



NORTH SOMERSET COUNCIL

APPEAL STATEMENT

TOWN AND COUNTRY PLANNING ACT 1990

SECTION 78 (1) APPEAL

**APPEAL AGAINST REFUSAL OF PLANNING PERMISSION FOR
THE ERECTION OF A TWO STOREY DWELLING AND A
SINGLE STOREY DETACHED GARAGE FOLLOWING THE
DEMOLITION OF EXISTING STABLE BUILDING AT LAND
ADJOINING EDGEHILL, CELTIC WAY, BLEADON, BS24 0NA**

Planning Inspectorate Ref: APP/D0121/W/18/3200632

Local Planning Authority Ref: 17/P/1484/F

1. INTRODUCTION

- 1.1. The delegated report which is attached at **Appendix A** forms the main part of the Local Planning Authority's (LPAs) case and the inspector is requested to read it. This statement and the attached appendices expand the LPAs case for the appeal against the refusal to grant permission for the "erection of a two storey dwelling and a single storey detached garage following the demolition of existing stable building" at land adjoining Edgehill, Celtic Way, Bleadon, BS24 0NA.
- 1.2. The application was refused on four grounds; an unsustainable location, adverse impacts on the adjoining Area of Outstanding Natural Beauty (AONB), Public Right of Way (PROW) and protected species.

2. DEVELOPMENT PLAN

- 2.1. The main relevant policies and supplementary planning documents are set out in the delegated report (**Appendix A**).
- 2.2. Core Strategy
The Core Strategy was adopted on the 10 January 2017. As the LPA cannot currently demonstrate a five-year land supply policies CS14 and CS33 of the Core Strategy cannot be afforded full weight. However, as they are both recently adopted and as both are framework compliant they are still given significant weight.
- 2.3. Sites and Policies Plan Part 1: Development Management Policies
The Sites and Policies Plan Part 1: Development Management Policies was adopted on 19 July 2016. These policies are up to date.
- 2.4. Sites and Policies Plan Part 2: Sites Allocations Plan
The Sites and Policies Plan Part 2: Sites Allocations Plan was adopted on 10 April 2018. These policies are up to date. Of particular relevance to this appeal is policy SA2 which sets out the settlement boundaries for the towns,

service and infill villages, as well as allowing the principle of residential development *within* these boundaries, subject to any other relevant policies.

2.5. Five-year land supply

The inspector's attention is drawn to a recently issued appeal decision, that was published on 18 June 2018. In this case (Land at Weston Business Park, Laney's Drove APP/D0121/W/17/3184845, see **Appendix B**), the inspector has concluded, in paragraph 54, that on the basis of the Council's October 2017 land supply position statement the supply of deliverable sites equated to 4.4 years. It should also be noted that the inspector, in paragraph 61, still concluded that 'the adverse impacts from granting planning permission, namely the harms arising from the scheme's conflict with the development plan, would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.'

2.6. Until the next land supply monitoring paper is produced, the council will proceed on the basis that it cannot demonstrate the requisite five years supply at present. As such, paragraph 14 of the NPPF applies and as the proposal is not within a protected area, the tilted balance must be undertaken. The NPPF is, however, national advice and it does not displace the primacy of the statutory development plan when determining applications in fact within the core principles it reinforces the fact that planning should be genuinely plan led.

3. SITE HISTORY AND BACKGROUND

Reference	Proposal	Outcome
16/P/1113/PRE	Erection of a two-storey dwelling	Refusal likely
96/1849	Construction of three stables.	Allowed at appeal
56749/B	The development for residential purposes	Refused
56749A	The erection of a dwelling	Refused
56749	The erection of a dwelling	Refused

- 3.1. The LPA provided pre-application advice to the appellant for a small proposed dwelling, prior to the submission of application **17/P/1484/F**, and advised the appellant that the permission would likely be refused (please see **Appendix C**). The information submitted with the pre-application request was limited and so the decision focused primarily on the unsustainable location. However, warnings were made throughout the report about the high likelihood of other unacceptable impacts.
- 3.2. Permission **96/1849** allowed for the erection of an equestrian stable block containing three stables with hardstanding to the front. It is therefore considered that the area covered by the stable and hardstanding would be previously developed land (brownfield) in line with the NPPF. However, following the guidance set out in the PPG it is clear that the rest of the field is not brownfield and that the presence of a brownfield site does not set a precedent for residential development. (Please see **Appendix D** for a plan of the area of previously developed land and the appropriate extracts from the NPPF and PPG).

4. RESPONSE TO APPELLANT'S GROUNDS OF APPEAL

4.1. Principle of development

The application site is situated to the north of Bleadon on the south side of Celtic Way (please see **Appendix E**). It is set near a small grouping of dwellings in an open field. The Core Strategy defines the settlement hierarchy for North Somerset, and Bleadon is identified as an infill village. The Sites and Policies Plan (part 2) refers to any unallocated land outside of defined settlement boundaries as being countryside. The site is therefore considered to be in the countryside, outside of the settlement boundary for Bleadon. Policy SA2 supports residential development within settlement boundaries. Policy CS33 of the North Somerset Core Strategy restricts new residential development in the countryside to replacement dwellings, residential subdivision, residential conversion or agricultural workers dwellings. This proposal meets none of these criteria and therefore does not comply with either of these policies.

- 4.2. Particularly, Bleadon is an infill village which is the lowest level of settlement in regards to sustainability. These villages have the poorest access to services and facilities and therefore residents are forced to travel to larger settlements such as Weston-super-Mare for the majority of their needs. For instance, within Bleadon there are two public houses, one church, a café, and a post office/shop, there are no medical services or educational establishments within Bleadon and very limited employment (please see **Appendix F**). Residential development is therefore restricted in these settlements to limit out-commuting and the intensification of these villages as 'dormitory villages'.
- 4.3. Should future occupiers wish to access the limited services available in the village they would be able to access them by foot due to their proximity to the site by the PROW and road network. However, neither route is considered satisfactory.
- 4.4. The road route would require pedestrians to walk in the road as there is no footpath between the access to the application site and the junction with Coronation Road to the south (please see **Appendix G**). This issue is exacerbated by the fact that the road is narrow, has no verges, and is windy. Even once the pedestrians are within the settlement boundary of Bleadon they would still be required to walk in the road for most of the distance to the junction with Coronation Road. This section of the route would also require pedestrians to move out in to the middle of the road to avoid parked cars. The danger to pedestrians using this route is increased by the lack of street lighting outside of the village and its limited presence within the village. This route is therefore considered to be unsafe and therefore unacceptable.
- 4.5. The other option would be to take the PROW which passes through the application site. However, this is a circuitous route of 800m (back to the junction with Coronation Road, or approximately 750m to the post office) which is primarily across fields and tracks. While this appears to the LPA to be a safer route it would not be practical through the winter or inclement

weather where the route is likely to be muddy causing it to be treacherous, especially on the slopes. It would not be a route suitable for pushchairs or wheelchairs and would make carrying shopping difficult.

- 4.6. It is likely therefore that there would be pressure on the future occupiers for them to use motor vehicles, whether public or private, to reach services and facilities. The bus stop raised by the appellants in their statement would not be practical for most journeys as there is not a regular service provided through the day. One bus route uses the Clovercot stop, the B1, this travels in one direction pass the site towards Weston-super-Mare. Future occupiers would, currently, have the opportunity to leave or return to Clovercot stop at 08:53, 10:58, 13:18 and 16:03 Monday to Friday. No journeys are made during the weekend or on bank holidays (please see **Appendix H**)
- 4.7. The most pressure, therefore, would be put upon occupiers to use a private motor vehicle as it would be the safest and most convenient way of getting to suitable services and facilities. This is contrary to the purpose of policies CS1, CS14 and CS33 which seek to prevent unsustainable development.
- 4.8. The appellants have also raised an approval (LPA ref:**17/P/2278/O**) which was made on the west side of the village. The LPA consider the similarities between these two developments to be limited. Briefly; the permission was for a site immediately adjoining the settlement boundary with safe, pedestrian, access to the rest of the village by pavement. There are also a number of bus stops in close proximity which serve three bus routes (please see **Appendix I**). The LPA would point out that all planning applications should be decided on their own merit.
- 4.9. In all this proposal would result in an unsustainable pattern of development which would be contrary to policies CS1, CS14 and CS33 of the development plan which have been written in accordance with the principles of the NPPF.
- 4.10. AONB and design
The LPA agree with the appellant that there is not one single form of

development on Celtic way, the LPA disagrees however that the area is inconsistent. The built-up area around Celtic Way consists of approximately 18 houses. While these have been built in a number of architectural styles, beginning sometime before 1840, they are all traditionally designed. Of particular note is their use of traditional materials, small windows and dual pitched roofs.

- 4.11. The existing stable is a small, low, three-bay building set within a deep cutting and surrounded by mature vegetation on the north, east and west sides. Views from Celtic way are screened in part by the mature vegetation and in part by the drop in land levels. Similarly, the land levels and vegetation mean that views from the PROW are limited until an individual is in very close proximity to the stable. While views up to the application site from Amesbury Drive are clear it is not possible to see the stable as the southern edge of the cutting blocks the existing stable.
- 4.12. In contrast, the proposed dwelling is a two storey, irregular H shaped building with two mono-pitched roofs on the east and west wings and a flat roof to the central glazed section (please see **Appendix J**). This design is not traditional, or typical of the surrounding area and would be considerably taller than the existing stable. Where the stable sits within the cutting the dwelling would extend above it and would require the enlargement of the cutting. No information has been submitted to show how the cutting would be altered and whether it would still provide any screening. Due to its scale, prominent position and design it would be jarring with the surrounding area and intrusive and prominent (please see **Appendix K**).
- 4.13. While the dwelling would be situated in a cutting its south face, which would be read in relation to the AONB, would stand proud of the hill. The hillside, when viewed from the south is characterised by green fields and wooded areas sporadically punctuated by partially screened views of traditional houses. The proposed dwelling would be forward of any screening vegetation and would be prominently visible above the existing cutting. It would therefore

form a bridge between the group of dwellings to the west and the smaller group to the east.

- 4.14. Along with the dwelling and garage a new access track across the field is proposed. The access on the road is existing but there is no track across the field. The proposal is for a 4m wide and 70m long driveway to be laid in grey chippings and concrete kerbing. Due to its size and the proposed materials the proposal would appear more akin to a road and would be visible from both close and distant views. As the driveway weaves across the hill on the southern slope and as there is no screening proposed it would be prominently on the hillside.
- 4.15. The application site is located in an area described by the North Somerset Landscape Character Assessment SPD (2005) as the “Mendip Ridges and Combes”. This area is characterised by the highly rural and peaceful nature of the steep slopes, summits and ridges which give an almost ‘wild’ feel. Views are granted of the sea, moors and the other limestone ridges from the slopes of the ridges and combes. The encroachment of development and the urbanisation of the landscape are considered to be harmful forces for change within the landscape.
- 4.16. While the appellants have claimed that the proposal has been designed to protect and enhance the landscape and that the design and placement has been carefully considered to not spoil views towards the AONB, the LPA are not aware of any evidence to support this and note that drawing number 2931/4 explicitly states “no additional soft landscaping proposed”. Even views from the north of the site, where the PROW crosses Celtic Way, would be affected by the presence of the large roof and the bulk of the rear elevation.
- 4.17. As raised in the attached delegated report; the new dwelling, garage, associated access track and any domestic paraphernalia would be discordant with the traditional rural landscape which is set closely adjoining, the sensitive landscape of the AONB. This would not protect views in to or out of the AONB and would therefore be unacceptable.

4.18. PROW

The appellants have claimed that the proposal would have a neutral impact on the PROW which crosses the site and that no physical changes would need to be made to it. No evidence has been submitted to confirm that the PROW would be unaltered and drawing number 2931/4 specifically refers to a “diverted footpath”. The lack of clarity means that the LPA have been unable to fully assess any impact, both physical and visual, on the route. However, the LPA have been able to assess the placement of the proposed dwelling and garage in relation to the footpath and site boundary.

4.19. The PROW, where it crosses the application site and continues towards the west, can be characterised by two distinct settings. The first section of the PROW requires the pedestrian to climb down a wooden set of steps from Celtic Way in to a wide ‘clearing’ of wildflowers and other vegetation. This area is surrounded on the east, south and west sides by taller bushes and trees. Following the PROW to the south-west and passing through a gate the path opens up to a wide vista on the south affording views across the Somerset Levels. On the north-west side the path is bounded by a short stone wall which has been over grown by mature vegetation and trees which have been left to grow naturally on the boundary. The existing stable building is well screened by the mature vegetation which has grown around the top of the cutting and so it is only visible when looking towards the north-east from the path.

4.20. Visually, the presence of a two-storey dwelling, garage, driveway and residential paraphernalia would cause harm to the rural character of the route by bringing in residential development to this section of the route. The aesthetic attractiveness of the route passing through the site would be adversely affected by the development which would in turn harm the desirability of using the route.

4.21. Specifically, while it is unknown how the ‘clearing’ at the northern end of the site would be used it is possible for domestic items such as washing lines,

chairs, garden ornaments and other objects which would be incongruous in a rural space to be left in this area.

- 4.22. Another important feature of this route are the views afforded towards the south across the Somerset Levels, the garage and dwelling would erode this panorama. Instead of distant views seen from a rural setting, walkers would have views intruded on by the garage and dwelling, and the rural character eroded by the presence of the private garden and driveway. This would result in a drastic change in the character and appearance of this section of the PROW and would reduce its aesthetic attractiveness as a walking route.
- 4.23. While soft landscaping and vegetation is an important part of this section of the route it is considered that a landscaping scheme would not mitigate against the harms raised above as the openness, a key aesthetic characteristic of the walk, would still be lost.
- 4.24. There would be future pressure to divert the PROW due to it passing through the rear garden of the dwelling and passing in close proximity to the large window wall on the front elevation. It may also be necessary to divert the path due to the limited width between the north-west boundary and the rear wall of the garage. While 2m appear to have been left between the boundary and garage this does not take in to account the existing mature vegetation over hanging the boundary. This would further reduce the width of the path and may compromise its usability in the future. No mitigation has been suggested and so the future viability of the path cannot be demonstrated. In this way the proposal would not comply with policy DM25 of the North Somerset Sites and Policies Plan (part 1).
- 4.25. The LPA note discrepancies between drawings No. 2931/5 and No. 2931/4. Specifically, the cardinal directions noted on the elevations of No. 2931/5 do not align with the garage as shown on No.2931/4. The ridge and position of the gables are not the same in both plans. However, it is considered that neither roof orientations would be acceptable.

4.26. Protected Species

The response from Clarkson and Woods (appendix 3 of the appellant's statement) has been considered by the LPA's ecologist. The LPA still consider that the ecological report submitted with the original application and the further document submitted with the appeal are not acceptable. The ecologist's response is briefly summarised below, but full comments are attached as **Appendix L** which the inspector is requested to read.

4.27. The LPA consider the application site to have a high potential for a number of different protected species due to the quality of the habitat found on the site and the location of the site on a south facing slope, in a dark corridor, between two areas of woodland. The northern half of the slope is sheltered by the mature vegetation and would have a microclimate which would be suitable for insects. This would be sufficient to attract bats travelling between the two areas of woodland (to the east and west of the site) or from one of the three known bat roosts within 1km of the application site. The warm south-facing slope, which contains a mixture of hedge base habitats, would also be suitable for reptiles.

4.28. Insufficient information has been submitted for both bats and reptiles to demonstrate that the proposal would not cause unacceptable harm to the species. Notably, no bat surveys have been undertaken and therefore it is not possible for the LPA to be confident that bats using the site would not be adversely affected by the development. The LPA's ecologist would expect that, at minimum, an automated bat detector is used to provide an indication of the level of bat activity. They would expect, in line with Natural England's guidance, that sites which have habitats suitable for reptiles include a survey regarding them.

4.29. The development itself, due to its size and position, has the potential to cause a significant impact on the habitats provided and the protected species themselves. The existing barn is small and any light pollution would be limited, the replacement dwelling has two-storeys and includes a large window wall which faces towards the likely bat commuting route. The

dwelling would also cause the loss of natural habitats which would impact on the suitability of the site for bats foraging and for reptiles.

4.30. Protected species surveys are a material consideration in the determination of a planning application, government circulars and case law indicate that as such protected species surveys must not be conditioned with a decision. This is in line with ODPM circular 06/2005: *“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.”* The circular goes on to set out that ecological surveys can only be required by condition for completion after an approval in exceptional circumstance. This application is considered to not be an exceptional circumstance.

4.31. The LPA also notes that the closest Great Crested Newt location is further than the higher risk distance of 250m but is within 500m of the site. At this distance Natural England would not require a licence and following the Reasonable Avoidance Measures would be sufficient.

4.32. The LPA’s ecologist concludes by stating “The two key outstanding issues relate to the requirement for some bat surveys to provide information as to whether the site comprises a commuting route for bats and in relation to a potential conflict in relation to the extent of glass and potential for uncontrolled light emission. The site is also indicated as having some good potential to support reptiles due to its favourable aspect, so reptile surveys would be expected.” In all the LPA consider the further evidence to be insufficient to comply with policy CS4 of the North Somerset Core Strategy or DM8 of the North Somerset Sites and Policies Plan (part 1).

4.33. The LPA therefore consider that the appellants have not provided sufficient information to demonstrate that protected species would not be adversely affected by the proposed development and that it would comply with policies

CS4 of the North Somerset Core Strategy or DM8 of the North Somerset Sites and Policies Plan (part 1).

5. OTHER MATTERS

- 5.1. The appellants have also suggested that the reuse of the existing stable would have a lesser impact on the AONB than allowing it to fall in to a state of disrepair. The proposal is not for the reuse of an existing building but the erection of a considerably larger dwelling, a garage and driveway. There is therefore no 're-use' benefit to be argued in relation to this appeal and to claim so is disingenuous.
- 5.2. While the appellant has claimed in paragraph 5.9 of their appeal statement that the proposal would be for the re-use of previously developed land and buildings it is clear that this is a spurious claim. The greater part of the proposed development would be outside of the land covered by the existing stable and curtilage and would include a large and winding drive across open green field (see Appendix D). The proposal also includes the demolition of the existing stable. The building would therefore not comply with the purpose of point 8 of policy CS1.

6. 'TILTED BALANCE'

- 6.1. The LPA maintain that this development would conflict with policies CS1, CS4, CS5, CS12, CS14 and CS33 of the North Somerset Core Strategy, as well as policies DM8, DM10, DM11, DM25 and DM31 of the North Somerset Sites and Policies Plan (part 1). The LPA consider that the proposal is therefore contrary to the development plan as a whole and that this should be given very significant weight.
- 6.2. Following appeal reference **APP/D0121/W/17/3184845** at Laney's Drove, which is attached at **Appendix B** the LPA are no longer able to demonstrate a five-year land supply. The supply is currently considered to be at 4.4 years.

Therefore the 'tilted balance' must be used by the LPA and there should be a presumption in favour of sustainable development.

- 6.3. The LPA consider the only benefits provided by the provision of this development would be the provision of a single dwelling towards the LPA's land supply and the economic benefits of its construction. However, the provision of one dwelling towards the required 9,751 five-year supply, and against the LPA's under provision of 1,186, would be inconsequential, especially in a countryside location, and the construction of the dwelling would provide very limited economic benefits. These benefits should therefore only be afforded very limited weight.

7. SUMMARY AND CONCLUSION

- 7.1. The LPA considers that its reasons for refusing the appeal proposal were entirely justified and based on sound national and local planning policies, which seek to support sustainable development and protect the countryside and AONB, protected species and PROW from unacceptable, harmful and unsustainable development.
- 7.2. The LPA consider this development to be unacceptable in principle due to its siting outside of the settlement boundary for Bleadon, an infill village. The proposal is not sustainable, and as raised above, does not provide sufficient benefit to outweigh the harm caused by developing in this location. Notwithstanding this, the proposal would also adversely affect the visual amenity of the AONB to the north which is read in connection with the proposed dwelling. It would have adverse impacts on protected species and the PROW which crosses the site and insufficient evidence has been submitted to demonstrate otherwise.
- 7.3. The LPA respectfully request that the inspector dismiss this appeal. However, without prejudice, should the inspector decide to allow this appeal a list of suggested conditions have been attached in **Appendix M**.

APPENDIX A	Delegated report
APPENDIX B	Appeal at Laney's Drove
APPENDIX C	Pre-app report for 16/P/1113/PRE
APPENDIX D	Brownfield area and policy extracts
APPENDIX E	Appeal location context
APPENDIX F	Facilities and services in Bleadon
APPENDIX G	Photographs of Celtic Way
APPENDIX H	B1 bus timetable
APPENDIX I	Bus routes
APPENDIX J	Existing and proposed combined plans
APPENDIX K	Photographs of views
APPENDIX L	LPA ecologist's comments
APPENDIX M	Proposed conditions

**NORTH SOMERSET COUNCIL
DELEGATED PLANNING APPLICATION
REPORT SHEET**

Target Date: 18 August 2017
Extended date:

Application No. 17/P/1484/F **Application Type:** Full Planning Permission
Proposal: Erection of a two storey dwelling and a single storey detached garage following the demolition of existing stable building
Location: Land adjoining Edgehill , Celtic Way, Bleadon, Weston-super-Mare, BS24 0NA

Planning History/Background – most recent applications

Reference	Proposal	Decision
16/P/1113/PRE	Erection of a two storey dwelling	Pre-app decision
96/1849	Construction of three stables	Allowed at appeal
56749/B	The development for residential purposes.	Refused
56749A	The erection of a dwelling	Refused
56749	The erection of a dwelling	Refused

Monitoring Details (if applicable)

1 x 3 bedroom dwelling

Policy Framework

The site is affected by the following constraints:

- Outside the settlement Boundary for Bleadon
- Within an area of known bat habitats
- Adjoins the Mendip Hills Area of Outstanding Natural Beauty
- A Public Right of Way crosses the site.
- Within the vicinity of a current Wildlife Site

The Development Plan

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

The following policies are particularly relevant to this proposal:

Policy Ref	Policy heading
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
CS9	Green infrastructure
CS10	Transport and movement
CS11	Parking

CS12	Achieving high quality design and place making
CS14	Distribution of new housing
CS33	Smaller settlements and countryside

North Somerset Replacement Local Plan (saved policies) (adopted March 2007)

The saved policies are not relevant to this proposal:

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

The following policies are particularly relevant to this proposal:

Policy	Policy heading
DM1	Flooding and drainage
DM2	Renewable and low carbon energy
DM8	Nature Conservation
DM9	Trees
DM10	Landscape
DM11	Mendip Hills Area of Outstanding Natural Beauty
DM24	Safety, traffic and provision of infrastructure etc associated with development
DM25	Public rights of way, pedestrian and cycle access
DM28	Parking standards
DM32	High quality design and place making
DM42	Accessible and adaptable housing and housing space standards

Other material policy guidance

National Planning Policy Framework (NPPF) (March 2012)

The following is particularly relevant to this proposal:

Section No	Section heading
4	Promoting sustainable transport
6	Delivering a wide choice of high quality homes
7	Requiring good design
10	Meeting the challenge of climate change, flooding and coastal change
11	Conserving and enhancing the natural environment
12	Conserving and enhancing the historic environment

Supplementary Planning Documents (SPD) and Development Plan Documents (DPD)

- Residential Design Guide (RDG1) Section 1: Protecting living conditions of neighbours SPD (adopted January 2013)
- Residential Design Guide (RDG2) Section 2: Appearance and character of house extensions and alterations (adopted April 2014)
- North Somerset Parking Standards SPD (adopted November 2013)
- North Somerset Landscape Character Assessment SPD (adopted December 2005)
- Biodiversity and Trees SPD (adopted December 2005)

- Creating sustainable buildings and places SPD (adopted March 2015)

Consultation Summary

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

Parish/Town Comments

- Bleadon Parish Council has no objections to this planning application

Neighbour's Views

The principal planning points made are as follows:

- The stable, which may not have planning permission, should not give precedent for the dwelling. The stables are still in a useable condition.
- Alterations to the PROW are not acceptable and could harm neighbouring properties. The development will also impact views from the PROW
- Proposal could impact water runoff and drainage.
- Proposed access is dangerous and would harm highway safety during construction and after. The path across the fields is the only safe route for pedestrians.
- Proposed dwelling is out of keeping with surrounding area.
- Window on garage would harm privacy of neighbouring property
- Outside of the settlement boundary where new houses are not permitted. The proposal is contrary to the Bleadon Parish Plan, SAP.
- Public transport is not as frequent as claimed, it only goes one way.
- Development on Brownfield should be promoted first. Greenfield should be a last resort.
- The site is of interest to natural species, including glow worms, adders, butterflies, badgers, owls, badgers, and the natural environment
- Does not benefit the local community.
- Dwelling is much larger than the existing stable and is overdevelopment for the site.
- The dwelling, if permitted, should be restricted and parking restrictions should be put in place.
- Pollution by way of light, noise, contaminants. Further lighting would harm dark skies at night.
- Loss of boundary wall is unacceptable
- Link Mid and Lower Celtic Way – a form of strip development
- Plans are not clear or correct
- No information has been provided regarding access for utilities.
- The proposals should be considered as a whole not individually
- The site is not adjoining Edgehill
- No signs have been put up, neighbours not notified
- It would set precedent for a second house to be built on the field.
- There is no rural need for the dwelling.

Conclusions

The principle of development and 5 year land supply

The site is outside, and does not adjoin, the settlement boundary for Bleadon, which is defined as an 'infill village' and contains a very limited range of services. The site is situated in the open countryside in an area where new residential development is strictly controlled in order to protect the character of the countryside and to prevent unsustainable development.

The site has limited access to local services and facilities, employment and public transport (an hourly bus service which runs in one direction). There is no pavement to the village and the PROW is steep and relatively muddy. Future occupants would be reliant upon a private car to access local services and would need to travel towards Weston-super-Mare for schools and doctor's surgeries. The proposal would therefore result in an unsustainable pattern of development that conflicts with the locational strategy for development set out in policies CS1, CS14 and CS33 of the North Somerset Core Strategy, and to guidance contained National Planning Policy Framework section 6 paragraph 55.

It is noted that the site is currently in equestrian use and that there is a small three-bay stable on site. This was given permission at appeal (application reference 96/1849). As the stable is for equestrian use the part of the site occupied by the stable is considered to be brownfield. However, the stable does not set a precedent for residential dwellings, which must be considered on their own merit.

In the absence of a 5 year land supply, there is a presumption in favour of sustainable development. However, the modest benefit to the housing supply and the economy from the provision of an additional dwelling are outweighed by the harm caused through its location and the other issues identified below, including harm to the Mendip Hills Area of Outstanding Natural Beauty (AONB). The proposal is therefore not sustainable development as defined by the NPPF.

Area of Outstanding Natural Beauty

The proposed dwelling is sited on previously developed land in a prominent location which crosses a public right of way. The site is set on a slope bounded on the north and east sides by Celtic Way which drops from the north towards the east and south. There is currently a stable with three paddocks set within a cutting on site. The front elevation, is open towards the south with the west, north and east elevations screened by the hillside and mature vegetation. The proposal extends well beyond the footprint of this stable.

The proposed dwelling would not be screened by the land levels or the existing vegetation by way of its location within the site and its overall height. The proposal is two stories tall with a modern roof form, while it is shown that the proposal would not stand proud of the wall at the top of Celtic Way it would be prominently visible and intrusive from Celtic Way.

From the south, views towards the AONB would be significantly adversely affected by the proposal. The proposal would not sit, sheltered, within the existing cutting and its roof would be at a height similar to that of Celtic Way where it adjoins the site to the north. The proposed dwelling, which is of a design alien to the area would be visually intrusive and

significantly affect any views towards the AONB, this impact is only increased by the use of a bright cream render.

The creation of an access track which weaves across the hillside from the access at the south-east of the site further impacts the character and appearance of the site and its relationship to the AONB. Due to its location on the slope of a hill it would be visible from long distances and would erode the green and rural appearance of the hillside.

Cumulatively the proposed dwelling, access track and detached garage would appear discordant in the landscape, which is rural in nature and appearance and is sited closely to the adjoining sensitive landscape of the AONB. The proliferation of domestic paraphernalia, hardstanding and buildings in such close proximity to, and so readily visible in connection with the AONB would be unacceptable.

The proposal will not conserve and enhance the landscape and the scenic beauty of the AONB through unacceptable harm to views in to and out of the AONB, and is therefore not in accordance with policy CS5 of the North Somerset Core Strategy, policy DM11 of the Sites and Policies Plan (Part 1) and section 11 of the NPPF.

Character and appearance

The proposed dwelling is of a design which would be out of keeping with the surrounding dwellings and rural character of the area. The contemporary design and overall size would be jarring with the surrounding buildings which are generally more compact and of a traditional design. It is noted that there are a number of larger dwellings to the west of the site, south of Celtic Way, but they do not justify further prominent dwellings set on the hillside.

The proposal is set proud of the hill with the east wing standing forward of the main body of the building which brings the two storey element to stand further out against the hillside. The design does not sit within the existing cutting and does not respect the contours of the hillside. The two storey glass wall on the south-west elevation would cause glare/reflection causing the house to be even more prominent on the hillside and visually intrusive. The development would be very prominent and have an adverse impact on the landscape viewed from the Public Right of Way crossing the site.

The site is located at the edge of an area of residential development, currently there is no development on the west side of Celtic Way until the settlement boundary of Bleadon, on the east there is some development which through the use of outbuildings has spread towards Bleadon. By developing the west side of the road the gap between the two areas would be eroded and the rural spaces, characteristic of the area, would be lost. Celtic Way would begin to take the characteristic of ribbon development which would not be acceptable. The domestication of a large area of land would further add to the adverse impact of the character of the area.

The proposal would unacceptably harm the character of the surrounding area. In this respect, the proposal conflicts with policies CS5 and CS12 of the Core Strategy and policies DM10, DM32 and DM37 of the Sites and Policies Plan (Part 1).

Public Right of Way

No details showing the alterations to the existing PROW have been submitted. It is not known how the PROW will be changed, other than it would pass between the proposed garage and boundary of Mendip Croft. The wall of the garage would enclose a section of the path against the boundary hedges which would not make a pleasant pathway. The hedge would also encroach on the width of the path unless properly maintained by the owner (Mendip Croft) who would need to be given access to maintain the hedge. The path would also pass through the rear garden of the new dwelling and therefore may come under pressure following the development for a further diversion. Cumulatively the diverted path and the need to pass through a garden would adversely affect the usability and amenity of the path.

The development by way of its siting and the resultant impact on the PROW is unacceptable and conflicts with policy DM25 of the North Somerset Sites and Policies Plan (part 1).

Protected species

The application site is situated near to the Mendip Hills AONB and within a known bat habitat. The site is located in an area with a number of Annex II horseshoe bat hibernation sites, including one to the north and another to the west which are set approximately 1km away. Barbastelle have also been noted which are a rare Annex II bat and sensitive to disturbance. The location of the site will partially block a green corridor and it is necessary to ensure that dark, unlit, green corridors are retained between areas of settlement within the Bleadon area to allow for bats to access hibernation and foraging sites. No bat activity surveys were undertaken to support the current application and therefore the precautionary principle applies; it is assumed that horseshoe bats may use this east-west route and could be harmed.

An assessment for great crested newts is required for the site as the screening has indicated an historic record (2002) within the settlement area of Hillside Road 226m to the north of the site. A number of other species, including glow worms, butterflies, adders and badgers, have been raised by consultees. It would be necessary to survey the site and assess the presence of the above species. It is not possible to assess from the information submitted whether great crested newts would be affected.

As insufficient information has been submitted it is not possible to assess any possible harm to the protected wildlife or to condition the required mitigation, if necessary, for these works. The proposal does not, therefore, comply with policy CS4 of the North Somerset Core Strategy or policy DM8 of the North Somerset Sites and Policies Plan (part 1).

Drainage

The proposal is for the erection of one dwelling, a detached garage and the laying of a gravel access track. It is considered that this would not significantly affect the ability of the site to deal with runoff water. The site is part of a much larger field which is connected to further fields downhill towards the south. The developed area of land within this substantial area of undeveloped land would not be substantial in relation to surface water and runoff.

Impact on neighbours

The proposed development complies with the relevant tests contained within the Residential Design Guide (Section 1: Protecting living conditions of neighbours) and would

not result in a significant adverse impact upon the living conditions of neighbouring residents. This includes any overlooking from the garage which would be screened by the existing boundary treatments between the site and neighbouring dwelling to the west. In this respect, the proposal complies with policy DM32 of the Sites and Policies Plan (Part 1).

Parking and highway safety

It is considered that the access would be acceptable and would not harm the safety of the highway if the boundary treatment within the visibility splay shown is kept below 900mm. This would require the removal of an area of fence and hedge either side of the access. It is considered that due to the scale of the development construction traffic would not be so significant as to cause a significant increase in risk to road users. Celtic Way does not have a pavement between the application site and Bleadon and it has been raised by consultees that it is not a safe route for pedestrians to take towards or away from Bleadon. However, this development will not significantly alter the usage of the road or unacceptably increase the risk for existing pedestrians.

On-site parking provision is adequate and complies with the standards set out in the North Somerset Parking Standards SPD. The proposal is therefore in accordance with policies DM24, DM28 and DM38 of the Sites and Policies Plan (Part 1).

Setting of Listed Building

The proposal does not affect the setting of any listed buildings.

Other matters

All other matters raised by the consultees have been taken into account, including that the plans are not clear or correct, there are no details for utilities access and that the site is not adjoining Edgehill, but none is of such significance as to outweigh the considerations that led the recommendation below. It has also been raised that proposals should be considered cumulatively not on their own and that this proposal, if approved, would set a precedent. All applications are considered on their own merit but the cumulative impact of development in an area is taken in to account.

It has also been raised by consultees that neighbours were not notified of the development and that a site notice was not erected. However, in line with the Local Planning Authority's statutory duty all neighbours who directly adjoined the site were notified and a site notice was erected, in a public place, as close to the site as was possible.

The Bleadon Parish Plan was also raised by consultees, however this was not an adopted Parish Plan and since its creation the relevant local policy has been superseded and so no longer holds weight. Bleadon does not currently have a Neighbourhood Plan which would have formed part of the development plan.

It is not possible to assess, from the information available, whether the development would impact on the boundary of the adjoining neighbour to the west, Mendip Croft. However, any structural requirements to ensure the stability of the land are dealt with by building regulations and are the requirement of the developer.

Recommendations

REFUSE (see draft decision for reasons)

Reason for Overriding Parish Council comments (if appropriate)

See report

In recommending this application, I have taken into consideration the relevant policies of the Development Plan and the comments made by the consultees and other interested parties and the:

- Natural Environment and Rural Communities (NERC) Act 2006
- Crime and Disorder Act 1998
- Human Rights Act 1998.

Signed: ...Sam Watson



Appeal Decision

Inquiry Held on 24– 27 April and 1 May 2018

Site visit made on 27 April 2018

by Louise Nurser BA (Hons) Dip UP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 June 2018

Appeal Ref: APP/D0121/W/17/3184845

Weston Business Park, Laneys Drive, Locking, North Somerset BS24 8RA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
 - The appeal is made by Ms Donna Wall (Moor Park (North Somerset) Ltd) against North Somerset Council.
 - The application Ref 16/P/0329/O, is dated 23 December 2015.
 - The development proposed is mixed use development comprising uses within some or all of Classes C3 (Residential), Offices (Class B1), Gymnasium (Class D2), Crèche (Class D1), Café (Class A3) and Hotel (Class C1), with associated car parking, means of access, access roads, infrastructure works and landscaping.
-

Decision

1. The appeal is dismissed and planning permission is refused.

Procedural Matters

2. All matters other than access are reserved for future determination. I have dealt with the appeal on that basis, and have treated the accompanying illustrative masterplan as such.
3. The Council did not issue a decision in relation to the appeal proposal. Nonetheless, within its Statement of Case, the Council notes that, had it been in a position to do so, it would have refused planning permission for three reasons. These are impact on the strategic gap/ openness; consistency with settlement policy; and the lack of an appropriate S106 agreement to provide for on-site affordable housing provision and financial contributions to mitigate the impact of the development.
4. On April 10 2018, after the planning appeal against the non-determination of the planning application had been made, the North Somerset Sites and Policies Plan, Part 2 Site Allocations Plan, 2006-2026 (SAP) was adopted. Consequently, the development plan consists of the policies of the North Somerset Core Strategy (CS), adopted January 2017, the North Somerset Sites and Policies Plan Part 1: Development Management Policies (DMP), adopted 2016, and the SAP. The West of England Joint Spatial Plan has also been submitted to the Secretary of State. However, both parties attribute little or no weight to this in relation to the appeal before me and I see no reason to depart from this agreed position.

5. I undertook an accompanied site visit. However, prior to, and during the Public Inquiry I made unaccompanied visits to the site and around the wider area, including Haywood Village and Locking Parklands Village. Also, as requested by both main parties, I visited the following sites: Bleadon Quarry, Bleadon; Oxford Plasma, Yatton; and land to the rear of Locking Road, Weston-super-Mare.
6. Following the Inquiry a signed copy of a Unilateral Undertaking relating to the provision of affordable housing and financial contributions towards sustainable transport was provided. This would address the Council's final putative reason for refusal.
7. In addition, as requested, I received a final version of the proposed conditions that had been discussed during the Inquiry.
8. I have been referred to both the draft National Planning Policy Framework and the accompanying draft guidance. However, as both documents are yet to be finalised, I afford them little weight at this time and have relied on extant national planning policy and guidance.
9. Reference has been made to a number of historic appeal decisions which are directly related to the appeal site, and to the Examining Inspector's Reports in the lead up to the adoption of NSC's development plan. Whilst these serve as useful background documents I have determined the appeal on the basis of the policies within the adopted development plan and other material considerations.

Main Issues

10. The main issues are a) whether the appeal site represents an appropriate location for the development proposed, with particular reference to the effect of the proposal on the integrity and function of the Strategic Gap, and on the development strategy of the development plan b) whether the Council is able to demonstrate a 5 year supply of deliverable housing sites and c) whether any development plan conflict and harm arising is outweighed by other material considerations.

Reasons

Location of development

11. The Core Strategy sets out a clear locational strategy for new development in North Somerset. Policy CS33 of the CS seeks to strictly control new development outside the areas specified in Policies CS28- CS32 in order to protect the character of the rural areas and to prevent unsustainable development. It is common ground between both parties that the appeal proposal is contrary to this policy, and there is nothing before me to suggest I should come to a different conclusion.
12. A major plank of the development strategy of the adopted plan is to identify large scale developments at the Weston Villages. A number of Strategic Gaps are established through Policy CS19 of the CS the purpose of which is to help retain the separate identity, character and/or landscape setting of settlements and distinct parts of settlements. The Strategic Gap, between the settlement boundary of Weston-Super-Mare, Hutton, Locking and Parklands as defined on the Policies Map and referred to within Policy SA7 of the SAP is of direct

- relevance to this appeal. This is because part of the proposed development falls on land which is part of the Strategic Gap.
13. Notwithstanding that the appeal proposal is in outline, with only the access subject to detailed consideration, I have carefully considered the likely impact, both individually and cumulatively, of development at the appeal site upon the purpose of the Strategic Gap.
 14. The appeal site is formed of three parcels. I will refer to them as parcels A, B and C. Of these, parcels A and C form part of the Weston Business Park (WBP). This is a long established employment use, where the principle of development has been established and is consequently, together with the larger of the Helicopter Museum's (HM) buildings immediately to the north, excluded from the defined Strategic Gap. The Oaktree Residential Park (ORP) to the south is similarly excluded.
 15. This leaves Parcel B which is sandwiched between the ORP and the WBP and is defined as part of the Strategic Gap and forms the focus of my consideration.
 16. From what I saw on my site visits, and from the evidence presented to me, it is clear that there is a close visual relationship between Parcel B and existing, planned, permitted and potential developments, such as to Area A of the WBP.
 17. However, in my judgement, the proximity of planned and existing developments, does not suggest that the Gap is compromised, nor that reliance should be placed on the area of moorland to the south of ORP to fulfil the function and purpose of the Gap. Rather, it illustrates that the Strategic Gap at this point is particularly important in ensuring that the wider gap, between the extensive planned employment uses and Locking, which is clearly fragmented by existing blocks of built development, which are excluded from the Gap, is not further compromised through incremental development. Indeed, Mr Enderby's Appendix 4 illustrates the relatively narrow distance between the edge of the appeal site and the WBP, the ORP and Locking Village.
 18. It also demonstrates that the construction of the proposed housing on almost the full extent of Area B would result in a block of built up development extending from the Helicopter Museum to the north through to the Oaktree Residential Park to the south. This replacement of an extensive area of predominantly undeveloped open land with built development would substantially reduce the extent of the Strategic Gap, and, insofar as it is possible to consider this from illustrative plans, would only leave a relatively limited tranche of land without built development. As the gap between the two sites would be substantially narrowed, this would both individually and cumulatively, compromise the ability to retain the separate identity of the existing and planned developments within the wider gap, and that of Locking in particular, which retains a separate identity.
 19. I note that the proposed development would not directly front the A371, as an area of agricultural land between the entrance to the Locking Village and the roundabout which serves WBP, and ORP would be retained. Nonetheless, the residential element of the development, whilst I accept it would not appear prominent when leaving Weston-Super- Mare and travelling through the Gap, would be significantly more visible when approaching from the south. Therefore, it would incrementally add to the impact of other developments described at length by the appellants. This would reduce the perception, and the

- reality, of the gap between, the existing and planned development, and the village of Locking.
20. I have also found that the proposed development would result in an acute localised impact when viewed from the ORP and Laney's Drove. However, to my mind, the most significant impact of the loss of this element of the Strategic Gap, which extends across the other side of the A371 to the A370 and to Locking Parklands, as well as to the western edge of the village of Locking, would be when viewed from the masterplanned Haywood Village. An example of this is when travelling along the Runway towards the A371, and when experienced from the area of open land to the south of the Runway. Even with all the housing within Haywood Village not being complete, I noticed this open land was highly popular with dog walkers and others exercising.
 21. The gap at this point has already been compromised to some extent by the Helicopter Museum, the WBP and the ORP. However, the existence of these established uses, together with the relatively minor impact of the permitted development related to the Helicopter Museum, are not justification for the '*baby being thrown out with the bathwater*', by constructing housing at a particularly sensitive part of the Strategic Gap. This would further undermine its function as a means of ensuring that incremental development does not result in the loss of the separate identities of established villages such as, in this case, Locking, and the wider planned development, including the strategic sites at Locking Parklands and Haywood Village.
 22. When viewed from Hutton, due to the distance and relative changes in height the proposed development would have little significant impact on the perception of the Gap.
 23. The broad location of the Strategic Gaps had been set within the CS and were therefore not before the Examining Inspector who considered the soundness of the SAP. However, where changes to a policy, particular to a specific area, are required to make a plan sound, corresponding changes to the Policies Map follow. Indeed, such a change took place to land to the south and south east of ORP where the strategic gap was extended, and elsewhere, in another instance, where it was reduced.
 24. Moreover, from the evidence before the Examining Inspector, she would have been well aware of the physical proximity of both the existing and planned developments, in the immediate environs of the appeal site, including the extent of the developable area of the WBP. All these considerations would be relevant to the delineation and purpose of the Strategic Gap, when she concluded, subject to Main Modifications, the extent of the boundaries to the Strategic Gaps, including Parcel B of the appeal site, are coherent, and justified.
 25. It has also been put to me that there is no support for the principle of a Strategic Gap policy within the Framework, and Inspector Burden in her report into the SAP confirms, "*that there is no national policy for the provision of strategic gaps, or encouragement in Government policy*¹". However, she then goes on to conclude the review of the eJSP will be the arena in which to reconsider the principle of continuing with such a designation. Clearly, this is the correct approach. Similarly, it is not for me to consider whether such a

¹ CD5.2 North Somerset Council Sites and Allocations Plan, Inspector's Report February 2018, Paragraph 101

policy is Framework compliant. Moreover, as it stands, the current CS, which provides for the principle of a SG within Policy CS19, sits within a Framework compliant plan, which has then been refined through the SAP.

26. Consequently, I have sympathy with the Council's argument, that the Framework is not a compendium of approved policies to be inserted into local development plans. Otherwise, this flies in the face of Paragraph 150 of the Framework. Evidently, policies must be Framework compliant in order to have been found sound. However, they need not be Framework identical. I have been referred to the Crawley Down appeals², but consider the policy context to be different in the instance before me.
27. In this case, it is clear from what I have seen and heard and in particular when undertaking my site visits, that the planned development within North Somerset and close to Weston-super-Mare is such that this particular Strategic Gap, and this particular site within it, plays a significant role in ensuring that the environmental impact of unplanned growth does not cause significant and adverse harm.
28. I conclude that the location of the appeal site would not be an appropriate location for the specific development proposed, with particular reference to the effect of the proposal on the integrity and function of the Strategic Gap, and on the development strategy of the development plan. The appeal proposal would, therefore, be contrary to Policies CS33 and CS19 of the CS, and Policy SA7 of the SAP, the requirements of which are outlined above.

Supply of housing

29. The main parties produced a Position Statement on Housing Land Supply in which they agreed that the appropriate quantum of housing, against which the five year supply of deliverable land is to be calculated is 20,985 dwellings from 2006- 2026. However, the appellant suggests that this figure may not be 'Framework compliant', and therefore the weight to be accorded to this policy must as a necessity be reduced³. However, I have taken a straightforward approach to this. The figure is derived from a plan, whose policies were finally adopted in 2017. The Secretary of State had concluded in his letter to the Leader of North Somerset Council (NSC) that he was, 'satisfied that the Inspector's recommendation, set out in his report of 11 March 2015, apply and reflect national policy correctly'⁴. There is no substantive evidence before me which would suggest that I should disregard this conclusion and, thus, treat the housing figures set out in CS13 of the adopted development plan, which was the subject of a 'thorough review' by the Government, as out-of-date, in principle.
30. A review of the adopted development plan has taken place, and the emerging policies are currently under examination. Clearly, by its very nature, additional evidence setting out housing needs has been submitted to support the Examination of the emerging Joint Spatial Plan and this will be the subject of debate. Going forward, the Examination in Public is the appropriate arena in which to consider the detailed arguments relating to the suitable quantum of

² CD3.11 App/D3830/V/16/3149759 and 314/5499

³ Neil Tiley Proof of Evidence paragraph 6.3

⁴ Natalie Richards Proof of Evidence Appendix 2 Paragraph 3.

objectively assessed need for housing, including consideration of the relevance or applicability of the Government's proposals for a standardised methodology.

31. There is also agreement between the main parties that the Sedgefield approach should be applied and a buffer of 20% is appropriate. I agree.
32. The Council considers that it has a deliverable supply of 5.00 years and the Appellant a supply of 3.41 years, when assessed against the period 1st October 2017 to 30th September 2022.
33. The main areas of dispute relate to the exact calculation of the five year requirement; the rate at which small sites with consent will lapse; the small site allowance; the contribution from the change of use of rural buildings and empty homes; and the level of housing to be delivered within large sites with consent, strategic sites and allocations.
34. Prior to the Inquiry, a Secretary of State decision was published which is of direct relevance to the appeal before me, given that the same witnesses had appeared before the Inspector at the Farnleigh Fields appeal⁵.

Exact calculation of requirement

35. There is a difference of five dwellings between the Council's calculation of the five year housing requirement and that of the appellant. The difference results from the Council rounding down the CS figure of 20,095 over 20 years to 1,049 dwellings per annum (dpa), rather than the more accurate 1,049.25 dpa. When this approach is used to calculate both the backlog and the future five year requirement, this has a marginal impact. However, the appellant's calculation is more accurate and should therefore be used. The resultant figure is a requirement of 9,751 deliverable dwellings to provide a five year supply. This reduces the Council's supply of deliverable housing to provide a surplus of two units.

Lapse rate

36. There was much discussion relating to the lapse rate of small consented sites. In common with the Farleigh Road Inspector, and the Secretary of State⁶, I am content given the short time period to which both parties evidence relates, that, notwithstanding Inspector Burden's comment within her Inspector's Report⁷, a 10% lapse rate for small sites would be reasonable and should be applied for the purposes of this appeal. As such, the 635 dwelling figure should be used.

Small site windfall allowance

37. The Council has taken a simple approach to setting out the small site windfall allowance. The plan period annual completion rate for small scale windfall sites has then been reduced by 17% to make allowance for windfall sites allowed on garden land. To ensure there is no double counting of sites that already benefit from planning permission the first three years are discounted from this figure.
38. This approach whilst different to that previously utilised by the Council appears logical, and as the average figure relates to completions rather than

⁵ APP/D0121/W/16/3153935

⁶ APP/D0121/W/16/3153935

⁷ North Somerset Council Sites and Policies Plan Part 2: Site Allocations Plan, Inspector's Report February 2018

permissions, is robust and not prone to double counting. As such, on the evidence before me the small site windfall allowance should be 274 dwellings.

Rural building conversions

39. I am aware that the provisions of the GPDO have recently changed to increase the number of dwellings that can be permitted without recourse to applying for planning permission. However, I am not convinced that an annual figure of 36 dpa will continue to be realistic over the next five years, nor that some of the dwellings which would be added to the supply from this source, would not, in the past, have been granted planning permission. Therefore, there is a strong possibility that they would previously have formed part of the small site windfall allowance. Consequently, I conclude, given the downward trajectory of sites coming forward that a lower rate would be more appropriate. The appellant's figure at 16 dwellings appears reasonable, albeit, perhaps cautious. Nonetheless, the impact of such a figure is marginal, and in the context of the wider picture, it would be a reasonable quantum of development to attribute to this source.

Empty Homes

40. The Council suggests that a contribution of 112 dwellings from the bringing back into use of empty homes and targeted interventions set out within its Empty Property Delivery Plan should be included within the supply. I have no doubt that this approach will make a contribution over the five year period. However, I, like my colleague in the Farleigh Road appeal, am not certain the evidence is sufficiently clear that this assumed supply would not be conflated with other sources of supply, and that the figure is not vulnerable to double counting. Consequently, I conclude that the allowance should be disregarded.

Deliverability of large sites

41. The Council and appellant have helpfully isolated the specific sites where there is disagreement as to whether they should be included in the five-year supply of deliverable housing sites. Footnote 11 to the Framework expands on what is meant to be deliverable as does the national Planning Practice Guidance. The so-called St Modwen Developments Limited judgements, confirmed that Paragraph 47 of the Framework requires that Councils have an obligation to provide a sufficient supply of land which is capable of being delivered to provide a five year housing supply. There is a clear distinction between what is capable of being delivered, and what will be delivered. Thus, for a site to be regarded as deliverable, it need not be necessarily certain or probable that housing will be delivered upon it, or that it would be delivered to the fullest extent possible within the five years. Rather, it should simply be capable of being delivered. As a consequence, there needs to be clear evidence to show not that there is simply doubt or improbability, but rather that there is no realistic prospect a site could come forward within the five year period for it to be discounted from the supply.

42. I have been referred to detailed national evidence relating to lead in times for development. Whilst this is useful as a general guide, I do not consider it to be determinative in considering the deliverability of specific sites in a given locality.

Large sites with consent

43. *Oxford Plasma and Bleadon Quarry*: I was asked to visit both these sites, where I was able to see that they both remain operational. However, there is nothing before me to suggest that I should come to a different conclusion than that drawn by Inspector Jones in the Fairleigh Road appeal, with which the Secretary of State did not disagree, that the sites should remain within the supply. In coming to this conclusion I note that this Inquiry took place over a year ago. Nonetheless, no additional site specific evidence was submitted to demonstrate that the schemes would not be implemented within the five year period, to enable me, to conclude, as stated by the appellant in cross examination, that both the Secretary of State and my colleague had made a mistake, in their interpretation of national policy, including the relevant elements of the PPG. As such, these sites should remain in the supply (51 and 42 dwellings respectively).
44. *Woodborough Farm*: This site has outline planning permission. It is a matter of dispute as to when the site is to be delivered, with the appellant suggesting a more conservative approach than that of the Council (125 vs 175 dwellings). Both the Council and the appellant argue that their particular trajectory has been agreed by the developer. This illustrates the futility of slavishly relying on such information, and that the speed of delivery of housing is, on the whole, in the gift of the developer, and is influenced by a number of variables. In the absence of clear evidence that the scheme will not be implemented, I favour the Council's figures (175 dwellings).

Saved Local Plan Allocations

45. These five, longstanding sites do not, as yet, benefit from planning permission, and have been brought forward from the previous local plan. By definition, they must be considered as developable. The Environment Agency has, in principle, no objection to the development of each of these sites, but is unable to confirm that they are capable of delivery. Given the flood risk issues related to them, sequential and exceptions tests are required and this is explicitly set out within the relevant part of Schedule 1 of the recently adopted SAP. This requirement will add time to the delivery of the sites, and an element of uncertainty that these sites will, in fact, come forward within five years or are capable of delivery. The Inspector at the Fairleigh Road Inquiry considered that legitimate concerns had been raised in relation to the delivery of the individual sites, yet considered these were not necessarily insurmountable. However, on the evidence before me, including the detailed site specific requirements to which I have been referred within the now adopted development plan, given the uncertainty, I favour the appellant's approach that there be a 0 dwelling contribution from this source. In coming to this conclusion, I am aware of the changes in circumstances for two of the sites. However, neither of these impacts on the flood risk related requirements for either of the sites, within the adopted SAP.
46. Clearly, in the future, and in the context of a different reporting period, circumstances will change, and these sites may become deliverable. This will become clear through active monitoring.

47. *Strategic Sites*: The appellant's evidence suggests that the forecast delivery rate put forward by the developers at the Weston villages (511 dpa) is of a substantially higher quantum per annum than normally achieved nationally⁸. It is further suggested that, as the Council's forecast rate is even higher (653 dpa), then this should be treated with caution. As such the development industry's trajectory should be given greater credibility in calculating the contribution to the five year supply of deliverable housing.
48. I have been referred to instances locally where the delivery of housing has outpaced that proposed by the developers, and where it has fallen below that considered likely by the Council. These instances illustrate the lack of certainty in forecasting the delivery rate of sites.
49. I am also aware that Inspector Burden suggested that there was a high level of uncertainty that the Weston Villages would deliver the level of housing anticipated in the SAP by 2026. Nonetheless, I have carefully considered the evidence before me in the context of the St Modwen judgements. I consider that there is not the clear evidence to suggest that the housing levels suggested by the Council are not capable of being delivered in the context of providing a supply of deliverable housing sites.
50. In coming to this conclusion, I am aware of the conclusions drawn by previous Inspectors to which I have been referred. However, I have made a distinction between the delivery of housing sites as set out within a developer's trajectory, which is influenced by a number of considerations, and the supply of housing sites which are capable of being delivered. As a consequence, I prefer the Council's figure of 3265 dwellings.
51. *Allocations in the SAP*: The Council was required to include further housing allocations to ensure that the SAP was found sound prior to its adoption. Of the allocated housing sites within the recently adopted SAP, the contribution to the five year housing land supply is in dispute in relation to sixteen sites.
52. These sites are allocated for development, and therefore, must be by definition developable. However, the adopted SAP requires that a sequential and exceptions test be undertaken for some of the allocated sites. Consequently, for the reasons set out above, I am unable to conclude that ten of the sites are necessarily capable of delivery within the next five years. This reduces the supply by 705 dwellings.
53. In relation to the other sites where there is dispute between the parties, on the balance of the evidence the Council's approach is to be favoured.

⁸ Neil Tiley Proof of Evidence Figures 9.2 and 9.3

Category of contribution	
1st October 2017 to 30th September 2022	
Large sites with consent	2430
Saved Local Plan allocations (brought forward to adopted SAP)	0
Strategic sites	3265
Other allocations in SAP	1945
Small sites with planning consent	635
Small sites windfall	274
Change of use from rural buildings	16
Empty homes brought brought back into use	0
Total	8,565

54. Therefore, on the evidence put to me at this Inquiry, I consider that the total five year supply of deliverable housing is 8,565 dwellings, or 4.4 years.

Other matters

55. I am aware of the local support for the proposal, including the desire for additional local housing, as well as the provision of convenient employment premises.

Planning balance and conclusion

56. I have found that the appeal proposal would conflict with policies CS19 and CS33 of the CS and with Policy SA7 of the SAP. I consider that the proposal is contrary to the development plan as a whole. I afford this conflict very significant weight.

57. However, I have also found that the Council is unable, in the context of the evidence before me, and for the purpose of this Inquiry, to demonstrate a five-year deliverable supply of housing. As a consequence, the so-called 'tilted balance' in paragraph 14 of the Framework, which is a significant material consideration, applies. This is clear that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as whole. I now turn to the suggested benefits.

58. There are clear benefits to the scheme, namely, a mixed development, including up to 115 homes, of which 30% would be affordable (to be secured by planning obligation). Representatives of the local construction industry, who spoke in favour of the scheme, were clear that it was achievable within the next five years and I am aware of the pressure for development in the area⁹. Given the lack of a five-year supply of deliverable housing sites in the area, I accord this benefit substantial weight.

⁹ My attention was drawn specifically to 18/P/2652/OUT as an example of this

59. There would also be the opportunity to improve surface water run-off and reduce the risk of flooding. However, it is not clear to what extent the problems experienced by ORP are related to the site, therefore I accord this benefit moderate weight. It has also been put to me that the scheme would provide investment to regenerate the remaining element of the WBP, and thereby provide jobs over and above those which would be temporarily provided during the construction. However, there is no evidence before me to suggest that such investment could not be sourced by other means so I accord this very little weight in favour of the application.
60. In addition, I have been referred to the benefits to local biodiversity from the proposed scheme to which I accord minimal weight.
61. I conclude, therefore, that the adverse impacts of granting planning permission, namely the harms arising from the scheme's conflict with the development plan, would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
62. In coming to this conclusion, I have had regard to the fact that I could issue a split decision if I concluded that the appeal proposals on sites A and C were acceptable and that permission should be granted, and that development on Site B was not, and permission should be withheld. However, the detailed evidence, including that relating to flood risk matters, which accompanied the outline application was predicated on all three sites being developed together. As a consequence, on the basis of the evidence before me, I do not consider that a split decision would be appropriate. For the reasons given above, and taking all other matters into consideration, I conclude that the appeal should be dismissed.

L. Nurser

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Timothy Leader, of Counsel	Instructed by Head of Development Management at North Somerset Council
He called	
Mr Michael J Muston BA (Hons), MPhil, MRTPI	Director, Muston Planning
Ms Natalie Richards	Principal Planning Policy Technical Officer, North Somerset Council

FOR THE APPELLANT:

Neil Cameron, of Queen's Counsel	Instructed by Rocke Associates
He called	
Neil Tiley Bsc (Hons), Assoc RTPI	Associate, Pegasus Group
Chris Enderby Dip LA, CMLI	Director, Enderby Associates Ltd
Thomas Rocke BA (Hons), Phd, BTP (Dist), MRPTI	Director, Rocke Associates.

INTERESTED PERSONS:

Cllr Ap Rees	Local Ward Councillor and North Somerset Council Executive Member for Strategic Planning
Cllr Mike Cooper	Chair of Locking Parish Council
Mr Barrie Smith	Local Resident
Mr Vizor	Local Resident
Mr Andrew Pearson	On behalf of Mrs Davy, Local Resident
Mr Philip Hill	Director of PJ Hill Building Contractors, Local Builder
Mr Paul Brace	Weston Builders Ltd, Local Builder
Mr Robert Payne	Local Resident
Mr Gordon Sillence	Local Resident
Mr Clifford Dumbell	Local Resident
Mr Stephen Griffin	Local Resident
Mr Simon Terry	Notaro Care Homes
Mrs Marion Petty	Local Resident
Mrs Stella Thompson	Chair of The Oaktree Park Residents Association (TOPRA)
Mr Robins	Local Resident
Mr Werret	Local Resident (letter read out by Mr Cameron on his behalf).
Cllr Terry Porter	Local Ward Councillor and Hutton Parish Councillor
Frank Richards	Local Resident

INQUIRY DOCUMENTS

- 1 Letter from F J Tucker
- 2 Letter from Phil Jones
- 3 Letter from Sabato Notaro
- 4 Table setting out 5 year housing land supply position following receipt of Farleigh Fields Appeal decision
- 5 Bundle of papers including map indicating boundary of appeal site, and Elm Grove Nursery application (18/P/2652/OUT) superimposed on strategic gap, together with details of the planning application.
- 6 List of examples of post Framework policies relating to Strategic Gaps or similar
- 7 Opening submissions made on behalf of the appellant.
- 8 Opening statement on behalf of North Somerset Council.
- 9 Statement produced by Mr Barrie Smith
- 10 Local Development Scheme 2018- 2021 North Somerset Council
- 11 Plan illustrating the position of the wooden pegs which had been set out on the appeal site delineating illustrative layout of development.
- 12 Plans of proposed western hangar at the Helicopter Museum.
- 13 Copy of Unilateral Undertaking under S106 of the Town and Country Planning Act 1990
- 14 Table of respective positions of land supply- with the Council's position on each disputed site.
- 15 Statement provided by Cllr Ap Rees, Ward Councillor and North Somerset Council Executive Member for Strategic Planning.
- 16 Statement provided by Stella Thompson, Chair of The Oaktree Park Residents' Association (TOPRA).
- 17 Email dated 26 February 2018, regarding the Inspector's Report into the Site Allocation Plan and implications thereof, sent on behalf of Inspector Bridgwater to appellant (APP/D0121/W/17/3186112).
- 18 Itinerary for Inspector's Site Visits
- 19 Statement by Mrs Marion Petty
- 20 Statement by Mr Werrett
- 21 Letter from Mr Raglan
- 22 Extract from Planning Practice Guidance relating to housing and economic land availability assessment.
- 23 Draft schedule of conditions.
- 24 Statement by Frank Richards
- 25 Plan of sites at Youngwood Lane, Nailsea.
- 26 Sites within DM process as of 26 June 2017 produced as evidence to EIP
- 27 Statement by Cllr Terry Porter, Ward and Parish Councillor.
- 28 Closing submissions made on behalf of North Somerset Council.
- 29 Closing submissions made on behalf of the appellant.

PHOTOGRAPHS

- 1 Missing photograph which forms part of Mr Muston's evidence: Photo 5.
- 2 Various photographs of the site, and environs provided by Mr Robins.

NORTH SOMERSET COUNCIL PRE-APPLICATION ADVICE REPORT

Pre-application No 16/P/1113/PRE
Case Officer: Sam Watson
Location: Land at Edgehill Celtic Way, Bleadon, BS24 0NB
Parish: Bleadon

We understand your proposal to be

Erection of a two storey dwelling

Summary of our response

Our initial assessment of your proposal is that:

- Planning permission is likely to be refused unless the site is deemed sustainable

The scope of this report

The purpose of this advice is to identify whether your proposal has a realistic chance of success and, if relevant, highlight any potential problems before you submit a formal planning application. It is based on the information you have given us and aims to set out the policy issues that should be addressed with any future planning application and identify any potential problems. We also draw your attention to the advice notes at end of this report.

This document makes use of links to web sites and requires use of a computer. If you do not have access to a computer, or you require any information in an alternative format or a different language, then please phone our Customer Services Team on 01275 888811. All of the council's libraries have public computers for your use and staff available to help.

Planning policy and background

Legislation requires us to make decisions on planning applications in accordance with the 'development plan' unless there are other 'material considerations' that should take precedence (such as emerging national policy).

The 'development plan' for North Somerset comprises the North Somerset Core Strategy and 'saved policies' in the North Somerset Replacement Local Plan (there are other documents relating to waste and minerals). The Backwell Neighbourhood Plan and Long Ashton Neighbourhood Plan also form part of the development plan. Copies of all of our development plan documents are available on our [website](#) where you can also view an up to date table of extant and superseded policies and the current proposals map. You should satisfy yourself that your proposals comply with all relevant development plan policies before submitting an application.

'Material considerations' can include national policy, which mainly comprises [The National Planning Policy Framework](#) and additional guidance produced by the council in [Supplementary Planning Documents](#).

You should also be aware that the council is currently preparing a new local plan document, the [Sites and Policies Plan](#), which will replace the North Somerset Replacement Local Plan once adopted. The council aims to adopt the Plan on 19 July 2016. The draft policies are gaining weight within the planning system and can be used in determination of planning applications.

You can view the planning history of this site, the key planning constraints and the land based planning policies that apply to it on our interactive [planning map](#) which is available on our website.

Planning Assessment

Principle of development

The site is outside the settlement boundary for Bleadon, which is defined as an 'infill village' in policy CS33 of the Core Strategy. Within the settlement boundary for Bleadon, proposals for small scale infill development of one or two dwellings, or small scale residential development where the proposal is community led with clear community and environmental benefits, are allowed. However, this site is outside the settlement boundary and separated from it by a field. Consequently it falls within the open countryside, where the erection of a new dwelling is not normally permitted. This is because policy CS33 restricts new residential development in the open countryside to replacement dwellings, residential subdivision, residential conversion of buildings where alternative economic use is inappropriate, or dwellings for essential rural workers. Your proposed new dwelling does not appear to fit any of these criteria so it is unacceptable in principle in the core strategy as it is contrary to policies CS14 and CS33. However, this must be read in conjunction with the current progress of the Core Strategy, 5 year land supply and housing distribution.

Sustainability

The NPPF includes a presumption in favour of sustainable development. Three dimensions to sustainable development have been identified – economic, social and environmental. The Council's approach to sustainability assesses the sustainability of the nearby settlement and then the sustainability of the individual site. Bleadon is an 'infill' village, these are considered as the least sustainable locations due to the lack of facilities. Therefore we would be likely to consider land, near to but, outside of the settlement boundary as unsustainable. Further to this there is no pavement on the highway and the highway itself is windy and on a gradient. This would likely lead to the occupiers using cars for transport rather than walking. While there is a bus stop adjacent to the site services are infrequent.

Due to the above it is likely that we would not consider this site to be sustainable and it would, therefore, be unacceptable. However, should you submit an application it would be necessary to also provide a sustainability report that covers the economic, social and environmental sustainability of Bleadon and of the site itself. It would not be sufficient justification for the dwelling to be of a sustainable construction as while this is a material consideration it would not outweigh the principle of not allowing development in this location because it would not be sustainable and would result in householders needing to travel to essential facilities.

Character and appearance

Policy CS12 of the Core Strategy and policy GDP/3 of the North Somerset Replacement Local Plan require a high standard of design in all new developments. These policies require that

development is sensitively designed to respect the character of the site and its surroundings, taking the opportunity to enhance an area where relevant. In particular, consideration will be given to the siting, levels, density, form, scale, height, massing, detailing, colour and materials of a development and whether these characteristics respect those of the existing building and the surrounding area.

I have not inspected the site and am unable to determine, based on the information available to me, whether your proposals would meet the requirements of policies CS12 and GDP/3. From the information available to me, it would appear that there may be adverse impacts in terms of harming views in and out of the Area of Outstanding Natural Beauty caused by the height and, or the location of the dwelling. You should satisfy yourself that the policy requirements have been met before submitting a planning application. If you do decide to submit a planning application, it should include sufficient information including a landscape impact assessment, street scene drawings and sections through the site to demonstrate that such adverse impacts will not occur.

Landscape and visual impact

The site is not within the Mendip Hills Area of Outstanding Natural Beauty, however the site adjoins it with the AONB starting to the east of the site boundary. Policy DM11 requires that any development will need to conserve and, where possible, enhance the landscape and scenic beauty of the AONB, and that views into and out of the AONB should not be adversely affected. Particular attention will be given to the siting, scale, size, character, design, materials and landscaping of the proposed development, as well as conservation of wildlife and cultural heritage.

From the information provided it is not possible to assess the affect the proposal would have on the AONB. However, due to the slope down away from Celtic Way towards the south and west any proposal is likely to be prominent on the landscape from these directions and therefore affect views into the AONB. Further, unless it is set low within the hillside it would be likely to affect views out of the AONB from the North-east across the Somerset Levels.

Living conditions of neighbours

Policy GDP/3 (ii) and Policy H/7 (iii) of the North Somerset Replacement Local Plan require that new development will have no significant adverse effects within the site or upon adjacent areas through loss of light, privacy or overbearing impact.

A new dwelling should not cause significant harm to the living conditions of neighbouring residents when using their gardens or habitable rooms and the scheme should also be designed to provide adequate living conditions for the occupants of the proposed dwelling. For further information and advice, please refer to the council's design guide on the subject, which can be found on our website at: [Residential Design Guide - Section 1](#)

In this particular case I am unable to determine, based on the information available to me, whether the position of the proposal would impact on neighbouring properties and whether your proposals would meet the tests of the Residential Design Guide. If you decide to submit a planning application, your plans and drawings must demonstrate that adverse impacts will not occur. These drawings should, for example, accurately show the position of all neighbouring dwellings in relation to your proposals and the position of any windows likely to be affected by the development.

Public Right of Way

Policy DM25 of the North Somerset Sites and Policies Plan Part 1 requires that development does not reduce, sever or adversely affect the use, amenity or safety of public rights of way and

other forms of public access, or prejudice the planned development of the network. Where development does not comply with this it will only be permitted where the effects can be mitigated or the access can be diverted or replaced. Any replacement would need to be no less convenient, safe or aesthetically attractive and of an equal or broader legal status than the facilities it replaces.

A public right of way runs through the proposal site, you will need to ensure that your proposal would not adversely affect the right of way in any application you submit. With the application you should also provide drawings that show the accurate position of the path as well as any necessary mitigation to prevent the harm detailed above.

Trees

Policies CS4 and CS9 of the Core Strategy seek to protect trees as they can make a positive contribution to the character and biodiversity value of an area.

It appears from the information available to me that a tree may be affected by your proposals. The importance of this tree should be assessed through an arboricultural report as described in the council's Supplementary Planning Document entitled [Biodiversity and Trees](#). Such trees must be taken into account in the design and layout of a development, with good specimens being retained. If you decide to submit an application, please ensure that your arboricultural report also includes tree protection and mitigation measures.

Access for disabled people

Access for disabled people is a material consideration in the determination of a planning application. The council has published an advice note '[Access for disabled people - key planning issues](#)'. As explained in this document, a planning application must be accompanied by a Design and Access Statement which, amongst other things, shows how the proposals will meet the needs of disabled people.

Policy GDP/3 of the North Somerset Replacement Local Plan and the supporting text, and policy CS2 of the Core Strategy, promote the use of Lifetime Homes standards to enable all housing to be capable of adaptation and use by everyone. The two web links below give access to the basic information which should be addressed point by point in the Design and Access Statement:

1. [The Design Standards](#)
2. [Lifetime Homes General Information](#)

All works should comply with the BSi code of practice on Lifetime Homes (DD266:2007) or BS8300:2009+A1:2010 as is relevant.

Further advice and help on the interpretation of any of these comments is available by contacting the council's Access Officer, Anthony Rylands, on 01934 634989 or email: Anthony.Rylands@n-somerset.gov.uk

Highway safety

Policy T/10 of the North Somerset Replacement Local Plan states that development will only be permitted if it would not prejudice highway safety.

No details of the proposed access, parking or turning areas have been submitted and therefore safety aspects cannot be fully assessed. However, we have received highways comments on this application in response to the information provided.

From the information available to them it would appear that a Transport Statement would not be necessary but it would still be necessary to demonstrate that the development would not result in adverse impacts on the safety or operation of the local highway. This includes the safety of the access; the current site access is not considered to be sufficient for a new dwelling. This is due to the lack of clear visibility needed for a 30mph road that complies with the Manual for Streets. It would be necessary to provide visibility splays with any further application which demonstrate that the requirements can be met. It would also be likely that a condition would be attached to any approval requiring the boundary wall / fence and vegetation to be kept to a height of 900mm within the visibility splays.

Any application will need to demonstrate that any vehicle access can be made safe without harming the character of the area and that there will be adequate space for parking (see below) and manoeuvring on site and that vehicles will not need to reverse onto the highway.

Parking requirements

Policy CS11 of the Core Strategy requires that adequate parking is provided to meet the needs of users of a development and that this must be in usable spaces that meet highway safety requirements as well as preserving living conditions and the character of the area.

Detailed parking requirements are set out in the council's [Parking Standards Supplementary Planning Document](#). In brief, the requirements are as follows:

Size of dwelling:	Cars Minimum requirement: (spaces per dwelling)	Cycles Minimum requirement: (spaces per dwelling)
1-bed (1 unit only)	1	1
1-bed (2 or more units)	1.5	1
2-bed	2	2
3-bed	2	2
4-bed and over	3	2

To be regarded as 'usable', parking spaces should meet the dimensions set out below:

Type of parking space	Minimum dimension
Parking bay	2.4m x 4.8m
Parallel parking space	2.0m x 6.0m
Garage	3.0m x 7.0m (internal dimension)
Double garage (without dividing wall)	5.5m x 7.0m (internal dimension)
Parking bay in front of a garage	2.4m x 5.0m
Disabled bay	3.6m x 4.8m

If you decide to submit a planning application, it should specify the existing and proposed number of bedrooms at the property and include a site layout plan that shows how the above parking requirements would be met and how cars would manoeuvre into the parking spaces.

Where new dwellings are proposed, provision should be made for both the existing and new dwellings.

Your planning application should also show how any new hard-surfaced areas have been designed to prevent surface water draining onto the highway. This can be achieved through the use of a suitable permeable surface or by directing surface water onto adjacent soft landscaped areas.

Please refer to the Parking Standards Supplementary Planning Document for full details regarding the above.

Phase One Habitat Survey

The application site is situated near to an Area of Outstanding Natural Beauty and within a known bat habitat. The site also appears to have a number of trees and bushes as well as some overgrown areas. It is therefore possible that there will be habitats and species that will need protecting. These may include, but are not limited to badgers and their setts, bats and their roosts and nesting birds.

Policy ECH/11 of the North Somerset Replacement Local Plan and Policy CS4 of the Core Strategy require that protected species and their habitats are protected.

If you decide to submit a planning application, it must be accompanied by the results of a Phase One Habitat survey conducted by a qualified ecologist. The ecologist's report should include mitigation measures, if appropriate. Further guidance regarding this matter can be found in the council's Supplementary Planning Document entitled [Biodiversity and Trees](#) and at the [Natural England](#) website.

Sustainable Construction

Policy CS2 of the Core Strategy requires development to be of a good standard of design and include sustainable construction techniques with high levels of energy saving. Should you decide to proceed with your proposal, you will need to submit a sustainability/energy statement with your planning application.

Your sustainability/energy statement must show how the dwelling has been designed to reduce its energy use by reason of its design, and how 10% of the energy needs of the development will be provided by decentralised (preferably on-site), renewable and/or low-carbon technologies. Further information on this subject is available in the council's Supplementary Planning Document (SPD) entitled [Creating Sustainable Buildings and Places](#) (adopted 24 March 2015).

The sustainability/energy statement should show how sustainable design principles have been incorporated into the development. A checklist is provided in the SPD which outlines the documentation which must be submitted with different development types to comply with policy CS2. Please note that the government released a planning statement on 25 March 2015 to confirm that the Code for Sustainable Homes will cease to exist, so this will not form part of policy CS2 from this date.

Financial Contributions

Where development is considered to have infrastructure impacts, these are mitigated by contributions to improve facilities. You may be aware that financial contributions are currently sought on sites where 5 or more dwellings are proposed, or where otherwise there is a proven need for contributions to mitigate the impacts of a development. However, the council is

currently working to introduce a Community Infrastructure Levy (CIL), which would result in a charge for developments of one or more dwellings. This is set out in policy CS34 of the Core Strategy.

A consultation on the CIL Preliminary Draft Charging Schedule has been carried out, but further work is currently on hold and it is unlikely that the CIL will be implemented in North Somerset until late 2015 at the earliest. Please see our webpages on the CIL, which are at www.n-somerset.gov.uk/CIL. These will be updated as we move forward and you can also register through the website to receive e-mail updates on progress. Please note that planning applications that are determined after the introduction of the CIL will be liable to pay the necessary charge, even if they were submitted in advance of its introduction.

Waste storage

New dwellings must be provided with sufficient space for a waste storage area and collection point. Provision should be made for every household to store 1 x 180 litre wheeled bin, two recycling boxes and a food waste caddy. For single dwellings, an area of 1.2m² should be sufficient to provide for storage of waste containers and provide space for access. Storage areas should be sited so that the distance householders are required to carry refuse does not usually exceed 30m. A refuse collection point must also be made available that is no more than 15m away from where the refuse collection vehicle can manoeuvre. The surface treatment for the collection point and storage area should be non-permeable to prevent potential contamination from liquids seeping into the ground. Care will need to be taken to ensure that the storage area and collection point are designed in such a manner as to respect the character of the development and the wider area. The council has produced a guidance note on this subject entitled: [Residential Design Guide - Section 4 - Recycling and Waste](#)

Things we recommend you do

Should you decide to proceed with your proposal you are advised to contact the local parish/town council and your elected North Somerset ward councillor. You can find contact details for your local council and ward councillor on our [planning map](#) on our website.

You are also strongly advised to speak to any neighbours that may be affected by this proposal. We have also produced a helpful guide to explain the key steps to be followed in order to get your project completed and avoid unnecessary delays and costs. This guide is called "From start to finish – a check list for developers" and is available on our [website](#)

What to submit if you choose to submit an application

In addition to the relevant application form you will also need to submit the items identified on our validation checklist. If you do not submit all these items we may not be able to process your application which will result in delays. Our [planning application requirements](#) can be viewed on our website.

The following document/s will be particularly important and must be included if you submit a formal planning application:

- Ecological survey and report
- Energy statement
- Roof plan
- Site waste management plan
- Street scene drawings

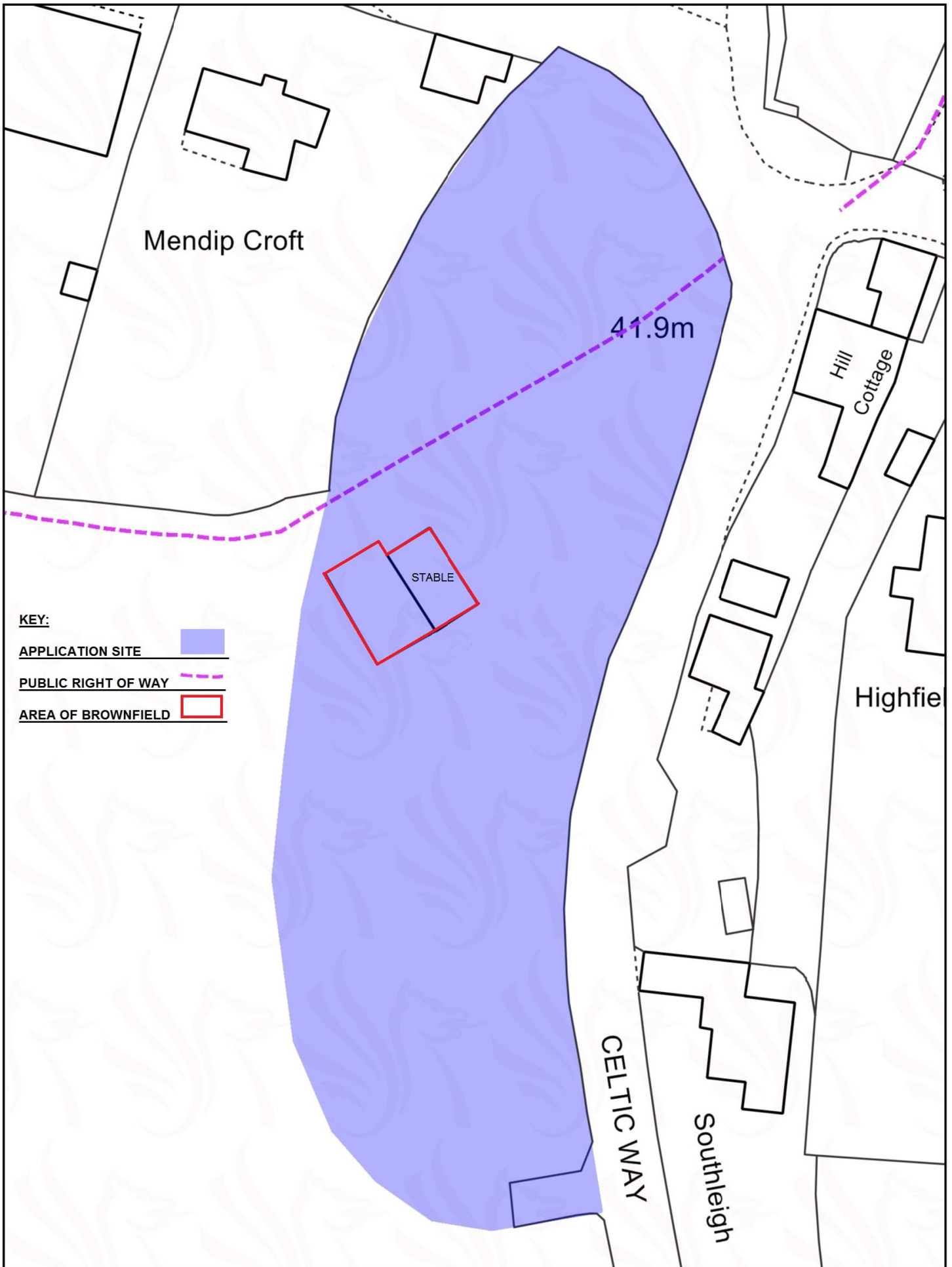
- Sustainability assessment
- Tree survey/arboricultural statement

Detailed advice about each of the documents referred to above can be found on our [website](#).

Advice notes

1. The views expressed are informal views on and based on the information currently available. They are without prejudice to the consideration of any planning application, which may be submitted, and the more detailed assessment of the issues involved at that stage.
2. Any advice given in relation to the planning history of the site, planning constraints or statutory designations does not constitute a formal response of the council under the provisions of the Land Charges Act 1975.
3. The weight given to our advice will reduce the more time that lapses between the advice given and the application being submitted because circumstances may change.
4. Whilst we try to give you all the information available at the advice stage, new information may come to light once a planning application has been submitted that we were not previously aware of. We reserve the right to take a different view if this occurs, however, we will contact you first to discuss the best way forward.
5. We do not normally undertake consultation with external bodies when considering pre-application requests. If you decide to submit a planning application we will formally consult and this process may raise new and relevant issues that need to be taken into account in reaching our formal decision.
6. We do not normally undertake a site visit at the pre-application stage. If you decide to submit a planning application we will carry out a site visit and this may raise new and relevant issues that need to be taken into account in reaching our formal decision
7. Should you require any further advice and information there may be an additional charge.
8. Further fees or contributions may be required prior to the granting of planning permission under S106 agreements or unilateral undertakings.

Signed: Sam Watson



KEY:

APPLICATION SITE



PUBLIC RIGHT OF WAY



AREA OF BROWNFIELD



NPPF and PPG Extracts on Previously Developed Land

National Planning Policy Framework, Annex 2: Glossary, Page 55:

Previously developed land: Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or has been occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures; land in built-up areas such as private residential gardens, parks, recreation grounds and allotments; and land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time.

Planning Practise Guidance, Brownfield Land Registers, Paragraph: 011, Reference ID: 59-011-20170728 (Rev date 28/07/2017):

How should local planning authorities deal with any greenfield land within the curtilage of a brownfield site?

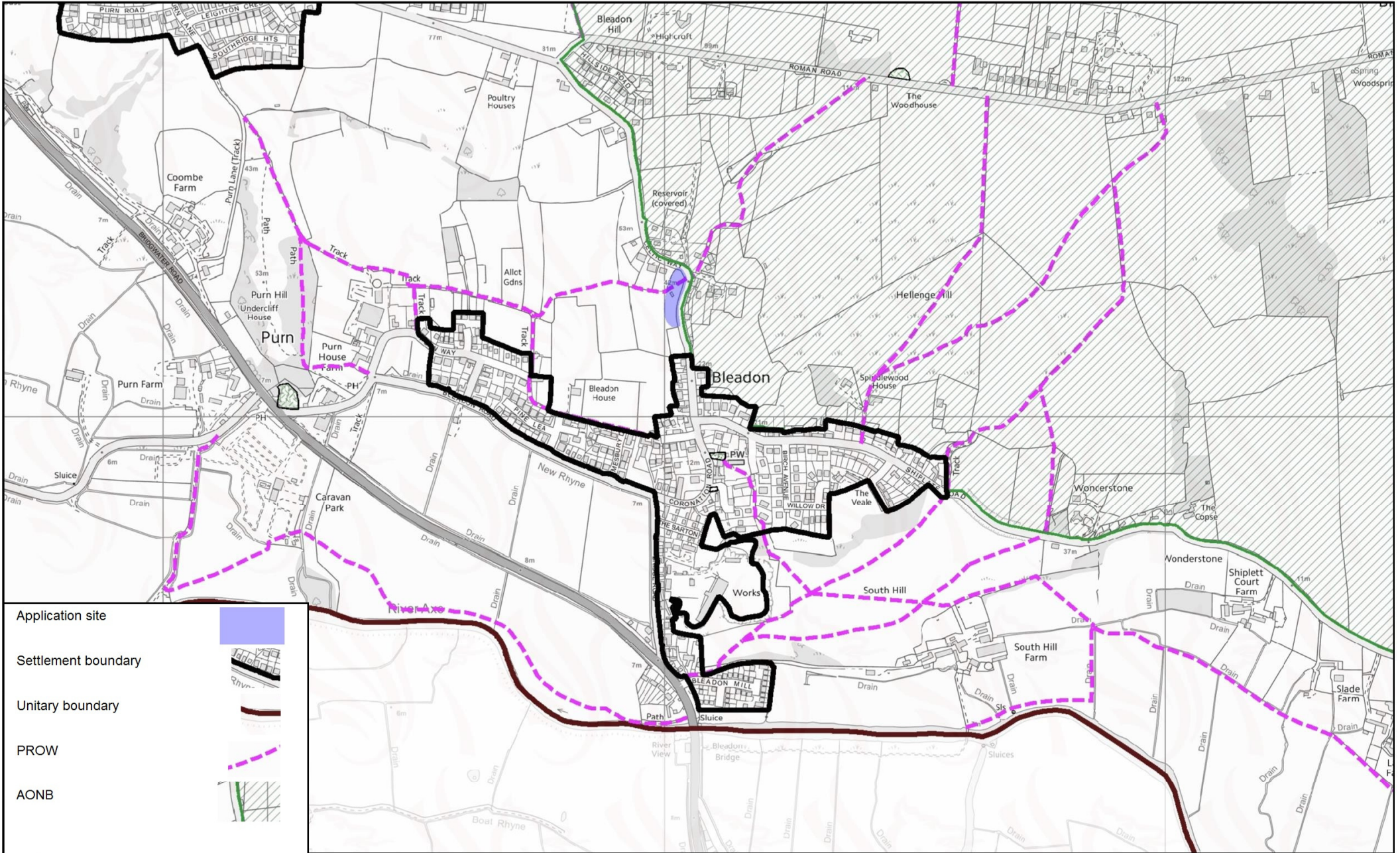
Greenfield land is not appropriate for inclusion in a brownfield land register. Where a potential site includes greenfield land within the curtilage, local planning authorities should consider whether the site falls within the definition of previously developed (brownfield) land in the National Planning Policy Framework. Where it is unclear whether the whole site is previously developed land, only the brownfield part of the site should be included in Part 1 of the register and considered for permission in principle.

How should a local planning authority assess whether a site has an adverse impact on the built, natural and historic environment or local amenity?

In assessing potential brownfield sites, local planning authorities must take into account the National Planning Policy Framework. The Framework has strong policies for protecting the built, natural and historic environment. It also requires authorities to ensure that a residential use is appropriate for the location and that a site can be made suitable for its new use. Local planning authorities must also have regard to relevant policies in their development plan documents. Local planning authorities should draw on of all relevant available information sources in making assessments on the suitability of potential sites.

Paragraph: 019 Reference ID: 59-019-20170728

Revision date: 28 07 2017



Application site

Settlement boundary

Unitary boundary

PROW

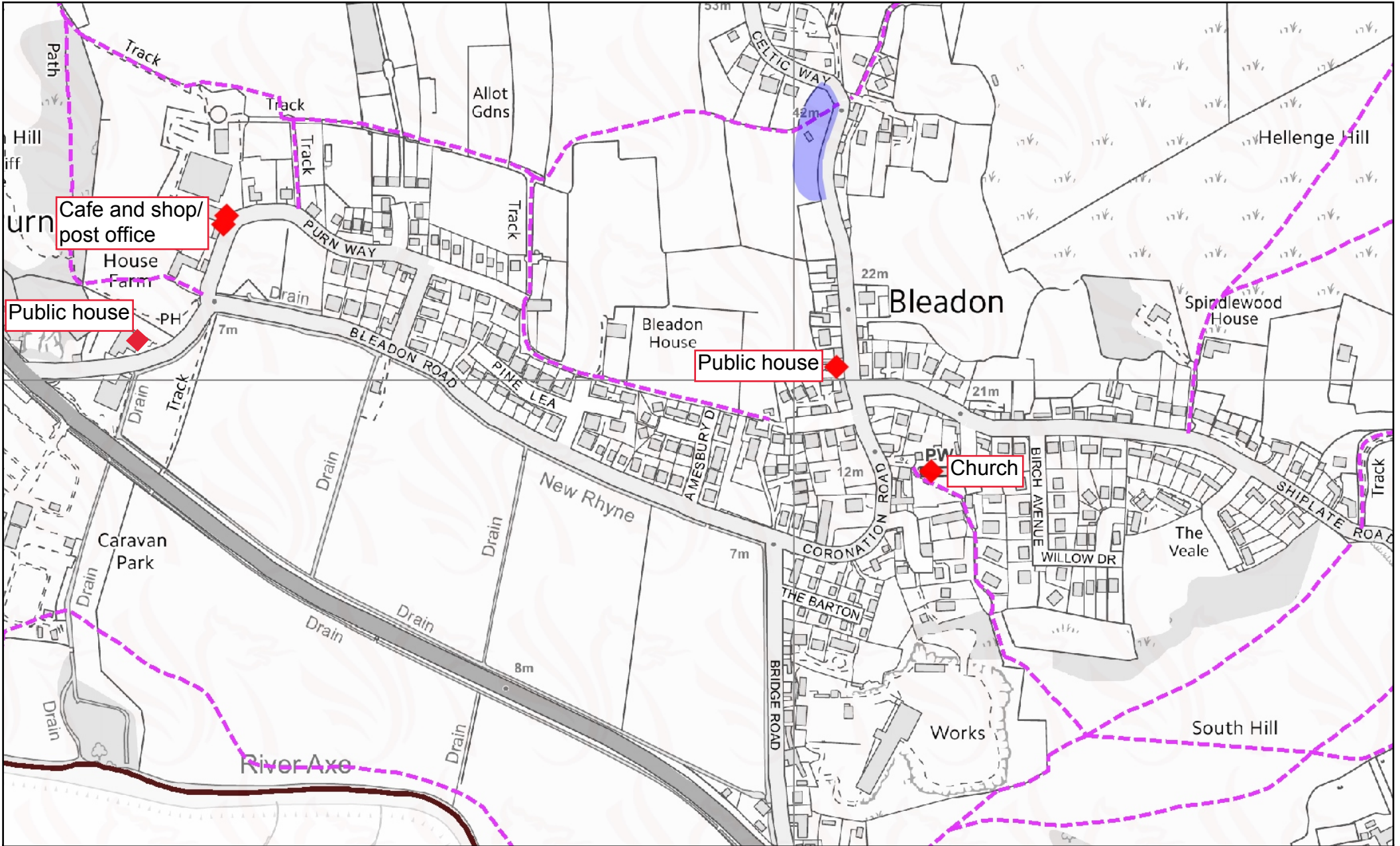
AONB

APPEAL LOCATION

Scale: 1:10000

Date: 12 July 2018





Facilities and Services

Scale: 1:5000

Date: 05 July 2018





VIEW SOUTH FROM SITE ENTRANCE



VIEW NORTH FROM SITE ENTRANCE



VIEW NORTH ON CELTIC WAY (SECTION IN BLEADON)



VIEW SOUTH ON CELTIC WAY (SECTION IN BLEADON)

**B1****Weston-super-Mare - Uphill - Bleadon**

Weston and District Community Transport

Timetable valid from 30/04/2018 until further notice.

Direction of stops: where shown (eg: W-bound) this is the compass direction towards which the bus is pointing when it stops

Mondays to Fridays

Weston-super-Mare, Regent Street (Stop EE)	0835	1040	1300	1545
§ Weston-super-Mare, Station Road (Stop C)	0835	1040	1300	1545
§ Ellenborough Park, Gas Works (S-bound)	0837	1042	1302	1547
§ Ellenborough Park, Ambulance Station (SW-bound)	0838	1043	1303	1548
§ Clarence Park, Moorland Road (SW-bound)	0839	1044	1304	1549
§ Clarence Park, Nithsdale Road (SW-bound)	0840	1045	1305	1550
§ Uphill Manor, Broadoak School (SW-bound)	0840	1045	1305	1550
Uphill, Hospital Grounds (W-bound)	0844	1049	1309	1554
§ Uphill, General Hospital (E-bound)	0844	1049	1309	1554
§ Uphill, Bleadon Hill (S-bound)	0846	1051	1311	1556
§ Purn, Anchor Inn (SE-bound)	0849	1054	1314	1559
§ Purn, Purn Way (NE-bound)	0850	1055	1315	1600
Bleadon, Bridge Road (E-bound)	0852	1057	1317	1602

Saturdays

no service

Sundays

no service

Notes: § - Time at this stop is indicative. You are advised to be at any stop several minutes before the times shown

**B1****Bleadon - Uphill - Weston-super-Mare**

Weston and District Community Transport

Timetable valid from 30/04/2018 until further notice.

Direction of stops: where shown (eg: W-bound) this is the compass direction towards which the bus is pointing when it stops

Mondays to Fridays

Bleadon, Bridge Road (E-bound)	0852	1057	1317	1602
§ Bleadon, The Queens (N-bound)	0852	1057	1317	1602
§ Bleadon, Clovercot (N-bound)	0853	1058	1318	1603
§ Bleadon, Roman Road (NW-bound)	0854	1059	1319	1604
§ Bleadon Hill, Hillcote (W-bound)	0854	1059	1319	1604
§ Bleadon Hill, Totterdown Lane (W-bound)	0855	1100	1320	1605
§ Bleadon Hill, Purn Lane (W-bound)	0855	1100	1320	1605
§ Oldmixon, Burnham Close (N-bound)	0856	1101	1321	1606
Oldmixon, Brockley Crescent (E-bound)	0857	1102	1322	1607
§ Bleadon Hill, Maidstone Grove (NE-bound)	0857	1102	1322	1607
§ Oldmixon, Broadway Lodge (NE-bound)	0857	1102	1322	1607
§ Oldmixon, Barry Close (SW-bound)	0858	1103	1323	1608
§ Oldmixon, Beechmont Close (W-bound)	0858	1103	1323	1608
Uphill, Hospital Grounds (W-bound)	0900	1105	1325	1610
§ Uphill, General Hospital (E-bound)	0900	1105	1325	1610
§ Uphill Manor, Broadoak School (NE-bound)	0903	1108	1328	1613
§ Clarence Park, Nithsdale Road (NE-bound)	0904	1109	1329	1614
§ Clarence Park, Moorland Road (NE-bound)	0905	1110	1330	1615
§ Ellenborough Park, Ambulance Station (NE-bound)	0906	1111	1331	1616
§ Ellenborough Park, opp Gas Works	0907	1112	1332	1617
Weston-super-Mare, Regent Street (Stop EE)	0909	1114	1334	1619

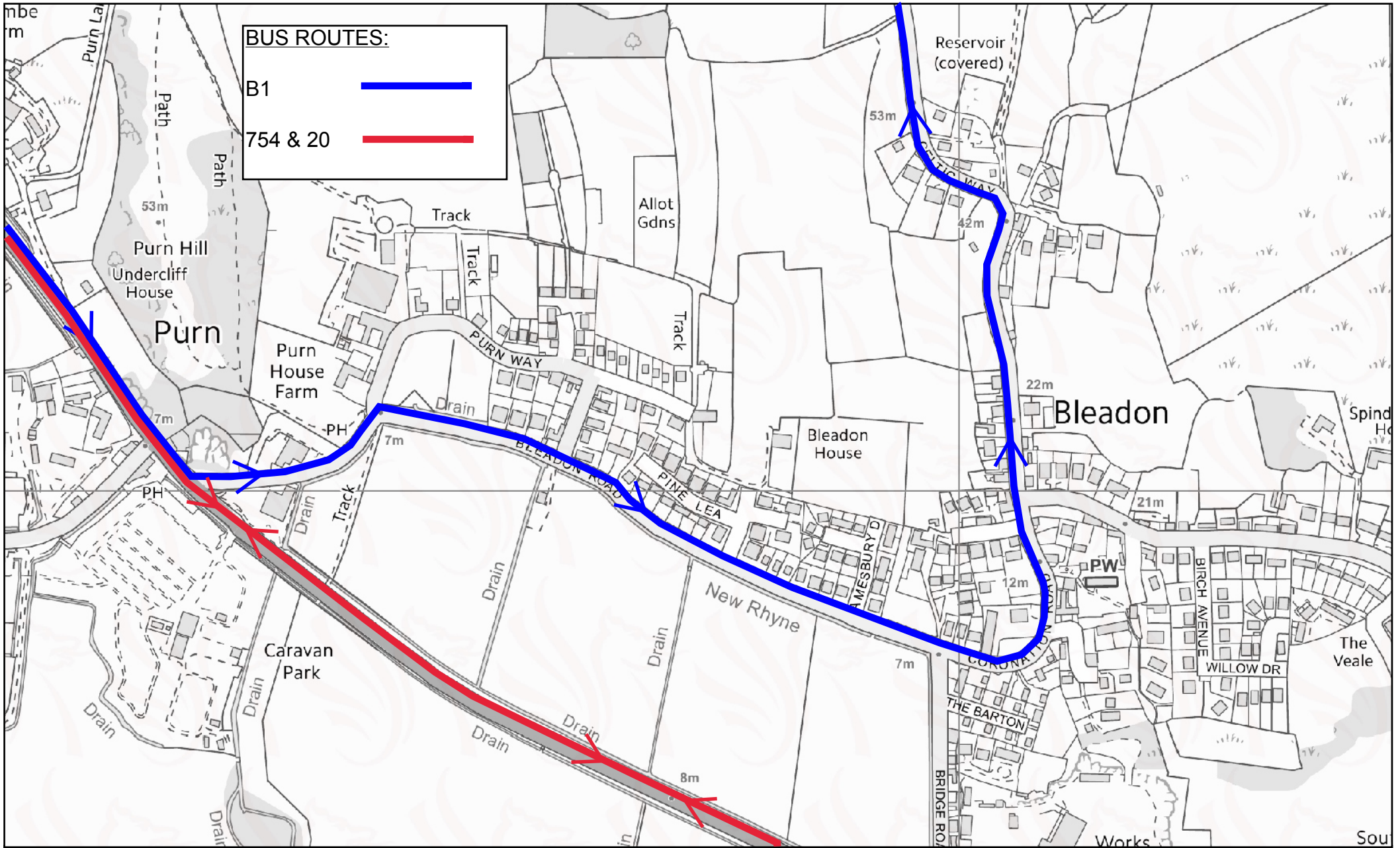
Saturdays

no service

Sundays

no service

Notes: § - Time at this stop is indicative. You are advised to be at any stop several minutes before the times shown



BUS ROUTES:

B1 ———

754 & 20 ———

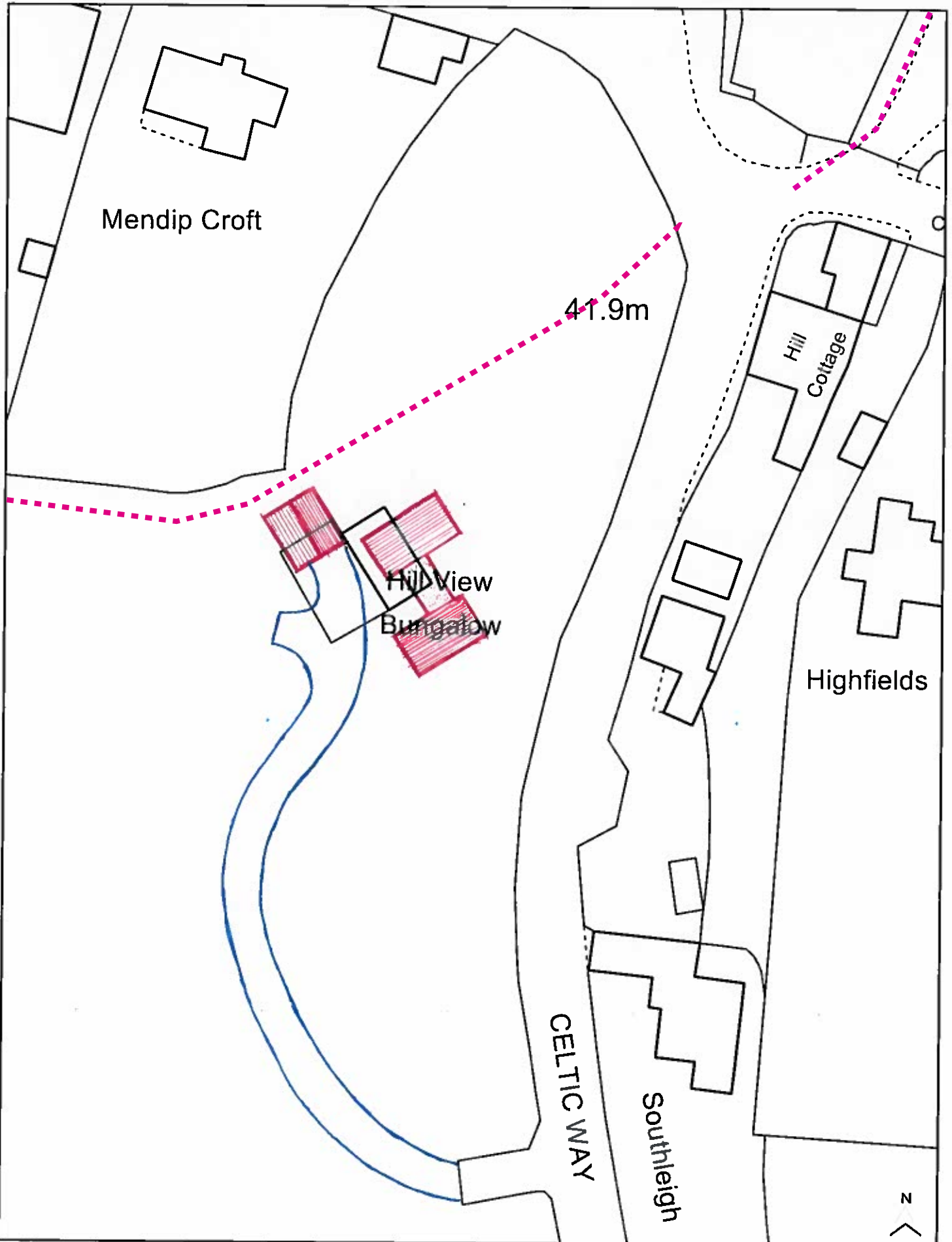


Bus Routes

Scale: 1:5000

Date: 28 June 2018





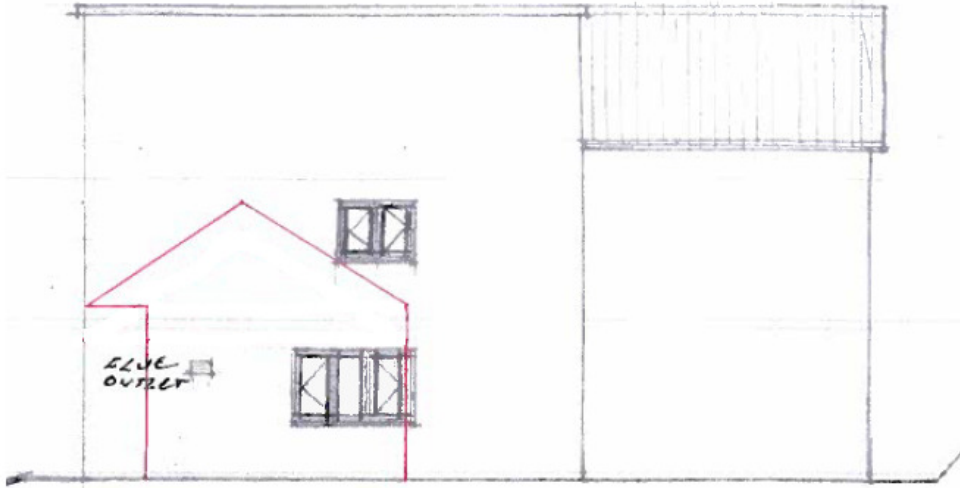
Existing and Proposed:

Comparison

Scale: 1:500
Drawn by: Samuel Watson
Date: 06 July 2018
Time: 11:37:26

EXISTING AND PROPOSED ELEVATIONS

All measurements have been taken from the appellant's submitted drawings.



SOUTH EAST ELEVATION



SOUTH WEST ELEVATION



VIEW NORTH FROM AMESBURY DRIVE



VIEW SOUTH FROM PROWL

Samuel Watson

From: Susan Stangroom
Sent: 09 July 2018 13:23
To: Samuel Watson
Cc: Simon Exley
Subject: Ecology Appeal Information 17/P/1484/F - Response to Clarkson Woods 'Statement in support of Planning Appeal - Land adjoining Edgehill, Celtic Way, Bleadon'

Sam,

Response to Clarkson Woods Paragraphs 1 and 2:

The key point is that no bat surveys have been undertaken to inform any assessment of potential impact on horseshoe bats, as qualifying interest species of the European site, despite the fact that the site is: i) a green field site; ii) includes features that could support a potential east-west bat commuting route within a green corridor linking two blocks of woodland (see aerial photo site context plan); iii) comprises a site with at least three known horseshoe bat roosts within close

commuting distance (all within approximately 1km of site).



'Bat Mitigation Guidelines' (English Nature, 2004, p2) advises: 'Planning authorities are required to take account of the presence of protected species, including bats, when considering applications for planning permission and may refuse applications on the grounds of adverse effects on these species or if an assessment of the impact of the development on protected species is inadequate'.

In this case, it is not possible for the LPA to adequately assess what the potential impacts of the proposals could be on Annex II qualifying interest species of the North Somerset and Mendip Bats Special Area of Conservation, as no survey data was submitted to indicate whether horseshoe bats or any other species of bats use the features on site, despite the site having both data records and habitats on and in proximity to indicate a potential use by horseshoe bats.

The ecological assessment process should follow through from the initial screening data available to inform the site context in relation to likely presence of protected species, i.e. the available data records (i.e. presence of local bat roosts) to indicate potential presence; supported by assessment of suitable habitat present on and adjacent to site. From this screening information, a judgement is made as to likely risk of protected species being present and potentially impacted. Some survey effort is required to inform the extent of risk of impact; and to inform the assessment of use of the site by bats (or not, as the case may be); and to indicate the key areas and features being used that need to be protected and retained.

The key reason for refusal in relation to ecology is therefore insufficient information to inform the LPA assessment of likely impact on bats, and notably, the qualifying interest species of the European site, which are known to roost in proximity.

With regard to the comment:

'Whilst we do agree strongly that it is necessary to maintain dark, unlit green corridors between areas of settlement surrounding Bleadon we do not feel that the proposed development will in any way compromise this objective.'

Having checked the proposal plan with the case officer, it is noted that the existing stable is very different in scale and impact to the proposed substantial dwelling that includes the central third of

the area facing a mature hedge to comprise a two storey area of glass, with additional windows on each wing that will be oriented to a potential bat commuting route. When the lights are on internally this will create an uncontrolled brightly lit feature within a site that is currently likely dark, and possibly at or below 0.5lux. This design indicates a potential to degrade a potential horseshoe bat commuting route through lighting impact, as horseshoe bats (as well as certain other species of bats) are considered highly light sensitive. Therefore there is some potential for a bat commuting route (within a green corridor between developed areas) to be disrupted by the nature (extent of glass comprising a two storey panel) of the building. (From the ecological comments, it is not clear if the ecological consultant was aware of the design of the proposal).

Bat survey results should be used to inform the ecological constraints to the planning application, and the results of surveys should be used to inform the design and layout of the site. The current plans are indicated as potentially contrary to NPPF policy 125:

125. By encouraging good design, planning policies and decisions should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

An aerial photo site context map has also been produced to show how the site also falls between two blocks of woodland habitat on the east-west orientation, and within a generally dark corridor, that is not subject to street lighting. An indicative potential commuting route is shown to the south



of the existing proposed development.

Point 2: The aerial photos on the LPA GIS indicate that the site lies between three horseshoe bat roost sites (two to the north and one to the west); and that the boundaries and enclosed microclimate provided by the tall hedgerows and trees, together with the extent of indicated vegetation growth and structure are highly likely to provide a favourable habitat and microclimate for airborne insects such as moths; and therefore likely to be sufficient to attract bats into the site both for foraging and commuting. Where other buildings are present in some proximity, it is also important to have some indication as to whether there is potential for any other bat roosts in proximity that could be impacted by proposals.

It is agreed that survey effort needs to be proportionate to the scale of the proposal and the likely scale of impact. Although a single dwelling, in terms of its size and design, it has potential for some impact. In the context of a site with potential to support Annex II horseshoe bats, some survey effort would be expected to indicate the likely extent and nature of use by horseshoe bats. At minimum the ecologist would be expected to propose the initial use of an automated bat detector on the key potential commuting feature to provide an indication of level of bat activity and species.

Point 3 – Regarding justification/information in relation to Great crested newt. This has been re-screened on the LPA GIS records and the record is in fact indicated at approximately 395m to the north. Whilst within 500m of the site, it is accepted that it is not within the higher risk zone of 250m. Therefore it is agreed that if the details are input into Natural England’s Rapid Risk Assessment table to demonstrate that distance and loss of habitat are such that no licence is indicated; then Reasonable Avoidance Measures (RAMs) would be acceptable.

Point 4 - Lack of reptile surveys. At the time of the survey (April), the ecological consultant advises the site was closely grazed and this would reduce the likelihood of reptiles overall. However, the aerial photos (2014) indicates that the site was overgrown, with likely rough grassland and potentially pockets of scrub. The hedge base habitats would remain the same in both assessments. The warm south-facing aspect of the sloping ground is also indicated as

likely favourable to reptiles. Therefore, according to Natural England's standing advice for reptiles some survey effort would be expected: (<https://www.gov.uk/guidance/reptiles-protection-surveys-and-licences>) :

'Survey for reptiles if the development:

- site has habitat suitable for reptiles'

For a LPA, it is not good practice to condition protected species surveys as they are a material consideration in the determination (unless to condition update surveys for species that are particularly dynamic in distribution.

ODPM Circular 06/2005:

'Sn. 99: 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 material considerations may not have been addressed in making the decision. The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances, with the result that the surveys are carried out after planning permission has been granted. However, bearing in mind the delay and cost that may be involved, developers should not be required to undertake surveys for protected species unless there is a reasonable likelihood of the species being present and affected by the development. Where this is the case, the survey should be completed and any necessary measures to protect the species should be in place, through conditions and/or planning obligations, before the permission is granted..'

With regard to the protection of the general biodiversity of the site, it is agreed that this could be further considered in relation to a sensitive landscaping scheme for the site; and the proposals suggested are indicated as likely positive.

The two key outstanding issues relate to the requirement for some bat surveys to provide information as to whether the site comprises a commuting route for bats and in relation to a potential conflict in relation to the extent of glass and potential for uncontrolled light emission. The site is also indicated as having some good potential to support reptiles due to its favourable aspect, so reptile surveys would be expected.

Regards,

Susan Stangroom
NATURAL ENVIRONMENT OFFICER
Development & Environment
North Somerset Council

Please note I have changed my working days to Monday, Wednesday and alternate Thursdays.

Tel: 01934 426762 or NONE
E-Mail: susan.stangroom@n-somerset.gov.uk
Post: Town Hall, Walliscote Grove Road, Weston-super-Mare, BS23 1UJ
Web: www.n-somerset.gov.uk

KEY:

SITE LOCATION



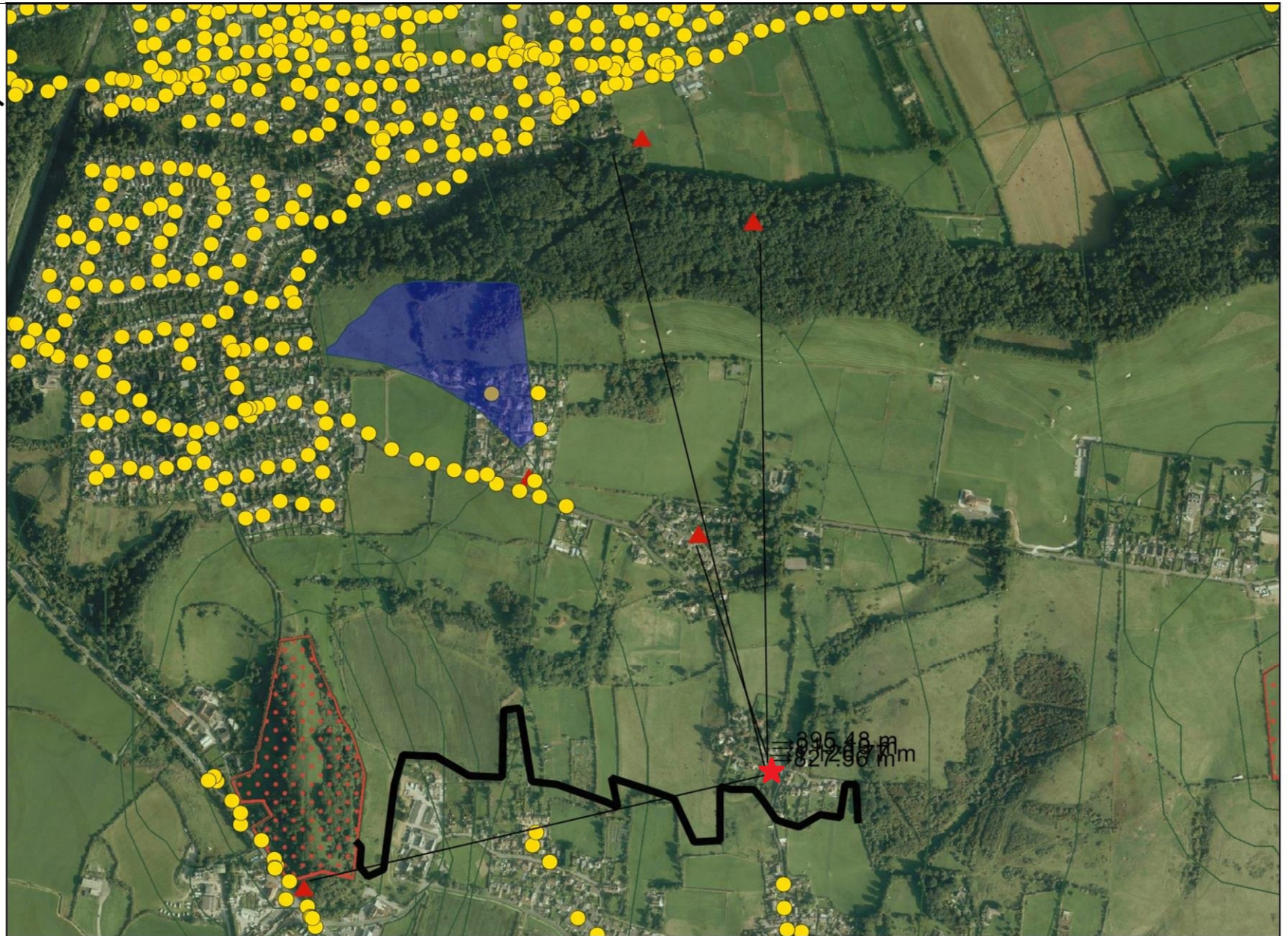
BAT COMMUTING ROUTE



KNOWN BAT ROOSTS



STREET LIGHTS



Land off Celtic Way Bleadon - Aerial photo ecology site context

Scale: 1:10000
Drawn by: Susan Stangroom
Date: 09 July 2018
Time: 13:00:12



PROPOSED CONDITIONS AND ADVICE NOTES

- | No. | Conditions |
|------------|--|
| 1 | <p>The development hereby permitted shall be begun before the expiry of three years from the date of this permission.</p> <p>Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.</p> |
| 2 | <p>The development hereby permitted shall be carried out in accordance with the following approved plans and documents:</p> <p>ECOLOGICAL SURVEY by Clarkson Woods
 DESIGN AND ACCESS STATEMENT
 ENERGY, WATER CONSERVATION AND SUSTAINABILITY STATEMENT
 LOCATION PLAN
 TOPOGRAPHICAL PLAN
 PROPOSED FLOOR PLANS
 PROPOSED ELEVATIONS
 PROPOSED SITE LAYOUT
 PROPOSED GARAGE ELEVATIONS
 PROPOSED ROOF PLAN AND SITE SECTION</p> <p>Reason: For the avoidance of doubt and in the interests of proper planning.</p> |
| 3 | <p>The materials to be used in the development hereby permitted shall be in complete accordance with the approved plans and specifications unless details of any alternative material have first been submitted to and approved, in writing, by the Local Planning Authority.</p> <p>Reason: To ensure that the materials to be used are acceptable in order to maintain the character and appearance of the building and those of the surrounding 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 policies DM32 and DM38 of the North Somerset Sites and Policies Plan (Part 1).</p> |
| 4 | <p>Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), (or any Order revoking and re-enacting that Order, with or without modification), no extensions to the dwelling or garage shall be carried out other than those expressly authorised by this permission.</p> <p>Reason: The Local Planning Authority wish to retain control over extensions in order to maintain the integrity and appearance of this development and in accordance with policy CS12 of the North Somerset Core Strategy and policy DM32 of the North Somerset Sites and Policies Plan (Part 1).</p> |
| 5 | <p>Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order</p> |

revoking and re-enacting that Order, with or without modification), no windows, rooflights or dormers (other than any expressly authorised by this permission) shall be inserted in the dwelling or garage without the prior written consent of the Local Planning Authority.

Reason: In the interest of protect light sensitive bats from further, uncontrollable, light pollution produced by windows on the hereby approved dwelling and garage, and in accordance with policy CS4 of the North Somerset Core Strategy and policy DM8 of the North Somerset Sites and Policies Plan (part 1).

- 6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order, with or without modification), no garage, shed or other structure shall be erected within the curtilage of the dwelling hereby permitted (other than any expressly authorised by this permission).

Reason: The Local Planning Authority wish to retain control over additional structures in order to maintain the integrity and appearance of this development, the PROW, and conserve the scenic beauty of the Mendip Hills Area of Outstanding Natural Beauty, and in accordance with policies DM11, DM25 and DM32 of the North Somerset Sites and Policies Plan (Part 1) and policies CS5 and CS12 of the North Somerset Core Strategy.

- 7 No development shall take place until details of a landscaping scheme have been submitted to and approved, in writing, by the Local Planning Authority.

Reason: To ensure a satisfactory landscaping scheme is prepared 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) and the North Somerset Biodiversity and Trees SPD. The details are required prior to commencement of development to ensure that the scope of the landscaping scheme is not prejudiced by any of the development works having already commenced.

For advice on how to discharge this condition, please refer to www.n-somerset.gov.uk/landscapingconditions

- 8 All works comprised in the approved details of landscaping shall be carried out in accordance with the approved details during the months of October to March inclusive following occupation of the building or completion of the development, whichever is the sooner.

Reason: To ensure that a satisfactory landscaping scheme is implemented, 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) and the North Somerset Biodiversity and Trees SPD.

- 9 Trees, hedges and plants shown in the landscaping scheme to be retained or planted which, during the development works or a period of ten years following full implementation of the landscaping scheme, are removed without prior written consent from the Local Planning Authority or die, become seriously diseased or are damaged, shall be replaced in the first available planting season with others of such species and size as the Authority may specify.

Reason: To ensure as far as possible that the landscaping scheme is fully effective 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) and the North Somerset Biodiversity and Trees SPD.

- 10 The hereby approved dwelling shall not be occupied until a scheme for the protection and surfacing for the section of the Public Right of Way (PROW) which crosses the site (No.AX6/10/30) has been submitted to and approved in writing by the Local Planning Authority. The section of the PROW within the site boundaries shall thereafter be permanently maintained in accordance with the approved scheme.

Reason: The hereby approved garage and existing mature vegetation would cumulatively enclose and shade the PROW which would contribute to a waterlogged and muddy surface. This would deter users and would harm the usability of the path. The surfacing and maintenance of the path would be necessary improvements to mitigate this harm in accordance with policy DM25 of the North Somerset Sites and Policies Plan (part 1).

- 11 The dwelling hereby permitted shall not be occupied until measures to generate 10% (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 paragraph 17 and section 10 of the National Planning Policy Framework and policies CS1 and CS2 of the North Somerset Core Strategy.

For further advice on how to discharge this condition please refer to www.n-somerset.gov.uk/energyconditions.

- 12 No development shall be carried out except where it is in accordance with the recommendations set out in section 5 *Assessment and Recommendations for Mitigation and Enhancement* in the *Ecological Survey* carried out by Clarkson Woods. If amendments to the recommendations or

methodology are required, details of the changes must be submitted in writing and agreed by the Local Planning Authority before relevant works proceed. The development shall then be implemented in accordance with the agreed changes.

Reason: To ensure compliance with the Conservation of Habitats and Species Regulations 2017, the Wildlife and Countryside Act 1981 (as amended), policy CS4 of the North Somerset Core Strategy and policy DM8 of the North Somerset Sites and Policies Plan (Part 1).

- 13 No external lighting shall be installed on site unless full details and specifications that comply with the recommendations in the *Ecological Survey* by Clarkson Woods have first been submitted to and approved, in writing, by the Local Planning Authority. No means of external illumination shall be installed other than in accordance with the approved details and the approved lighting shall not be varied without permission in writing by the Local Planning Authority.

Reason: To protect bat habitat in accordance with the Conservation of Habitats and Species Regulations 2017, Wildlife and Countryside Act 1981 (as amended), policy CS4 of the North Somerset Core Strategy and policy DM8 of the North Somerset Sites and Policies Plan (part 1).

No.

Advice notes

- 1 All species of bats, (including their roosts), wild birds (including nests and eggs until the young have fledged), reptiles, great crested newts and dormice are legally protected. If these species, or actively used water vole burrows, otter holts or badger setts are encountered before or during building work you must cease work and contact a suitably qualified ecologist for advice. Details of suitably qualified ecologists operating regularly in North Somerset can be found using the search tool on the Chartered Institute of Ecology and Environmental Management: www.cieem.net/members-directory. In the event that European protected species are encountered (bats, great crested newt, dormice, water vole and otter), all works must cease and Natural England must be contacted immediately (0300 060 3900).
- 2 The retention and maintenance of Public Rights of Way (PROW) are required by law outside of the remit of planning. The landowner must not block or stop up the route without permission having first been given by the Local Authority. Any alterations to the path, including resurfacing, require permission from the Local Authority.

Further advice can be found here: <http://www.n-somerset.gov.uk/my-services/leisure/parks-countryside/prow/find-public-rights-way/>

Any requests for alterations should be made to streetsandopenspaces@n-somerset.gov.uk