

## DELEGATED REPORT

<b>Application No:</b>	21/P/0786/FUL	<b>Target date:</b>	02.06.2021
<b>Case officer:</b>	Jessica Smith	<b>Extended date:</b>	08.10.2021
<b>Proposal:</b>	Demolition of existing dwelling and outbuildings, erection of 2no. two storey dwellings, detached garages and associated works.		
<b>Site address:</b>	Wallflower House, 30 Coronation Road, Bleadon, Weston-super-Mare		

## SUMMARY OF MAIN ISSUES AND RECOMMENDATION

### Planning History/Background – most recent applications

Reference	Proposal	Decision
20/P/2096/FUL	Retain existing dwelling, demolition of existing workshop and outbuilding and erection of 2no. new semi detached dwellings with detached garages and associated external works around the site.	Withdrawn by applicant
20/P/0285/FUL	Demolition of existing house, workshop and outbuildings and erection of 4no. new dwellings	Withdrawn by applicant

### Monitoring Details (if applicable)

2 x 4no. bedroom dwellings

### Policy Framework

The site is affected by the following constraints:

- Within the settlement boundary for Bleadon
- Within Greater Horseshoe Bats Habitat and Zone C of the NS and Mendip Bats SAC
- Within the Setting of a Grade I Listed Building (Church of St Peter and St Paul)

### The Development Plan

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

The following policies are particularly relevant to this proposal:

<b>Policy Ref</b>	<b>Policy heading</b>
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
CS10	Transport and movement
CS11	Parking
CS12	Achieving high quality design and place making
CS13	Scale of new housing
CS14	Distribution of new housing
CS15	Mixed and balanced communities
CS33	Smaller settlements and countryside
CS34	Infrastructure delivery and Development Contributions

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

The following policies are particularly relevant to this proposal:

<b>Policy</b>	<b>Policy heading</b>
DM2	Renewable and low carbon energy
DM4	Listed Buildings
DM6	Archaeology
DM8	Nature Conservation
DM9	Trees
DM24	Safety, traffic and provision of infrastructure etc associated with development
DM28	Parking standards
DM32	High quality design and place making
DM34	Housing type and mix
DM37	Residential development in existing residential areas
DM71	Development contributions, Community Infrastructure Levy and viability

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

The following policies are particularly relevant to this proposal:

<b>Policy</b>	<b>Policy heading</b>
SA2	Settlement boundaries and extension of residential curtilages

**Other material policy guidance**

National Planning Policy Framework (NPPF) (2021)

The following is particularly relevant to this proposal:

**Section No      Section heading**

2	Achieving Sustainable Development
4	Decision-making
5	Delivering a sufficient supply of homes
8	Promoting healthy and safe communities
9	Promoting sustainable transport
11	Making effective use of land
12	Achieving well designed places
14	Meeting the challenge of climate change, flooding and coastal change
15	Conserving and enhancing the natural environment
16	Conserving and enhancing the historic environment

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

- Residential Design Guide (RDG1) Section 1: Protecting living conditions of neighbours SPD (adopted January 2013)
- 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)
- Biodiversity and Trees SPD (adopted December 2005)
- Creating sustainable buildings and places SPD (adopted April 2021)
- North Somerset and Mendip Bats Special Area of Conservation (SAC) Guidance on Development: SPD (Adopted January 2018)

### **Consultation summary**

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

#### Bleadon Parish Council

- Application noted at meeting on 04/05/2021 however no comment made

#### Neighbours' views

The principal planning points made are as follows:

- Loss of privacy to dwelling at 24a from rear windows and surrounding gardens
- Overbearing impact on living conditions of neighbours
- Previous withdrawn applications did not have windows on east side elevation
- Affect ecology – Report does not address possible impacts
- Close to adjoining properties
- Conflict with local plan
- Inadequate access
- Inadequate parking provision
- Increase risk of flooding
- Increase in traffic
- Increase in pollution
- Loss of light
- Loss of parking
- More open spaces needed on development
- Noise nuisance from development

- Over development by 2 houses on a single house plot
- Potentially contaminated land from abandoned petrol station with no assessment
- Strain on existing community facilities
- Narrow road cannot cope
- Imposing dwelling in heart of village – out of keeping with character of area
- Loss of the view of the church
- Development too high
- Not enough information provided
- 2 x 4 bedroom dwelling can accommodate 16 people causing traffic issues

### Other Consultees

- NSC Archaeologist: Submitted reports address original concerns and conditions are required to ensure implementation of these reports
- NSC Highways Officer: Following submission of amended plans demonstrating visibility is acceptable and the submission of the CMP, there are no objections. Conditions recommended.
- NSC Tree Officer: Submitted details are not sufficient, however additional reports are above to be secured though conditions and as such there are no objections.
- NSC Ecologist: Pre-commencement conditions required to secure biological net gain.

## **Conclusions**

### EIA Screening

The proposed development does not fall within Schedule 1 or 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. A formal EIA screening opinion is not, therefore, required.

### The principle of development

At present the Council cannot demonstrate a five-year supply of deliverable housing sites as required by the National Planning Policy Framework (NPPF), with the current supply position standing at 4.2 years. This means that for applications involving the provision of housing, the policies which are most important for determining the application are deemed to be out of date and the application should be considered favourably unless the proposal conflicts with specified NPPF policies or the adverse impacts would significantly and demonstrably outweigh the benefits (NPPF paragraph 11). This matter is considered in more detail in the 'Planning Balance and Conclusion' section of this report.

The site falls within the settlement boundary for Bleadon where residential development is acceptable in principle in accordance with policy CS33 of the Core Strategy and policy SA2 of the Sites and Policies Plan Part 2 (Site Allocations Plan). Policy CS33 defines this village as an 'Infill Village' where 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, may be acceptable in principle. Policy DM37 of the Sites and Policies Plan Part 1 (Development Management Policies) provides

other criteria, such as design requirements, the need to protect the living conditions of neighbours, and the need to provide adequate amenity space. These issues are considered in more detail below.

### Setting of Listed Building and Archaeology

The proposal falls within the setting of Church of St Peter and St Paul – a Grade I Listed Building.

Policy CS5 of the North Somerset Core Strategy states that the council will conserve the historic environment of North Somerset, having regard to the significance of heritage assets. Policy DM4 requires for development to preserve and where possible enhance the character, appearance and special interest of the listed building and its setting. Policy DM6 of the North Somerset Sites and Policies Plan (Part 1) requires that archaeological interests be fully taken into account when determining application.

Following consultation with the NSC Archaeologist on the submitted Heritage Statement and a Level 2 building record of Wallflower House, the NSC Archaeologist supported this information and recommended the submission of a programme of archaeological work including a Written Scheme of Investigation. The programme of archaeological work including a Written Scheme of Investigation has since been submitted and accepted by the NSC Archaeologist and as such a condition is required in order to ensure its implementation.

Given the above, it is considered that the proposal is not considered to have an adverse impact on the setting of this Listed Building or Archeology because sufficient recording and monitoring has been accepted by the NSC Archeologist. The proposal is therefore in accordance with policy CS5 of the North Somerset Core Strategy, policies DM4 and DM6 of the Sites and Policies Plan (Part 1), section 16 of the NPPF and section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

### Impact on neighbours

Concern has been raised over the proposed development having an overbearing impact on neighbouring residents as well as a loss of privacy to the neighbour to the rear of the application site through overlooking. The proposed site plans have been amended where both proposed dwelling would be located over 21m from the side elevation of the neighbouring dwelling to the rear and as such would not result in any unacceptable loss of light or privacy.

Moreover, concern has been raised over the application resulting in noise nuisance, however any noise disturbance will be limited to the construction of the proposed dwellings, where as set out below a construction management plan has been submitted and found acceptable where the details of site time operations have been included and demonstrate that no works will be carried out in the late evenings or on Sundays and bank holidays, thereby ensuring that there would be no unacceptable noise nuisance to neighbouring residents.

In addition to the above, concern has been raised over a potential for the land to be contaminated from fuel tanks located on site, however the applicant has confirmed that there are no longer any fuel tanks on the site following their removal in the 1920's when the garage use of the site stopped operating commercially and as such the site has not

had any storage of fuel for a number of years and therefore unlikely to have any contamination.

Taking the above into account, it is considered that 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. In this respect, the proposal complies with policies DM32 and DM37 of the Sites and Policies Plan (Part 1).

### Character and appearance

The proposed development follows the withdrawal of two previous applications (20/P/2096/FUL and 20/P/0285/FUL). The current proposed development would see the demolition of the existing dwelling and the erection of two detached dwellings. While concern has been raised over the proposal being an overdevelopment in the heart of the village, the current scheme appears more in keeping with the surrounding plots sizes, particularly given that the dwelling sizes have been reduced and the existing outbuildings are proposed to be demolished thereby retaining a gap between the dwelling and as such reducing the visual impact from the street scene where the proposal would respect the pattern of development within the surrounding area.

Moreover, the proposed dwellings would be finished in rubble stone walls and a clay tile roof, therefore retaining the established character of the application site within the village setting. Furthermore, a condition is required in order to secure the details of a hard and soft landscaping scheme in order to further reduce the visual impact of the proposed development on the character of the surrounding area.

In addition, although concern has been raised over the proposed dwellings being too high, the submitted street scene elevation plans demonstrate that the dwellings would not be higher than that of the existing dwelling and that they would site comfortably into the existing street scene. In order to ensure that there are no adverse visual impacts from the finished heights of the dwellings, a condition is considered necessary to secure the submission of detailed level plans.

Given that above assessment, it is considered that the proposal would not unacceptably harm the characteristics of the existing site or the character of its surroundings. In this respect, the proposal complies with policy CS12 of the Core Strategy, policies DM32 and DM37 of the Sites and Policies Plan (Part 1) and the advice in the Residential Design Guide (RDG2) Section 2: Appearance and character of house extensions and alterations (adopted April 2014).

### Drainage

Concern has been raised over the proposal resulting in an increased risk of flooding. In order to minimise flooding, a condition is recommended to secure details of surface water drainage. In this respect, the proposal is in accordance with policy DM1 of the Sites and Policies Plan (Part 1) and section 14 of the NPPF. Foul drainage is dealt with under the Building Regulations.

### Parking and highway safety

The submitted plans indicate that the existing access is to be widened to approximately 5.5m. This will enable two vehicles to pass each other without causing an obstruction on the highway.

In order to improve visibility at the site, the existing dwelling (Wallflower House), is to be demolished and a new boundary wall set back behind the new visibility splays. Although concern has been raised over the proposed development having inadequate access, a visibility splay has been submitted as part of this application demonstrating that a minimum of approximately 20m visibility in both directions is achievable from the proposed access. This is a significant improvement upon the existing access, which was severely restricted by the existing dwelling and, as such, this is considered acceptable.

Following the submission of an amended plan incorporating a Bull Nose Kerb to delineate the access from the highway, re-consultation with the NSC Highways Officer has confirmed that this would be acceptable. It is noted that concern has been raised over the proposal having the potential to house 16 people and as such likely to cause an increase in traffic on the narrow lane and a strain of existing community facilities, however the NSC Highway Officer has raised no concerns regarding traffic generation, particularly given that the proposed access is considered suitable to serve the scale of development. Moreover, the proposal is of a small scale and only includes the addition of 1 dwelling to the application site given that there is already an existing dwelling at the site to be demolished and as such the traffic increase and strain on community facilities is unlikely to be unacceptable.

Moreover, the details of a site specific Construction Management Plan has been submitted and has been found to be acceptable by the NSC Highways Officer where a condition is required in order to secure its implementation.

With regards to parking, concern has been raised over the proposal resulting in a loss of parking as a result of inadequate parking provisions. In this respect, local cycle parking standards are set out in the North Somerset Parking Standards SPD and outline the minimum required number of cycle parking spaces for residential development, specifying 2 cycle parking spaces for a property with 4 bedrooms. Furthermore, Policy DM28 of the Sites and Policies Plan states that development proposals should meet the council's standards for the parking of bicycles.

From the plans that have been submitted, consultation with the NSC Highways Officer has found that suitable level of cycle parking can be accommodated in the proposed bike stores.

Similarly, the local car parking standards are set out in the North Somerset Parking Standards SPD and outline the minimum required number of car parking spaces for residential development, specifying 3 car parking spaces for a property with 4 bedrooms.

The submitted plans show provision for 2 vehicle parking spaces and a garage space per dwelling. The proposed garages meet the minimum garage dimensions as set out in the North Somerset Parking Standards SPD and as such can be considered as parking spaces. This would provide a total of 3 parking spaces per dwelling which would meet the standard.

Paragraph 29 of the submitted Design and Access Statement states that each house will have power provided to the car parking area in order that electric vehicle charging facilities can be arranged by the new occupants. This is welcomed and should take the form of cabling and Residual Current Device (RCD) sufficient to enable the subsequent installation

of 7kW 32amp Office for Low Emission Vehicles (OLEV) compliant wall or ground mounted charge point.

Taking the above into account, it is considered that the proposal is therefore in accordance with policies DM24, DM28 and DM37 of the Sites and Policies Plan (Part 1).

### Protected species (bats)

The results of a protected species survey have been submitted with the application which conclude that the existing dwelling has a small day roost for a low number of common pipistrelle bats. Foraging and commuting activity was recorded across the site; notably around the garden to the south of the site. An application for a European Protected Species Mitigation Licence (EPSML) will need to be submitted and approved by Natural England, in order for the works to proceed. Due to the small number of common species present, the site is suitable to be registered by an approved consultant, under the low impact bat mitigation class license system. Conditions are recommended to secure the mitigation measures included in the ecologist's report.

In this respect, regard has been paid to the requirements of the Conservation of Habitats and Species Regulations 2017 and the Natural Environment and Rural Communities Act 2006, and to policy CS4 of the North Somerset Core Strategy, policy DM8 of the Sites and Policies Plan (Part 1) and the council's Biodiversity and Trees SPD.

By law, the LPA must meet three tests to comply with the legal protection afforded to European protected species. The tests are that:

#### 1. There is "no satisfactory alternative"

There are no satisfactory alternatives to the proposed activity. The alternative of doing nothing is not satisfactory because the roof of the existing dwelling where the bat roost is situated will eventually require repair to ensure the building is retained. Leaving this building to become dilapidated would eventually lead to the destruction of the bat roost.

#### 2. The proposal would "not be detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range"

This test has been met by the mitigation scheme outlined in the submitted ecology report. The roost is classified as being of low importance. The impact on the local bat population will be low provided that the mitigation strategy is implemented. Favourable conservation status of the species population will be maintained during and after development.

#### 3. The proposal is "in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment"

This test has been met by the improvement of local housing stock and by the benefit of creating local jobs during construction work.

It is concluded that the proposals will safeguard bats and will meet the three tests required for European protected species. An advice note is recommended reminding the applicants of the requirements to obtain a license from Natural England.

### Trees



Trees of amenity value are on site. The tree officer is not fully satisfied that the works can be carried out without harming the trees. However as an initial arboricultural report has been submitted, the Tree Officer is satisfied that the concerns can be overcome and as such has recommended that conditions are attached to the application in order to secure an additional arboricultural report and landscaping scheme to include replacement planting details. In this respect, the proposal complies with policy DM9 of the Sites and Policies Plan (Part 1) and to the council's Biodiversity and Trees SPD

### Planning Balance and Conclusion

At present the Council cannot demonstrate a five-year supply of deliverable housing sites as required by the National Planning Policy Framework (NPPF), with the current supply position standing at 4.2 years.

This means that for applications involving the provision of housing, the policies which are most important for determining the application are deemed to be out of date (NPPF paragraph 11, footnote 7).

In accordance with paragraph 11 of the NPPF this means that unless:

- i: the application of policies in the NPPF that protect areas or assets of particular importance (as listed in NPPF footnote 6) provide a clear reason for refusing the application; or
- ii. the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits

the application should be considered favourably.

The proposal does not conflict with NPPF policies that seek to protect areas or assets of particular importance listed in Paragraph 11, footnote 6. In accordance with paragraph 11 of the NPPF, this means that the so called 'tilted balance' is engaged and the harm arising from the proposal must be weighed against the benefits.

In this instance, the harm as a result of the proposal would be minimal when weighed up against the benefits. The proposal would provide an additional dwellings to the housing supply within a sustainable location. The proposal would renovate and improve the visual appearance of the site as well as offering wildlife enhancements to the site in order to achieve a biological net gain at the site. Following the submission of amended plans, the proposals would comply with the neighbour impact tests set out in the RDG1 and the development would provide acceptable parking provisions. The proposal would also not unacceptably harm the character of the area or the living conditions of neighbouring occupiers. The proposal is therefore considered sustainable development and planning permission should be granted.

### Other matters

Other matters have been raised by consultees, namely the loss of a view to the church. However, such matters carry very little weight in the determination of planning applications.

## **Recommendations**

**APPROVE** subject to conditions (see draft decision for conditions).

### **Reason for Overriding Parish Council comments (if appropriate)**

N/A

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
- Public Sector Equality Duty, Equality Act 2010

Signed: Jessica Smith