
**FINAL COMMENTS ON THE LOCAL PLANNING AUTHORITY'S
STATEMENT OF CASE**

**LAND ADJOINING EDGE HILL, CELTIC WAY, BLEADON,
WESTERN-SUPER-MARE BS24 0NA**

Prepared on behalf of Mr A.E. James

Date: July 2018

Our ref: SJQ / 334728-1


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1. INTRODUCTION

- 1.1. The Appellant has prepared this statement in response to North Somerset Council's Statement of Case ("**the LPA Statement**") submitted as part of this Appeal.

2. THE LPA'S STATEMENT

Five-year land supply

- 2.1. At paragraph 2.5 of the LPA Statement, the Council deals with the question of their five year land supply. There have been changes to the National Planning Policy Framework ("**NPPF**") which came into force on 24 July 2018 which we will address by way of separate statement prior to 10 August 2018.

Principle of development

- 2.2. Paragraph 4.3 of the LPA Statement refers to the "limited services" within Bleadon as there are no medical services or educational establishments within Bleadon. There will be a considerable number of developments that do not have hospitals within walking distance. In any event, the Weston General Hospital is nearby, approximately only 1.7 miles away by road.
- 2.3. Whilst the Council must of course assess each planning application on its own merit, it is also important that the Council are consistent in their decision-making. In the Rivermead Development it was acknowledged that as the site was in "close proximity" to Bleadon (although outside the settlement boundary) it was considered to be a sustainable location.
- 2.4. The point made in the Appellant's Statement of Case is that whilst the Appeal Site does fall outside of the settlement boundary, give it's extremely close proximity it still has the benefit of all the local services and facilities within Bleadon.

AONB and design

- 2.5. The Appellant's architect disagrees with the Council's assessment in paragraphs 4.10 - 4.13 of the LPA Statement. The adjoining glazed area would appear black when looking towards the hill. Existing vegetation would be retained, which is why

no additional soft landscaping is proposed. The footprint of the proposed dwelling would be smaller than the surrounding dwellings. The use of dark brown tiles for the pitched roofs and small windows were carefully chosen so that the proposed dwelling would blend into the surrounding area.

- 2.6. Responding, in particular to paragraph 4.13 of the LPA's Statement, we would draw the Inspector's attention to the sectional drawing submitted with the application. The highest point of the proposed dwelling would sit below the wall (down which the stairs for the PROW run) adjoining Celtic Way: it would not therefore stand proud of the hill. The proposed dwelling would be set back into the hillside.
- 2.7. In response to paragraph 4.14 of the LPA's Statement, the access track follows an existing line of grass track. The Appellant disagrees that the driveway made of grey stone chippings would appear akin to a black tarmac road.

PROW

- 2.8. In response to paragraph 4.24 of the LPA's Statement, to suggest that there would be "future pressure to divert the PROW" due to it passing by the proposed dwelling is purely speculative. As to the Council's view that the width of the footpath would be insufficient, vegetation over hanging the width of the path could be cut back if necessary. We believe it will become apparent to the Inspector when carrying the site visit that the development would not reduce, sever or adversely affect the existing PROW.
- 2.9. Regarding the points raised in paragraph 4.25 of the LPA's Statement, it is accepted that there is a discrepancy in the roof orientation of the garage in drawing 2931/4. The ridge and position of the gables as shown in drawing reference 2931/5 (Proposed Garage Elevations) is the intended orientation. A revision to drawing 2931/4 changing the orientation of the garage can be submitted to the Planning Inspectorate to correct this minor issue.

Protected Species

- 2.10. Enclosed at Appendix 1 to the Appellant's Final Comments Statement is Clarke and Wood's response to the LPA Statement. Whilst the response can be read in full, the benefits of undertaking surveys at this site were carefully considered and it was

concluded that further surveys were not warranted on the basis of negligible or very low potential for impacts.

Other Matters and titled balance.

- 2.11. Paragraph 5.2 of the LPA Statement refers to the "spurious claim" made in the Appellant's Statement of Case that the proposal would be for the re-use of previously developed land. The Appellant does not consider the claim to be spurious: the officer's report for the application (third paragraph under the heading "principle of development and 5 year land supply") itself noted that part of the site was considered brownfield.
- 2.12. It is considered that the comparison plan showing the full application site against the area of brownfield at Appendix D of the LPA's Statement provides a distorted view as clearly not all of the application site is being developed upon (only a small proportion in fact). The better comparator is that at Appendix J to the LPA's Statement which shows the existing stables plotted against the proposed dwelling: this shows that a large proportion of the proposed dwelling will be developed on brownfield land / the existing stables.
- 2.13. In response to paragraph 6.3 of the LPA's Statement, whilst the Council may dismiss the provision of a single dwelling as only being of a limited benefit, this argument could be used to dismiss all smaller residential schemes, which when taken cumulatively could go some considerable way to meeting the Council's shortfall in supply.

3. CONCLUSION

- 3.1. For the reasons stated in the Appellant's Statement of Case, the benefits of the Application, including the provision of much needed housing, sensitive and careful design, clearly outweigh any purported adverse impacts, and it is respectfully requested therefore that the Appeal is allowed.

ASHFORDS LLP

Solicitors on behalf of the Appellant

The Planning Inspectorate
Room 3M
Temple Quay House
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Bristol
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27th July 2018
Our Ref: 5914/PI/270718/PE

Dear Sir/madam,

Comments on LPA Appeal Statement – Land Adjoining Edgehill, Celtic Way, Bleadon

I am writing to provide further comments following receipt of the local authority's statement relating to the appeal for the above site.

We recognise the need to ensure that protected species are safeguarded and that appropriate mitigation is put in place to achieve this. In this specific case, with such a small development being proposed, we are of the opinion that additional bat and reptile survey data in addition to what was provided with the original planning application is not required at the pre-application stage in order to satisfactorily achieve this objective.

A key concern of the local authority related to bats, and we very much agree that bats, including both horseshoe bat species, are likely to commute through and forage within the site, and that sufficient mitigation should be in place in order to ensure that no impacts on these species occur as a result of any development. This mitigation will require a sensitive approach to artificial lighting design for the site and detailed landscaping proposals which aim to ensure opportunities both for foraging and commuting bats within the site.

Completing further surveys of the site may confirm the presence of bats on the site but we would think it highly unlikely that the findings of further surveys would change fundamentally the site layout or approach adopted to mitigation. Surveys therefore are unlikely to significantly advance our understanding of the impacts of the development upon bats, nor influence significantly mitigation design. In view of this, a requirement for bat activity surveys on this site is disproportionate to the potential for impacts and unlikely to confer significant benefit. We felt that a better conservation outcome for bats would be achieved by investing the money that might be otherwise spent on bat surveys in ecological sensitive lighting solutions and landscaping.

In our view the protection of bats on the site and within the local area would be better achieved through a condition requiring the preparation of a detailed artificial lighting strategy to include modelling of light spill from the interior of the building, as well as modelling any exterior lighting. We would recommend, as per our report, that any use of exterior lighting is kept to a minimum and uses passive infrared detectors or timer switches to ensure unnecessary artificial lighting on the site is avoided.

We would also suggest that a detailed landscaping scheme for the site is made a condition, and that this scheme should seek to promote connectivity across site as well as a variety of different foraging opportunities for bats associated with the SAC and other species found locally.

The second main concern of the LPA in their statement related to the potential presence of reptiles, most likely slow worms. Whilst the open field area was grazed and largely unsuitable at the time of our survey we do agree that reptiles could be present within the surrounding habitats. However given the size and footprint of the development there is in our view a negligible potential for the conservation status of local populations of reptiles to be significantly adversely affected. There will of course remain the possibility that a small scale translocation or similar mitigation measure is

required during site clearance to ensure individual animals are caught and moved beyond the construction site, however given the size of the land holding and its connectivity with surrounding habitats it can be stated with confidence that a population of reptiles can be maintained on the site. We would therefore suggest that a mitigation strategy informed by a reptile survey is made a condition of the planning permission to ensure that prior to works commencing the scope of mitigation required to avoid the killing and injury of individuals. This approach, where limited impacts upon populations are anticipated, is widely adopted across the UK. Surveys for reptiles are only essential prior to planning applications being submitted when the development is likely to have significant impacts upon the favourable conservation status of the local population. In this instance we are confident that this was not the case and had this been the case we would have made recommendations to undertake these surveys.

In our view, whilst we are well aware of the requirements of the ODPM circular 06/2005 which states: *"It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant materials considerations may not have been addressed in making the decision"*, we do not consider that the completion of surveys is essential where the potential for impacts can be confidently predicted and where the surveys would not significantly inform the approach adopted on site. As a consultancy we undertake a huge number of surveys for a wide range of projects. We are always careful to ensure that we do not undertake surveys where the benefits in doing so are very limited. As such we carefully considered the benefits of undertaking surveys at this site and concluded that further surveys were not warranted on the basis of a negligible or very low potential for impacts.

I trust that the above is clear. Should you have any comments, queries or require further information then please do not hesitate to contact me.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Tom Clarkson', written in a cursive style.

Tom Clarkson BSc MSc DIC MCIEEM
Managing Director



The Planning Inspectorate

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Your Ref: 17/P/1484/F
Our Ref: APP/D0121/W/18/3200632

31 July 2018

Dear Mr Worgan,

Town and Country Planning Act 1990
Appeal by Mr A.E. James
Site Address: Land adjoining Edgehill, Celtic Way, Bleadon, WESTON-SUPER-MARE, Somerset, BS24 0NA

I enclose for your information a copy of the appellant's final comments on the above appeal(s).

Yours sincerely,

Sean Ernsting
Sean Ernsting

Where applicable, you can use the internet to submit documents, to see information and to check the progress of cases through the Planning Portal. The address of our search page is - www.planningportal.gov.uk/planning/appeals/online/search