

DELEGATED REPORT

Application No:	19/P/2243/OUT	Target date:	01.01.2020
Case officer:	Ursula Fay	Extended date:	08.01.2021
Proposal:	Outline Planning Permission for up to 36 dwellings with all matters reserved except for access, as amended by plans received 9 November 2020		
Site address:	Land At Bleadon Hill, Bleadon Hill, Weston-super-Mare,		

SUMMARY OF MAIN ISSUES AND RECOMMENDATION

Planning History/Background – most recent applications

Reference	Proposal	Decision
15/P/0167/O	Outline planning permission for the erection of up to no.79 open market and affordable dwellings, public open space and associated infrastructure.	Appeal Dismissed
16/P/1053/O	Outline application for up to 79 open market and affordable dwellings, public open space and associated infrastructure.	Withdrawn

Planning History/Background – other relevant applications

Reference	Proposal	Decision
15/P/0983/O	Outline application with all matters reserved except access for up to 50 no. dwellings with associated parking, hard/soft landscaping and open space, drainage and infrastructure	Appeal Allowed
Land at Wentwood Drive		

Monitoring Details (if applicable)

36 dwellings

Affordable Housing (if applicable)

11 dwellings: 5 x 2 bed; 5 x 3 bed; 1 x 4 bed

Policy Framework

The site is affected by the following constraints:

- Outside the settlement boundary for Weston-Super-Mare
- In close proximity to the North Somerset and Mendip Hills AONB
- Within the North Somerset and Mendip Bats SAC Consultation Zone 'B' for greater horseshoe bats
- In close proximity to the Mendip Limestone Grasslands SAC
- In close proximity to the Severn Estuary SPA / SAC / Ramsar
- In close proximity to Purn Hill SSSI and Bleadon Hill SSSI
- Site is subject to an application for a Definitive Map Modification Order (DMMO) to add a footpath

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
CS13	Scale of new housing
CS14	Distribution of new housing
CS15	Mixed and balanced communities
CS16	Affordable housing
CS28	Weston super Mare
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:

Policy	Policy heading
DM1	Flooding and drainage
DM2	Renewable and low carbon energy
DM6	Archaeology

DM8	Nature Conservation
DM9	Trees
DM10	Landscape
DM11	Mendip Hills Area of Outstanding Natural Beauty
DM19	Green infrastructure
DM20	Major Transport Schemes
DM21	Motorway junctions
DM26	Travel plans
DM27	Bus accessibility criteria
DM28	Parking standards
DM29	Car parks
DM32	High quality design and place making
DM34	Housing type and mix
DM36	Residential densities
DM48	Broadband
DM70	Development infrastructure
DM71	Development contributions, Community Infrastructure Levy and viability

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

No policies of particular relevance.

Other material policy guidance

National Planning Policy Framework (NPPF) (February 2019)

The following is particularly relevant to this proposal:

Section No Section heading

2	Achieving Sustainable Development
4	Decision-taking
5	Delivering a sufficient supply of homes
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

National Planning Practice Guidance (NPPG)

The following is particularly relevant to this proposal:

Natural Environment, paragraphs 039-042

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

- North Somerset Parking Standards SPD (adopted November 2013)
- North Somerset Landscape Character Assessment SPD (adopted September 2018)
- Biodiversity and Trees SPD (adopted December 2005)
- Creating sustainable buildings and places SPD (adopted March 2015)

- Travel Plans SPD (adopted November 2010)
- Affordable Housing SPD (adopted November 2013)
- Development contributions SPD (adopted January 2016)
- North Somerset and Mendip Bats Special Area of Conservation (SAC) Guidance on Development: SPD (Adopted January 2018)
- Accessible Housing Needs Assessment SPD (Adopted April 2018)

Other Relevant Documents

National Character Area profile for the Mendip Hills (141)

Mendip Hills AONB Management Plan 2019-24

Consultation summary

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

Weston-Super-Mare Town Council

- Objects on grounds of loss of scenic beauty and vista
- Detrimental impact on highway and pedestrian safety on Bleadon Hill

Affordable Housing

- Requests mix in accordance with SHMA

Archaeology

- No objection subject to condition

Mendip Hills AONB Partnership

- Site would extend the built-up area into the more rural landscape with its dispersed settlement pattern which contributes to the setting of the Mendip Hills
- Proposed development would have an urbanising effect along Bleadon Hill
- Proposal would negatively impact the landscape character of the area and the setting of the Mendip Hills AONB
- Would impact on views to and from the Mendip Hills AONB which are a special quality
- Would impact on dark skies of the AONB and its setting

Landscape

- Reduction in scale from 40 to 36 dwellings does partially address views from the edge of the AONB, now being seen more in the context of Hillcote and considerably less visible than the previous proposal for 79 dwellings, which went to appeal. However, in other viewpoints, it almost, coalesces with Hillcote and will remain visible from Purn Hill, Bleadon Hill road and in long views from the levels (rooftops and lighting).
- The parameter plans area helpful in assessing the impact, as they will have informed the LVIA and offer more certainty over the final form of the development.
- The site is in an area which is different in character and appearance from urban Weston-Super-Mare and remote rural land further east. The applicants say it has the character of an urban fringe, but the outlying groups of housing within in it are comparatively modest in land take and they are clearly separated from the built-up area. In the transitional area the landscape starts to become more dominant and an extension of the urban edge along the ridge would harm its character and appearance.

- Careful positioning and property design will go some way to reducing their impact, but their key mitigation is a reliance on a high degree of screening through existing and new planting. Even if this approach, including retention of much of the hedge adjoining Bleadon Hill is successful, it would not screen the roofs of dwellings, giving the impression of lengthy development extending along Bleadon Hill. This would also be apparent (in part) from the public footpath in the AONB.
- The retention of the southern hedge seems probable, but even this is unlikely to be able to screen the roofs of the development and because they appear near the top of the hill, they will be noticed. This will give the impression of a significant urban extension in to the open countryside. The view from Purn Hill will also see an increase in the quantity of development which will impact on views towards the AONB.
- More built development in the countryside will, on balance, cause unacceptable harm to the rural character and appearance of the site and its place in the wider setting. This is contrary to Policy CS5 of the North Somerset Core Strategy and the landscape strategy for '*Mendip Ridges and Combes*' as set out in the North Somerset Landscape Character Assessment - Supplementary Planning Document.

Lead Local Flood Authority

- No objection subject to conditions

Public Rights of Way Team

- An application for a Definitive Map Modification Order (DMMO) (Ref: MOD 44) has been made to add a footpath, which affects the planning site
- The DMMO application should be taken into consideration when the planning application is determined

Highways Authority

- No objection following amendments

Natural England

- Object to proposal as it will:
- have a significant impact on the purposes of designation of the Mendip Hills AONB.
- damage the interest features for which Purn Hill Site of Special Scientific Interest has been notified.
- The amended proposal is noted but does not address the concerns raised. In addition, further information requested to enable a Habitats Regulations Assessment, has not been submitted (information about previous site management, HSI calculation, Lighting Assessment).

Avon & Somerset Police

- No objection

The Mendip Society

- The development will have a negative impact on the AONB
- Site is greenfield – brownfield sites should be developed first
- Development will generate light pollution and energy use
- Risks to highways safety
- Increase in air pollution

Neighbours' views

The principal planning points made are as follows:

In objection (158)

- Houses not needed
- Not allocated for development
- Brownfield sites should be developed before greenfield
- Reduction of proposal from 40 to 36 dwellings does not significantly change proposal
- Amount of development that can be achieved on site does not outweigh negative impacts
- Rejection of Joint Spatial Plan should not result in development in unsustainable locations
- Appeal at the site previously dismissed
- No material changes to dismissed application other than extent of site
- Contrary to green belt policy [*officer note: site is not designated as green belt*]
- Would be highly visible in landscape
- Impacts on setting of AONB and views in and out
- Erosion of hillside setting of Weston-Super-Mare
- Fields should be retained as a buffer between Weston -Super-Mare and Bleadon
- Development of this site would set a precedent for development up Bleadon Hill
- Hedgerows should be retained
- Site is in unsustainable location with poor access to services
- Bleadon Hill very narrow at point of access, no space for pavement
- Lack of suitable walking and cycling routes from the site
- Increase in traffic / pollution / noise
- Out of keeping with character of area
- Revised parameter plans will still create buildings taller than the bungalows in Southridge Heights
- Potential overlooking of neighbouring properties in Southridge Heights
- Bus service has ended leaving minimal public transport to the site. The only provision to Bleadon Hill is now a limited community bus service.
- Impacts on nearby protected sites
- Impacts on biodiversity
- Contrary to climate emergency
- Site should be retained for agricultural purposes
- Disruption during construction
- Lack of capacity / impacts on existing infrastructure
- Inadequate consultation on planning application

In support (1)

- Amended plans are a great improvement
- Support protection of natural hedgerow to provide extra green space and reduce visual impact of new housing
- Support proposed ridge height restriction

Conclusions

The site consists of a grazed field located adjacent to the Weston-Super-Mare settlement boundary, to the east of the existing settlement as it travels up Bleadon Hill. Bleadon Hill rises steeply and one the existing settlement boundary of Weston-Super-Mare is reached

the landscape becomes predominantly rural, with sporadic clusters of development such as that at Hillcote to the north-east and Bleadon Hill approx. 375m to the east, which is also the boundary to the Mendip Hills AONB.

The principle of development

The Core Strategy sets out the settlement hierarchy and the spatial approach to development of housing within the district. Policy CS28 of the Core Strategy states that new development of up to about 75 dwellings will be supported adjoining the settlement boundary, subject to a number of criteria. At 36 dwellings, the proposal falls to be considered under policy CS28.

In addition, the Council, based on its most recent annual housing assessment (April 2020), did not have sufficient sites to demonstrate a 5-year housing land supply. In circumstances where the Council is unable to demonstrate a 5-year supply of deliverable housing sites, the housing policies of the Core Strategy and Local Plan are not considered up-to-date and applications involving the provision of housing fall to be considered under NPPF para. 11 d).

The policy position in relation to the principle of development on this site has not materially altered since an appeal was dismissed in March 2017 (15/P/0167/O) which proposed 79 dwellings on a site comprised of the application site and the adjacent field to the east. The appeal was against non-determination of the application, however, the Council's Planning and Regulatory Committee stated that had it determined the application it would have been refused for the following reasons:

1. The proposed development, by reason of its scale and location, will appear as a long extension of the built-up area in to the countryside. This will cause unacceptable harm to the character and appearance of the landscape, including views to and from the Mendip Hills Area of Outstanding Natural Beauty. The proposed development is therefore contrary to Policies CS5 and CS12 of the Core Strategy, Policy GDP/3 of the North Somerset Replacement Local Plan, Policy E1 (Mendip Ridges and Coombs) of the North Somerset Landscape Character Assessment, Policy DM10 of the Sites and Policies Plan Part 1 – Development Management Policies (Publication Version) and Paragraphs 58, 64, 75 and 109 of the National Planning Policy Framework.

2. The location of the site, by reason of its distance to the nearest services and facilities and the nature (gradient and intermittent footpaths) of the routes leading to it will not encourage walking or cycling. Instead residents of the development will be over-reliant on vehicle use, even when undertaking local journeys. This is not conducive to sustainable development and the proposal is contrary to Policies CS1 & CS10 of the North Somerset Core Strategy, Policy T/10 of the North Somerset Replacement Local Plan, Policy DM24 of the Sites and Policies Plan Part 1 – Development Management Policies (Publication Version) and Paragraph 35 of the NPPF.

In dismissing the appeal, the Inspector upheld the first reason for refusal but not the second. However, material changes require that both these refusal reasons be reconsidered.

In respect of the landscape impacts set out in the first reason for refusal, the reduction in the extent of the site boundary, in combination with the proposed parameters relating to density and scale would result in a reduced impact on the landscape. The level of harm that would be caused by this proposal, and whether the reduction in impact is sufficient to overcome the reason for refusal, is considered in detail below.

With regard to the location of the proposal and its sustainability as set out in the second reason for refusal, the Inspector agreed with the Council's assessment that *'access to local facilities by walking and cycling would not fully comply with the requirements of CS Policies CS1, CS10 and CS28 and DMP DM24'*. The proposal at that time included a contribution towards an hourly '108' bus service, which was to be secured through S106 in addition to the hourly '4/4A' bus service, this would have resulted in a half-hourly bus service to the site. The Inspector placed weight on the availability of public transport in her conclusion, stating *'having regard to the availability of public transport to reach local services and facilities, I conclude that the site would be a suitable location for the proposed development'*.

However, since the appeal was dismissed in 2017, the 4/4A hourly bus service is no longer operational, and the site is now only served by a community bus service which operates four services per day. Unlike the dismissed proposal, the current application does not propose to contribute towards the provision of additional bus services.

In light of the Inspector's conclusions in relation to walking and cycling from the site, which she acknowledged to be inadequate, it is considered the difference in public transport provision between the dismissed scheme and this proposal is of sufficient significance that the site can no longer be considered a sustainable location. The proposal fails to accord with the objectives for new development under CS28 to improve accessibility within Weston-Super-Mare by walking, cycling and public transport.

EIA Screening

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

Impacts on Landscape and Mendip Hills AONB

Policy CS5 of the Core Strategy seeks to protect the character, distinctiveness and quality of the landscape of North Somerset, and to protect of the Mendip Hills AONB. Policy CS9 of the Core Strategy promotes the retention of the north slopes of the AONB as sub-regional corridors for biodiversity, recreation and landscape. Paragraph 170 of the NPPF requires planning decisions to protect and enhance valued landscapes, while Paragraph 172 requires great weight to be given to the conservation and enhancement of landscape and scenic beauty in AONBs.

National Planning Practice Guidance confirms that *'land within the setting of AONBs often makes an important contribution to maintaining their natural beauty, and where poorly located or designed development can do significant harm. This is especially the case where long views from or to the designated landscape are identified as important, or where the landscape character of land within and adjoining the designated area is complementary'* (Paragraph: 042 Reference ID: 8-042-20190).

The Mendip Hills AONB Management Plan 2019-2024 sets out the AONBs special qualities. Of particular relevance to this proposal are:

- The dark skies, tranquillity, sense of remoteness, and naturalness of the area.
- Views towards the Mendip Hills and the distinctive hill line.

The National Character Area (NCA) profile for the Mendip Hills (141) highlights that the area is 'renowned for its tranquillity and inspirational qualities ...' and recognises that 'Light pollution from development threatens the extent of the recognised dark skies and out-of-character development is a continuing risk to the essential nature of the area.' Within the NCA Statement of Environmental Opportunity under SEO1 it sets out 'Safeguard inward and outward views and to the distinctive hill line and conserve and enhance the special qualities, tranquillity, sense of remoteness and naturalness of the area'.

The North Somerset Landscape Character Assessment SPD identifies the site as falling within the E1 Mendip Ridges and Combe character area, which has a strong character in good condition. The landscape strategy for this area is to conserve the peaceful, rural landscape. The Council's Landscape Sensitivity Assessment identifies landscape sensitivity in the area as "high".

No reference is made within the LVIA to the previous consideration of this site at appeal, where the Inspector concluded that the site "*makes an important contribution to scenic quality and to my mind is an integral component of a valued landscape which paragraph 109 of the Framework indicates should be protected and enhanced*". It is not clear if the author of the LVIA is aware of the planning history and assessment of the site's value, which is considered a significant omission. Having failed to recognise the assessment by an Inspector of this site as part of a "valued landscape", the submitted LVIA identifies landscape sensitivity in the area as "moderate to high". It is considered that were the sensitivity and value of this landscape to have been correctly assessed within the LVIA it is likely that this would have altered its conclusions.

Impacts on Bleadon Hill (Viewpoints 1 & 2)

For the most part, excluding the access point, only the roofs of houses are likely to be noticed from Bleadon Hill, once the site landscaping is mature, but even this is likely to give the impression of an extended line of development extending out from the built-up edge of Weston and into a more rural area. This area is, as accepted in the submitted LVIA, different in character and appearance to the urban area and it is far less development and more open. The creation of a new access road would open up views into the site from Bleadon Hill, and the proposed dwellings at 6.5m would be visible above the hedgerow.

It is considered that the sensitivity of Bleadon Hill as a receptor is medium to high and the magnitude of impact caused by construction is likely to be significant. The Council's Landscape Officer is of the opinion that even with mitigation, it will be moderately significant in the longer term.

Views out from the AONB (Viewpoint A)

The single field forming the application site can be seen from PROW AX31/8/20 which runs along the western AONB boundary, which is on a higher ground level. The development will not preclude views of the landscape further in to the distance (which is seen above and to the side of the site), but additional houses in this field would be seen in the view beyond the houses at 'Hillcote' and looking toward the dwellings at Southridge Heights beyond the site. The applicant considers that the site does not make an important contribution to the essential character of the existing panoramic view and the use of appropriate materials and landscaping would help to integrate building into the landscape.

It is accepted the development is relatively low density, and a subtle design may help to lessen its impact, however the housing on this site would nevertheless substantially extend the urban edge of Weston-Super-Mare into open countryside and the immediate setting of the AONB. In dismissing the previous appeal, the Inspector identified *“the dispersed settlement pattern in the vicinity of the appeal site comprising isolated groups of houses interspersed with open countryside forms a transition between the urban area of Weston-Super-Mare and the more remote rural surroundings of the Mendip Hills AONB to the east.”* The proposal would extend the urban edge into this ‘transitional’ landscape, where groups of dwellings are relatively modest and separated from each other by large green gaps. This development would visually close one of those gaps, adversely impacting upon out from the AONB, one of the special qualities for which it was designated.

The submitted LVIA concludes the landscape and visual effects of the amended development upon the outward views from the AONB will be ‘minor, reducing to negligible in the medium to long term’. The Council’s Landscape Officer disagrees with this assessment, considering that the character of the local landscape and the setting of the AONB would become visibly more urbanised from this viewpoint, causing a moderate adverse impact, with the possibility that this might reduce to minor in the long term.

However, it is considered unlikely, because of the exposed location, that the landscape mitigation would ever provide the level of substantial visual screening that would be required to mitigate the adverse impacts.

Views from Purn Hill (Viewpoint B)

The site and its surroundings have been viewed by Officers from various points from open access land along the ridge of Purn Hill, which is south of the application site. From here the bungalows on the south side of Southridge Heights (adjoining the west boundary of the site) are clearly seen, although the next (inner) line of bungalows in Leighton Crescent are not. The group of early 20th century dwellings at ‘Hillcote’, which are further up the hillside are also conspicuous, however at present they form one of the sporadic groups of houses that provide a transition from the urban edge of Weston-Super-Mare to a rural landscape, and do not adversely affect the visual qualities of the site as part of an undeveloped gap.

The hedge which runs along the southern boundary of the application site stands out from Purn Hill. The applicants say this hedge will be retained by separating it from residential gardens (a wide landscaped buffer) to ensure it is appropriately maintained. The applicants also propose that the line of dwellings closest to the southern hedge will be recessed further into the site (further away from the southern boundary) when compared to adjoining highly visible dwellings in Southridge Heights.

The submitted Supplementary Visual Appraisal November 2020 includes cross sections which shows the topography of ground levels at three points, through the application site to Purn Hill. This demonstrate that if the southern boundary hedge is retained at its present height (3 metres+), the upper storeys, including roofs and downer windows of the southern dwellings, and in some cases whole dwellings where visible behind these, will be seen from Purn Hill or from other intervening view public points up to and including Purn Way. The cross-sections also demonstrate that the dwellings will not be screened by the proposed tree planting, in the event this does become established.

The dwellings seen from Purn Hill would merge into the backdrop of the houses at ‘Hillcote’ behind and higher up the hillside. The result will be an extension of Weston-Super-Mare that visually coalesces with Hillcote and projects into the countryside and

along the ridge of Bleadon Hill, within the immediate setting of the AONB. This is demonstrated in photomontage B1 and is still apparent in photomontage B2.

The Supplementary Visual Appraisal states that the development at 'Hillcote' 'forms a distinct urban edge in views from Purn Hill'. However, again it appears that the author of the appraisal was not aware of the previous case history on this site, as in dismissing the previous appeal, the Inspector stated "*by reason of its detached location set back from the road Hillcote does not adversely affect the visual qualities of the appeal site as an undeveloped gap which separates the built-up area from the outlying cluster of development at Fern Court and around the junction of Roman Road, Celtic Way and Hillside.*" Clearly in light of this assessment, 'Hillcote' cannot be considered to form an urban edge.

The applicants contend the impact of the development from Purn Hill is, with retention of the hedgerow and additional planting, and through sensitive property design and siting, likely to be 'limited' and that the sporadic development within and adjacent to the AONB 'will not be affected'. However, the Council's Landscape Officer considers the impact given the high sensitivity of the receptor and magnitude of impact is more likely to be 'significant' and detrimental to the character of the landscape. It is considered that 'Hillcote', which forms part of the sporadic development in this transitional landscape, will be affected. Furthermore, it is again considered unlikely the landscape mitigation would ever provide the level of substantial visual screening that would be required to mitigate the adverse impacts.

Views towards the Bleadon Hill ridgeline from the south

The hedge along the southern boundary is seen from Bridgwater Road (A370), Accommodation Road, Bleadon Road, Bridge Road, Purn Way and from parts of the 'West Mendip Way' public footpath. In considering the impact of the dismissed proposal upon these more distanced viewpoints, the inspector considered that "*rooftops would be visible above the southern boundary hedge but given the distances involved they would not be easily distinguished*", concluding that "*there would be no significant adverse impact on landscape character or the setting of the AONB from these longer distances.*" The impacts of this proposal would be lesser than the dismissed scheme.

Impacts on Dark Skies

There is no assessment of the potential lighting impacts as part of the LVIA but having viewed the hill at night the Council's Landscape Officer advises that development at the edge of Weston-Super-Mare is visible, as are sporadic groups of lighting elsewhere on the hill. This proposal will undoubtedly spread visible lighting more significantly along the western end of the hill, merging with that at Hillcote. It is considered the dark skies of the AONB would be harmed by the proposal.

Landscape Conclusions

In general, it is considered that there is an over-reliance on the screening of the site by perimeter vegetation. Given the exposed location of this site there is a lack of confidence that proposed planting would be easily established, and it would certainly not be welcomed by future residents, who would be likely to put pressure on any management organisation to reduce or remove vegetation to enable access to the current panoramic views.

While the amending of the site (in comparison to that dismissed at appeal) to remove the eastern field lessens the impact of the scheme, the proposal would still extend the built-up area in a way which visually connects it with 'Hillcote'. The proposal will continue to have a significant urbanising effect on Bleadon Hill and harm the dispersed settlement pattern which forms a transition to the more rural surroundings of the AONB and contributes to its setting. While the distinction between Weston-Super-Mare and the outlying clusters of development around Fern Court, Roman Road, Celtic Way and Hillcote would not be completely lost, it would be significantly diminished.

The applicant has put forward the allowing of an appeal at Wentworth Drive as evidence in support of their proposal. It is noted that, unlike this site, the site at Wentworth Drive was not considered by the Inspector who allowed the appeal to form part of a valued landscape. It is also noted that, in dismissing the previous scheme on this site, the Inspector considered the impacts of this in comparison to Wentwood Drive and concluded that the dismissed scheme was in "*marked contrast*".

The level of harm caused to the setting of the AONB, resulting from material harm to a component of a valued landscape, is contrary to the NPPF paragraphs 170 and 172, Policies CS5 and CS9 of the Core Strategy, the Mendip Hills AONB Management Plan 2019-2024 and the North Somerset Landscape Character Assessment SPD. It is considered that the application of policies in the NPPF that protect the Mendip Hills AONB provide a clear reason for refusal of the development proposed.

Highways

Core Strategy Policy CS10 encourages development proposals that improve the integrated transport network and allow for a wide choice of means of transport, including the enhancement of facilities for pedestrians and cyclists. Policy DM24 of the Sites and Policies Plan Part 1: Development Management Policies requires that development must not prejudice highway safety and should be readily integrated with cycleway and footpath links. Paragraph 109 of the NPPF states that development can be refused on highways grounds if there would be an unacceptable impact on highway safety.

The arrangements for pedestrian access were identical to that of the dismissed scheme, where highways safety was not cited as a reason for refusal. However, at the request of the Highways Authority, the pedestrian access point to the west of the site onto Bleadon Road was amended and a stretch of pavement added to improve highways safety. The Highways Authority have confirmed the arrangements are now acceptable.

The Highways Authority have confirmed that the vehicular site access is considered acceptable, subject to a minor amendment to the alignment of visibility splays, which could be addressed outside of the planning regime.

Appropriate Assessment and Impacts on Bats

The site falls within Bat Consultation Zones B and C for lesser horseshoe bats and Zones B and C for greater horseshoe bats (the site is split between the zones), within which it is necessary to consider the impacts on the North Somerset and Mendip Bats SAC which is

designated as a Site of Special Scientific Interest and as a European wildlife site. The proposal for 36 dwellings, in combination with other plans and projects and in the absence of avoidance and mitigation measures, is likely to have a significant effect on the site. As the recommendation is of refusal it has not been necessary for the Council, as the appropriate authority, to undertake an appropriate assessment of the implications for the protected site, in view of the site's conservation objectives.

It was requested that a Shadow HRA be submitted to demonstrate how the site would provide adequate mitigation for impacts of the proposal on the SAC, so that this matter could be considered. A Shadow HRA would have needed to include a Habitat Suitability Index (HSI) calculation and Lighting Assessment, as well as information about how the site has been managed to date. Without this information the Council is required to adopt a precautionary principle and assume that impacts arising from the development would not be adequately mitigated.

Paragraph 177 of the NPPF is clear that the presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site. As insufficient information has been supplied to enable a conclusion to be reached in this regard this forms a clear reason for refusal of the development proposed.

Recreational Impacts on Purn Hill SSSI

Natural England raised concerns about the potential which additional houses in this area will have to compound the damage from recreational use which is taking place on Purn Hill SSSI. The Ecological Report submitted with the application suggested the installation of a port and rail fence to discourage short cut access to the SSSI.

Natural England requested that additional information be submitted to demonstrate how additional pressure on this site could be alleviated by the inclusion of alternative natural greenspace or educational information. No further information has been submitted. It is noted that the dismissed scheme included the gifting of the field to the south of the site for biodiversity enhancement and public access, however while this formed part of a previous UU it did not form an obligation that was required to make that scheme acceptable in planning terms.

In relation to recreational impacts, the reduction in proposed units on the site would reduce the impact is comparison to the dismissed scheme. It is not considered that any material change has occurred since the dismissal which would warrant an additional reason for refusal.

Other Ecology Impacts

Core Strategy Policy CS4 seeks to protect the variety of wildlife habitats and species found in North Somerset, in particular by protecting important habitats and ensuring that new development is designed to maximize benefits to biodiversity. The NPPF paragraph 170 states that planning decisions should enhance the natural environment by protecting sites of biodiversity value and providing net gains for biodiversity.

The application is accompanied by an Ecological Report which identifies examples of opportunities to increase the biodiversity value of the site, with further information and

details to be provided through a Landscape and Ecological Management Plan (LEMP), which could be conditioned.

Drainage and Surface Water Flooding

Details of surface water drainage have been submitted with the application and their implementation could be secured by condition. In this respect, the proposal is in accordance with policy DM1 of the Sites and Policies Plan (Part 1) and section 10 of the NPPF. Foul drainage is dealt with under the Building Regulations.

Affordable Housing

Core Strategy Policy CS16 requires delivery of affordable housing on-site with a target of 30%. The details of the housing to be provided are expected to be negotiated, taking into consideration current housing needs in the local area.

The Council's Affordable Housing team have requested their standard affordable mix as follows, in comparison to the proposed mix.

Social Rented

House Type	Requested	Proposed
1 bed	2	0
2 bed	3	4
3 bed	2	3
4 bed	1	1
TOTAL	8	8

Intermediate

House Type	Requested	Proposed
1 bed	0	0
2 bed	2	1
3 bed	1	2
4 bed	0	0
TOTAL	3	3

The mix as proposed takes into consideration the low-density nature of the scheme which is stated by the applicant to preclude flatted development. It is considered that the proposed mix is acceptable taking into consideration the location and constraints of the site.

Design, Character and Appearance

Layout and scale are reserved matters, however the quantum of development proposed, along with the submitted parameter plans, indicate the proposed development would provide a low-density development of up to 18 dph. The height of proposed dwellings would be a maximum of 6.5m. Notwithstanding the in-principle concerns regarding the landscape impacts of developing this site, such a development would not be out of place in the context of the adjacent built up area of Weston-Super-Mare.

Residential Amenity

There is no indication that a suitable layout avoiding unacceptable impacts on neighboring properties, and with adequate standards of amenity for future occupiers, could not be achieved on the site as part of a reserved matters application.

Rights of Way

There are no existing rights of way affected by the proposed development, however, an application for a Definitive Map Modification Order (DMMO) (Ref: MOD 44) has been made to add a footpath across the planning site, travelling from the north-east corner to the south-west corner. The outcome of this application is not yet known, and the recommendation of the PROW Officer was that a route be negotiated and accommodated within the reserved matters layout, should the planning application proceed, and the applicant not wish to wait for the footpath application process to be completed. There is nothing to suggest a footpath could not be accommodated within the layout of a reserved matters application.

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 loss of agricultural land and the potential for disruption during construction, but none is of such significance as to warrant an additional reason for refusal of the proposal.

A number of consultees have raised the need to consider this site against green belt policy. However, the site is not designated as green belt and so green belt policy is not applicable to this proposal.

Conclusions

The site has been subject of a previous appeal, the conclusions of which are a material consideration for this application. The scale of the proposal fits within the requirements of Core Strategy policy CS28, however the proposal fails to meet the objectives for this policy due to its unsustainable location that will not encourage walking or cycling and is not served by public transport.

The Council is currently unable to demonstrate a 5-year supply of housing land. The presumption in favour of sustainable development outlined in Paragraph 11 d) of the NPPF would be engaged. However, the proposal fails to include evidence to demonstrate how impacts on the North Somerset and Mendip Bats SAC could be mitigated, which precludes any conclusion being reached in regard to the impacts of this project on this habitat site. Consequently, under paragraph 177 of the NPPF, the presumption in favour of sustainable development is not engaged in this instance.

Notwithstanding this, the wider impacts of the proposal have been assessed.

The proposal would cause harm to the setting of the Mendip Hills AONB, through the introduction of built form within a valued landscape, impacting on views out of the AONB from PROW AX31/8/20, views towards the ridgeline from Purn Hill, the urbanisation of Bleadon Hill, and the impacts of light pollution created by the proposal on dark skies. This

would provide a clear reason for refusal of the proposal in accordance with NPPF para 11 d) i.

The proposal would have an unacceptable impact on highway safety, which would provide a clear reason for refusal in accordance with NPPF para 11 d) i.

The unsustainable location of the site, which is particularly notable given that it would extend the principal settlement in the district where there is a reasonable expectation of connecting to sustainable transport modes, forms an additional reason for refusal of the proposal.

Recommendations

REFUSE (see draft decision for reasons)

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: Ursula Fay