



TOWN AND COUNTRY PLANNING ACT 1990

Appeal by Molwin Estates Ltd for residential development of up to 79 dwellings on land at Bleadon Hill, Weston-super-Mare, BS24 9JN

STATEMENT OF CASE

Planning Inspectorate reference: APP/D0121/W/16/3142927

Local Planning Authority reference: 15/P/0167/O

1.0 INTRODUCTION

1.1 This appeal is by Molwin Estates Ltd against the failure of North Somerset Council to decide the planning application within the statutory determination period. A report to the Council's Planning & Regulatory Committee dated 9th March 2016, which followed the appeal being lodged, sets out the key planning issues that applied at that time. It says that had the Council determined the application officers would have recommended it for refusal for the following putative reasons:

1. The proposed development, by reason of its scale and location, will appear as a long extension of the built-up area in to the countryside. This will cause unacceptable harm to the character and appearance of the landscape, including views to and from the Mendip Hills Area of Outstanding Natural Beauty. The proposed development is therefore contrary to Policies CS5 and CS12 of the Core Strategy, Policy GDP/3 of the North Somerset Replacement Local Plan, Policy E1 (Mendip Ridges and Coombs) of the North Somerset Landscape Character Assessment, Policy DM10 of the Sites and Policies Plan Part 1 – Development Management Policies (Publication Version) and Paragraphs 58, 64, 75 and 109 of the National Planning Policy Framework.
2. The location of the site, by reason of its distance to the nearest services and facilities and the nature (gradient and intermittent footpaths) of the routes leading to it will not encourage walking or cycling. Instead residents of the development will be over-reliant on vehicle use, even when undertaking local journeys. This is not conducive to sustainable development and the proposal is contrary to Policies CS1 & CS10 of the North Somerset Core Strategy, Policy T/10 of the North Somerset Replacement Local Plan, Policy DM24 of the Sites and Policies Plan Part 1 – Development Management Policies (Publication Version) and Paragraph 35 of the NPPF.

This was agreed by the Council's Planning & Regulatory Committee.

1.2 The appellant in their 'Statement of Case' (February 2016) says their appeal will be based on the following subjects:

- Housing Land Supply
- Landscape and Visual Impact
- Ecology
- Highways and Accessibility
- Design
- The 'paragraph 14' balance

1.3 The Council will put forward, explain and defend the putative refusal reasons and other matters raised by the appellant. The witness's qualifications and experience will be described. At present it is anticipated there will be five or six witnesses representing North Somerset Council's dealing with the following issues:

- Development Control
- Planning Policy
- Sustainability
- Landscape
- Highway
- Ecology

1.4 The Council will seek to agree points of fact and policy with the appellant in advance of the exchange of Proofs of Evidence in a Statement of Common Ground.

2.0 Site and Proposal

2.1 The Council will describe the appeal site in terms of its dimensions and area, its current use, its appearance and its position in the wider landscape.

2.2 The Council will describe the application subject to this appeal.

3.0 **Background / Supporting Information**

3.1 The Council will summarise consultee responses and other third party comments. It will also refer to and provide a copy of the report to the Council's Planning & Regulatory Committee on 9th March 2016.

3.2 The Council will seek to agree with the appellant planning obligations in a Section 106 Agreement. Its scope is likely to be as follows:

Subject	Sum	Works in kind
On-site Informal Open Space	15 year maintenance sum and supervision fees. Category of commuted sums is set out in comments	15 square metres per dwelling (excluding SUDS and Landscape Buffers)
Built Sport and Leisure Facilities	On site provision of a play area, minimum of 600m ² , with a minimum of 6 pieces of play equipment, with accompanying commuted sum to cover a 15 year period. Off-site contribution towards built facilities and towards playing pitches	

Affordable Housing		A minimum of 30% on site provision made up of 82% social rent and 18% shared ownership
Library Services	Financial Contribution to be agreed	
Education	Financial Contribution towards: Early Years 0-4 and Primary 5-11	
Employment Contribution	Financial Contribution to be agreed	
Highways	3-year funding of new bus service	

4.0 Planning Policy

- 4.1 The Council will say that the statutory Development Plan is the starting point in the consideration of appeals unless material considerations indicate otherwise. In doing so, the Council will make reference to Section 38 (6) of the Planning and Compulsory Purchase Act 2004 (and section 70 (2) of the Town & Country Planning Act 1990) which states:

“(6) If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”

4.2 The Council will set out which development planning policies and sections of the NPPF are relevant to this appeal. This will include reference to the policies from the North Somerset Core Strategy (Adopted 2012) including ‘remitted’ policies’ and policies from the North Somerset Replacement Local Plan (Saved Policies – Adopted 2007). Reference to the replacement local plan should however be read in conjunction with 4.8 of this statement.

4.3 The Council will also refer to Supplementary Planning Documents (SPD’s). This will include, but is not necessarily limited to the following:

- Development Contributions (January 2016)
- Creating Sustainable Buildings and Places (March 2015).
- Employment-led delivery at Weston-super-Mare (November 2014)
- Affordable Housing SPD (adopted November 2013)
- Travel Plans SPD (adopted November 2010)
- North Somerset Landscape Character Assessment SPD (adopted December 2005)
- Biodiversity and Trees SPD (adopted December 2005)

4.4 The Council will refer to the National Planning Policy Framework (NPPF) (March 2012) with the following particularly relevant:

- The presumption in favour of sustainable development (Paragraphs 11-16)
- Section 4 Promoting Sustainable Transport
- Section 6 Delivering a wide choice of high quality homes
- Section 7 Requiring good design
- Section 11 Conserving and Enhancing the natural environment

- Plan Making (Paragraphs 150-177)
- Planning conditions and obligations (Paragraphs 203-206)

4.5 The Council will refer to the Planning Practice Guidance (March 2014)

4.6 Emerging Development Plan

The Council's will refer to its 'Sites and Policies Plan – Part 1' (Development Management Policies). This Plan, which, when adopted, will supersede the North Somerset Replacement Local Plan (2007 – Saved Policies) is at an advanced stage of preparation and it is currently projected to be adopted in summer 2016.

It will also refer to the North Somerset 'Site Allocations Plan', which is currently a consultation draft and, amongst other matters, identifies new residential allocations to meet the Core Strategy housing requirement as well as reviewing existing sites.

4.7 The Council will argue how the appeal conflicts with the development plan and sections of the NPPF and why the ensuing harm that arises from policy conflict is not outweighed by other material considerations.

5.0 Policy Assessment

5.1 Housing Policy and the five year supply

At the time of the P&R Committee report there was a shortfall in terms of a deliverable five-year housing land supply, as based on annual information from April 2015. Since March however, the Council has made substantial progress against the remaining Core Strategy housing requirement in Policy CS13.

It will be argued that there has not been a persistent shortfall in the delivery of affordable and market housing and the Council is confident that by the time the

appeal is heard it is likely to be able to demonstrate a deliverable five year supply of land for housing, or that any shortfall will be marginal. Against that background, it will be argued that the appeal site is in an unacceptable location for housing and there is no over-riding housing need for this site to be developed having regard to the five-year supply and the plan-led approach to housing development.

5.2 Sustainability

In its proof of evidence the Council will provide a sustainability appraisal for the site and the proposed development. It will be argued that while North Somerset Council's development plan policies seek to steer new development to the most sustainable locations this does not mean that any site adjacent to an urban area will automatically be considered suitable for a housing development.

In this instance it will be argued that the site because of its displacement (distance) from the nearest local facilities and community services and the nature (gradient) of the route to these facilities will result in the site being over-reliant on vehicle access and it would not encourage more sustainable modes of travel such as walking and cycling. The Council will show this is a significant weakness of its location and one which conflicts with policies from its development plans and the NPPF. This, when taken together with a projected 5-year housing land supply and a plan-led housing development for development in more sustainable locations, will show that this opportunist proposal is ill-conceived and is not conducive to sustainable development.

5.3 Landscape Impact

It will be argued that the proposed development by reason of its scale and location, which is high on a prominent hillside, will transform the appearance of the site and result in a long extension of a built-up area in to the countryside. A key feature of this part of the countryside is its wide green gaps between small groups of dispersed building and one such key space (the appeal site) will be lost as a result of this proposal. It will be explained that the development will

be perceptible from numerous public viewpoints including an Area of Outstanding Natural Beauty. It will be argued that the impact of the proposed development would cause unacceptable harm to the character and appearance of the landscape both in the short and long term and this harm cannot be satisfactorily mitigated. The Council will show that the ensuing landscape and visual harm conflicts with policies from the North Somerset Core Strategy, Replacement Local Plan, North Somerset Landscape Character Assessment (SPD), emerging policy and relevant paragraphs from the NPPF.

5.4 Highway & Transport

The Council will argue that the position of the site in term of its distance and the nature of the routes to the nearest key local services and community facilities will not encourage walking or cycling. Instead it will result in an over-reliance on vehicle access, which conflicts with development plan policies and the NPPF and this is not conducive to sustainable development.

5.5 Ecology

At this time of preparing this statement it is anticipated that on-site ecological issues, which primarily relate to mitigating any adverse impacts on Bats, should be resolved in advance of the Inquiry. Should, however, this not be the case the Council reserves its right to provide evidence to substantiate its position. It is unknown whether the appellant intends to make other ecological points, but, again the Council reserves its right to respond to such matters.

5.6 Design

The Council will show that design of the proposal, while important in itself, is secondary to the more significant impact of the very development of the site. The perceptible and permanent change that will ensue from this will cause significant and unacceptable harm to the character and appearance of the landscape, contrary to development plan policies and the NPPF.

6.0 Conclusion

- 6.1 The Council will show that by the time of the Inquiry, it has or it is very close to having a 5-year supply of deliverable housing sites when measured against the remaining housing balance to be delivered under Policy CS13 of the North Somerset Core Strategy. It will also show that the emerging 'Sites Allocation Plan' will be at an advanced stage of preparation and the plan-led approach to housing delivery is in the better interests of achieving sustainable development.
- 6.2 Moreover the Council will show that the displaced nature of the site beyond the built-up area is highly unlikely to promote access other than by vehicle and the development will also have unacceptable landscape impacts. This would significantly and demonstrably outweigh any claimed benefits of the scheme, when assessed against the NPPF when taken as a whole.
- 6.3 Without prejudice to the determination of the appeal, the Council will seek to agree a statement of Common Ground with the appellant. Reference will also be made to the requirements for a Planning Obligation (106 Agreement) if the appeal is allowed.

7.0 Conditions

- 7.1 Without prejudice to the appeal, the Council will, in a Statement of Common Ground or in its proof of evidence, provide planning conditions which should be imposed if the appeal is allowed.

8.0 Documents to be referred to:

- The North Somerset Replacement Local Plan (2007)
- The North Somerset Core Strategy (2006 - 2026)
- Inspector's Report on the North Somerset Replacement Local Plan (2006)

- The North Somerset Sites and Policies Plan Part 1 – Development Management Policies (Publication Version) February 2015 – unless subsequently superseded.
- The North Somerset Sites Allocations Plan (Consultation Draft) March and associated background documents – unless subsequently superseded
- The National Planning Policy Framework
- The National Planning Policy Guidance
- North Somerset Travel Plans SPD (November 2010)
- The North Somerset Affordable Housing SPD (November 2013)
- The North Somerset Biodiversity and Trees SPD (December 2005)
- The North Somerset Landscape Character Assessment SPD (December 2005)
- The North Somerset Development Contributions SPD (January 2016)
- The Draft North Somerset Employment-led delivery at Weston-super-Mare SPD (August 2014)
- 5-Year Land Supply Position Statement (to follow)
- Sustainability Assessment of Settlements and Development Proposals in North Somerset 2015 (Draft)
- The Core Strategy ‘Remitted’ Policy Hearings are to be held in June 2016 and adoption is anticipated in the autumn. The Inquiry will be updated with the Inspectors report and Council evidence submitted to the hearing
- All relevant correspondence and documents in connection with the refused planning application.
- National Character Area Profile: 141. Mendip Hills. Published 20 March 2013 by Natural England
- Mendip Hills AONB Management Plan 2014-19 (Nov 13)
- Mendip Hills AONB Management Plan Delivery Plan 2014-19 (Feb 14)

8.1 The above list is not exclusive and the Council reserves its right to add or amend this list.