage to the Heritage Asset outweighed other factors including the lack of five year supply and quashed the planning inspector's decision to approve it, siding with the Forest of Dean District Council's refusal decision. This should give North Somerset Council the confidence to turn down this application by Persimmon on the same grounds especially as it has other additional constraints.

The Grade II Listed Building 'The Grange' and its present setting beside an ancient orchard is part of a wider wildlife corridor including an area of SSSI is ecologically rich. The orchard has a rare 'Orchard Tooth' (*Sarcodontia Crocea*) fungus only found in very old apple trees and there are less than 20 cases of it nationwide. The wildlife corridor is an important habitat for Greater Horseshoe bats and the submission by Yatton and Congresbury Wildlife Action Group gives a comprehensive and knowledgeable view of the importance and impact building will have on the wildlife and ecology of the site and its surroundings.

The Parish Council in their submission comments on the Site Allocation plan have requested that the orchard be removed from the plan and deemed as green open space.

The Parish Council consider its protection vital and North Somerset Council should observe the significance and adhere to its own policies and those within the National Planning Policy Framework (NPPF). It is considered that the proposed development is contrary to National Planning Policy 12, 126, 129, 131, 132, 133. Any attempts by the developers to argue that the substantial public benefit outweighs the harm to the heritage asset and its setting should be resisted. Yatton has substantially contributed already to the public benefit of housing with the 500 dwellings that have been agreed.

On a local policy level the proposed development is also contrary to CS4 Nature Conservation and CS5 Historic Environment of the Adopted Core Strategy 2012 and as these policies were unaffected by the subsequent Core Strategy challenges therefore carry full weight.

They are also linked and are contrary to DM8 Nature Conservation within Development Management Policies (DMP) February 2015 and Replacement Local Plan Policies (RLPP) ECH/11 and 13.

In addition DMP February 2015 DM4 Listed Buildings and its links to RLPP - ECH/4 Listed Buildings clearly state that development is expected to enhance the character, appearance and special interest of a listed building and its setting. It is inconceivable that building a housing estate within in its setting can be deemed an enhancement.

The Parish Council were very concerned that the Rugby Club were facing the loss of their training pitches as a result of this application. If they cannot be accommodated on an alternative site in the village it could mean the loss of a thriving sports club that provides a much valued sport and recreation facility which would especially impact on young people. This would be contrary to Adopted Core Strategy 2012 CS27 and DMP February 2015 DM68 Protection of sporting, cultural and community facilities and the NPPF paragraph 74.

Highways and Access

Since 2002 Yatton Parish Council and partnership groups have undertaken several consultations relating to the management of transport through the village and the impact on the quality of life for residents.

In 2002 the Village Character Statement identified *'the volume and speed of traffic, the number of heavy lorries and poor facilities for pedestrians and cyclists as major issues.'* Locations of concerns were the *'High Street and North End Road up to North End roundabout. The railway bridge, as there is poor visibility for accessing the main road from the station inclines both for vehicles and pedestrians'*.

North Somerset Local Plan also supported the evidence and concerns expressed within the Character Statement *'There is an urgent need for traffic calming in Yatton High Street where the pavements and road are narrow in places and the increasing heavy traffic endangers pedestrians'* *Cycling to school is discouraged because the roads are seen as hostile to cyclists and too dangerous i.e. the B3133 running from Congresbury to Clevedon and linking to the M5 motorway'*

Similar views were expressed in: 2014 following a Partners and Communities Together (PACT) Road Safety Review; 2015 Yatton Federation of Schools Parents Consultation;

2015 the precinct 100 residents survey; and in 2016 the Yatton Neighbourhood Plan Consultation.

Following a traffic survey commissioned in 2014 by the Parish Council and PACT, the data showed that over the last 10 years there had been a 28% increase in the volume of traffic through the village and the cumulative effect of housing development in North End would result in that figure being almost 50%. There have been no highways infrastructure improvements made since 2002 and as one North Somerset Council transport officer stated “Congestion is the major problem for Yatton”

In February 2015, North Somerset Council published the Sites and Policies Plan Part 1- Development Management Policies. In the Transport Section, Policy DM24: Safety, traffic and provision of infrastructure etc. associated with development, the aim states: *To ensure that new development will not prejudice highway safety or the operation of the highway network and that the impacts of new developments are adequately mitigated.* TC 10 also states: *Development will only be permitted if it is not likely to lead to an unacceptable degree of traffic congestion or to generate traffic that cannot be accommodated without seriously affecting the character of the surrounding area and can be readily integrated with public transport, cycleway and footpath links and bridleways where appropriate.*

Persimmon homes are proposing that 83 dwellings be added to Yatton village at North End on land at Moor Road. A Travel Plan has been produced that relates to the footpaths and roads within the development but has very little bearing on the transport, cycle and pedestrian infrastructures outside the development.

The access to the site itself is on Moor Road which is a very narrow lane with no footpaths, cycleway or street lighting. It is also a cul-de-sac where residents of the terraced houses on the High Street who have no parking facilities, leave vehicles parked on this narrow highway.

For these reasons we would consider that Moor Road has little capacity and is inappropriate as a vehicular access for 83 properties.



The Moor Road junction with Kenn Moor Road to the north has no footpaths or defined cycleway. It is a narrow road and observing the traffic movement over a period of one hour, drivers travelling both north and south positioned their vehicles in the centre of the road. Approaching the village, there is a bend on the road which restricts visibility of vehicles exiting from Moor Road.

The speed limit on Kenn Moor Road is 60 mph and the 30 mph limit is almost at the junction of Moor Road with Kenn Moor Lane. It has been observed by Yatton Speedwatch that vehicles travelling into a 30 mph speed zone do not reduce their speed until they are

well into the zone. This would mean that vehicles travelling at 60 mph into the village along Kenn Moor Road would be travelling at significantly more than 30 mph at the junction with Moor Road.

For reasons of pedestrian, cyclist and driver safety along this stretch of road we do not support this planning application.



To the south of the junction of Moor Road and Kenn Moor Road, the highway is congested due to the parked cars left by commuters who do not wish to pay the parking fee at the railway station.

A combination of parked vehicles, vehicles approaching the junction at speed with potentially an increase in the volume of traffic, including cyclists makes this planning application unacceptable.

Drainage and Flooding.

The report submitted by North Somerset Council Flood Risk Management Team are objecting to the proposed developments sustainable drainage systems in their present form. It is imperative that ALL the recommendations made by the team are carried out and conditioned as described. It is also notable that the Environment Agency have highlighted that the balancing tank is located in Flood Zone 3 and this would compromise its effect during a flood event due to tide lock. This together with the findings of the Internal Drainage Board when their consultation response is received should also be complied with due to the sites close proximity to Flood Zones 2 and 3.

Finally the Parish Council would like to point out to North Somerset Council P&R committee members that this site is one of those identified in North Somerset Council's Site Allocation Plan 2016, which has been described by the applicants, Persimmon, as having "absolutely no correlation between the sustainability assessment of villages, sites and the allocations made in the plan, therefore the plan is unsound".

They are clearly very critical of the entire Sustainability Appraisal process which underpins how the site allocations have been made and which heavily and unfairly overburdens Yatton, in comparison with other service villages such as Long Ashton and Backwell

<http://bit.ly/21hP6E3>.

Surely if even the applicants are questioning the basis on which this site has been identified then it behoves North Somerset Council to refuse permission, particularly given the very similar situation, and successful recent refusal in the Forest of Dean."