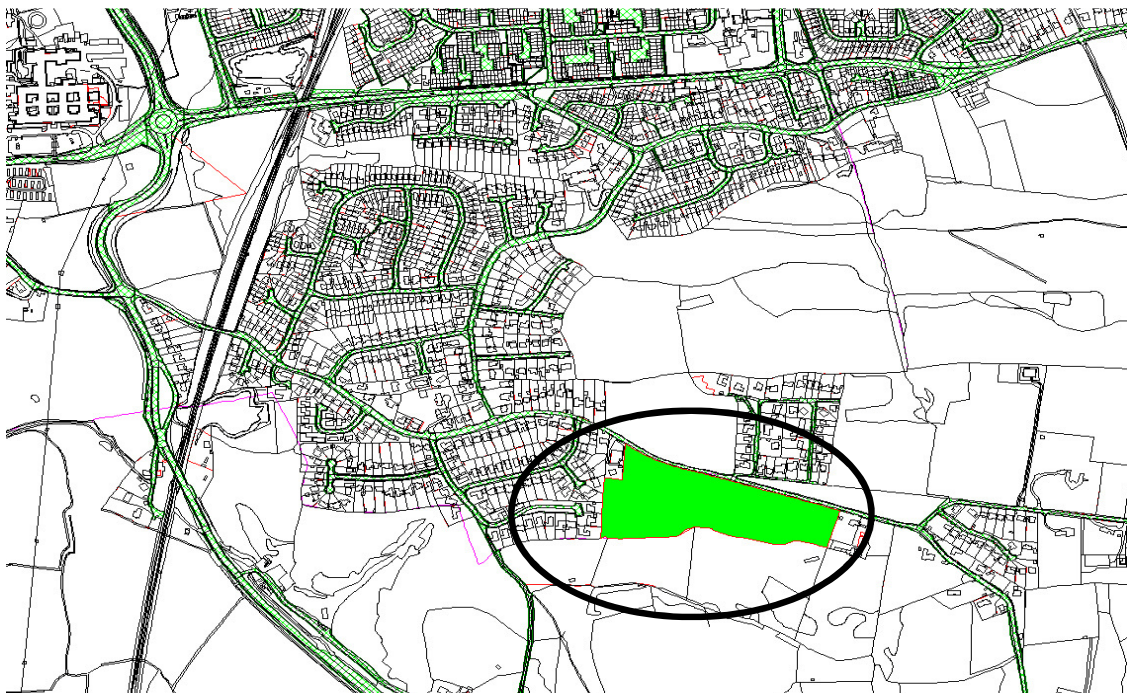


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APPLICATION NO: 15/P/0167/O	CASE OFFICER: Neil Underhay
APPLICANT: Clifton Emery Design	
PARISH/WARD: Bleadon/Weston-super-Mare Hutton and Locking and Weston-super-Mare Uphill	TARGET DATE: 21 April 2015
WARD COUNCILLOR(S): Cllr E D Ap-Rees Cllr T Porter Cllr A P Bryant Cllr J Ley-Morgan	
SITE ADDRESS: Land at Bleadon Hill, Bleadon	

LOCATION PLAN: The following plan shows the general location of the site only and is for illustrative purposes. The circle identifies the location of the site and is not a representation of the site boundaries. The site boundaries and other details submitted with the application can be viewed on the council's website at www.n-somerset.gov.uk. This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of the controller of Her Majesty's Stationery Office © Crown copyright and database rights 2015 Ordnance Survey 100023397. You are not permitted to copy, sub-license, distribute or sell any of this data to third parties in any form



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13. **Section 2: 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. All matters reserved for subsequent approval except for means of access at Land at Bleadon Hill, Bleadon**

AUTHORITY TO DEFEND AN APPEAL

Purpose of report & summary of recommendation

The applicant has lodged an appeal against the failure of the Council to decide the planning application within the statutory determination period. This means that the Council cannot decide the application and a decision will instead be made by the Secretary of State for Communities and Local Government. The appeal will be a public inquiry at a date to be confirmed. The Council can therefore only consider what it would have concluded had it been able to determine the application.

This report describes and assesses the planning application in the usual way, but the recommendation is adapted to reflect the appeal process. However, if given the opportunity to make a decision, the application would have been recommended for **REFUSAL**.

The full recommendation is set out at the end of this report.

The Site

The site is in the countryside. It is on the south side of Bleadon Hill and it comprises two agricultural fields. The west field is in the parish boundary of Weston-super-Mare and the east field is in the parish of Bleadon. The site is approximately 375 metres wide (east to west) and its depth varies from 70 - 170 metres. It is approximately 3.96 hectares. Each field has a gated access on to Bleadon Hill. Ground levels fall from north to south and site boundaries comprise mature hedgerows with some trees. The west site boundary adjoins the 'Weston-super-Mare Settlement Boundary'. A telephone exchange is located adjacent to its north-west corner. The east boundary adjoins a house with outbuildings called 'Fern Court'. 'Hillcote' estate is opposite the northern boundary.

The Application

Outline permission is sought to develop the site for up to 79 dwellings. All details are set aside for 'reserved matters' approval except for vehicle access. This comprises a new road in to the site from Bleadon Hill approximately 50 metres west of the vehicle access to 'Hillcote'. Other highway works include a 1.8 metre 'build-out' and lay-by bus stop in Bleadon Hill.

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Relevant Planning History

None

Policy Framework

The site is in the Countryside. It is approximately 150 metres west of the Mendip Hills Area of Outstanding Natural Beauty and 190 metres north of 'Purn Hill' Site of Special Scientific Interest

The Development Plan

North Somerset Core Strategy (NSCS)

The North Somerset Core Strategy was adopted in 2012, but following a high court challenge in 2013, the housing requirement was remitted back to the Planning Inspectorate for re-examination. Following the re-examination of Policy CS13 the Secretary of State confirmed that the housing figure for the period 2006-2026 is 20,985 dwellings and this is now part of the adopted development plan.

While only CS13 was found to be unlawful, the Judge recognised that the re-examination of the housing requirement may result in consequential amendments to other policies. On this basis, eight other policies were also remitted; Policies CS6, CS14, CS19, CS28, CS30, CS31, CS32 and CS33. However, the Judge emphasised that 'the policies can still be accorded appropriate weight in any decision making and housing can be brought forward through the development control process. The examination process is now considering these other remaining remitted policies. The Council has consulted on the proposed amendments to the other remitted policies prior to hearings taking place.

The following policies are relevant to this proposal and those which are remitted are underlined.

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

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CS13	Scale of new housing
CS14	Distribution of new housing
CS15	Mixed and balanced communities
CS16	Affordable housing
CS19	Strategic gaps
CS20	Supporting a successful economy
CS25	Children, young people and higher education
CS26	Supporting healthy living and the provision of health care facilities
CS27	Sport, recreation and community facilities
CS28	Weston super Mare
CS33	Smaller settlements and countryside
CS34	Infrastructure delivery and Development Contributions

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

Three NSRLP policies were not saved in March 2010. The Core Strategy supersedes some but not all of the remainder. It does not fully supersede the policies listed below. The following policies are particularly relevant to this proposal:

Policy Ref	Policy heading
GDP/3	Promoting good design and sustainable construction
ECH/6	Archaeology
ECH/8	Mendip Hills Area of Outstanding Natural Beauty
ECH/11	Protected species and their habitats
ECH/13	Sites of Special Scientific Interest and National Nature Reserves
H/7	Residential development within settlement boundaries
H/8	Residential development in the countryside
T/6	Parking standards
T/7	Protection, development and improvement of the rights of way network and other forms of public access
T/10	Highway safety, traffic and the provision of infrastructure associated with development
T/11	Travel plans
CF/1	Provision of cultural and community facilities (Developer Contributions)

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CF/3 Cultural and community facilities in the countryside

Other material policy guidance

National Planning Policy Framework (NPPF) (March 2012)

The following sections of the NPPF are particularly relevant to this proposal:

Section	Section heading
4	Promoting sustainable transport
6	Delivering a wide choice of high quality homes
7	Requiring good design
8	Promoting healthy communities
10	Meeting the challenge of climate change, flooding and coastal change
11	Conserving and enhancing the natural environment

Other National Policy Guidance

- National Planning Practice Guidance (March 2014)
- Technical Guidance to the National Planning Policy Framework (March 2012)

Emerging Policy

The Sites and Policies Plan Part 1: Development Management Policies is currently out for consultation on the proposed Main Modifications following the examination hearings in November 2015 and the Inspector's interim report which was received on 13 November 2015. The consultation on the proposed Main Modifications ends on 2nd March 2016 and following this it is anticipated that we will receive the Inspector's final report in April 2016. The plan making is now in its final stages and close to adoption so policies within the plan carry significant weight in accordance with paragraph 216 of the NPPF and can be used to determine planning applications.

The following Policies are relevant to this application.

<u>Policy Ref</u>	<u>Policy Heading</u>
• DM1	Flooding and Drainage
• DM2	Renewable and Low Carbon Energy

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- DM6 Archaeology
- DM8 Nature Conservation
- DM9 Trees
- DM10 Landscape
- DM11 Mendip Hills Area of Outstanding Natural Beauty
- DM24 Safety, Traffic and Infrastructure
- DM25 Public rights of way, pedestrian and cycle access
- DM26 Travel Plans
- DM28 Parking Standards
- DM32 High quality design and place making
- DM34 Housing type and Mix
- DM36 Residential Densities
- DM37 Residential development in residential areas
- DM40 Retirement Housing and independent living
- DM42 Accessible and adaptable housing
- DM69 Location of sporting, cultural and community facilities
- DM70 Development Infrastructure
- DM71 Development Contributions

Part 2 of the Sites and Policies Plan (the 'Site Allocations Plan') is less advanced, although the Council's Executive have approved its draft for Consultation. It currently has limited weight as a material consideration.

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

- Development Contributions (January 2016)
- Creating Sustainable Buildings and Places (March 2015)
- Residential Design Guide (RDG) Section 1: Protecting living conditions of neighbours SPD (adopted January 2013)
- North Somerset Parking Standards SPD (adopted November 2013)
- Affordable Housing SPD (adopted November 2013)
- Solar Photovoltaic (PV) Arrays SPD (adopted November 2013)
- Travel Plans SPD (adopted November 2010)
- North Somerset Landscape Character Assessment SPD (adopted December 2005)
- Biodiversity and Trees SPD (adopted December 2005)

Consultations

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

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Third Parties: 187 objections have been received at the time of preparing this report. The principal planning points made are as follows:

- The fields are visible from the hillside and from lower ground. The scale and nature of the development would harm the appearance of the site, the hillside and the setting of the Mendip Hills Area of Outstanding Natural Beauty and Purn Hill Site of Special Scientific Interest.
- The development is tantamount to urban sprawl and it would greatly reduce the sense of space and rural separation between Weston-super-Mare and Bleadon village.
- There are more appropriate 'brownfield sites' for residential development within the urban area of Weston.
- The scale and density of the development is out of keeping with its rural context.
- Bleadon Hill is a narrow rural lane with restricted visibility and 'pinch-points'. The roads leading to the site including 'Devil's Bridge', Celtic Way, and the junction with Bridgwater Road are unsuitable for higher volumes of traffic. Siting a new access almost opposite the access to 'Hillcote' would also be dangerous. Access for construction vehicles would prove very difficult to manage and be dangerous to other roads users. Furthermore, these roads are not suitable for increased bus use, which is now being proposed by the applicant.
- The site is not well served by public transport and local services facilities, including schools, shops, health care facilities and other 'everyday' community facilities. The topography of the area and lack of pavements does not provide a safe or pedestrian or cycle friendly route. This would make the site only really accessible by car thereby compounding the harmful effects of extra traffic on local roads.
- The proposal would bring about substantial light pollution at night.
- The site consists of high quality agricultural land and it should be retained for agriculture.
- The proposal would over-load local electricity and drainage services.
- The development would reduce the privacy and amenity of nearby residents.
- The development would devalue the ecology of the site.
- The archaeological importance of the site has not been properly considered.

Weston-super-Mare Town Council: Object on the following grounds:

- The site affects a SSSI.
- The site is within an AONB and will affect the visual amenity adversely.
- A development of this size would join up and damage separate identities of two settlements.

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- The development is outside the 'development boundary' and therefore contrary to the Local Plan.
- The development is 'out of character' with Bleadon Hill and would be to the detriment of its identity as a settlement.

Bleadon Parish Council: Object on the following grounds:

- The proposed development is outside the development boundary of Bleadon and Weston-super-Mare
- It is close to an Area of Outstanding Natural Beauty and Scientific Site of Special Interest.
- The access to the land is extremely difficult with very poor visibility and on a road where it is almost impossible for two cars to pass
- Inadequate public transport facilities which will only increase and be exacerbated by a further housing development.
- No immediate local facilities such as shops school doctor or indeed employment which will by necessity see a daily migration of vehicles and thus increase carbon pollution.
- There are no footpaths within the vicinity of this proposed development thus increasing the potential hazard for pedestrians
- This proposal if allowed would destroy the current green area between Bleadon and Weston-super-Mare which has always been clearly different in its identity.
- 'Hillcote' would be badly affected by this unnecessary proposal
- It is overdevelopment of the site.
- There is no street lighting at present and further lighting from a development of this size would increase light pollution.
- Any proposed development would destroy the much valued fauna and flora
- The proposed development would be highly visible and therefore detract from the current views of the Mendip Hills.
- The developer states that this development will help towards the much needed housing in the locality. Bleadon already has an approved application for 49 houses on a Brown Field Site and it is not therefore necessary to take much valued agricultural land.
- Site of an ancient burial ground.
- Church Commissioners covenant on part of the land which states only 5 properties per acre are permitted to be built. This proposed development far exceeds that restriction.

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Other Comments Received:

Environment Agency:

The proposal includes a surface water strategy which disposes surface water runoff using infiltration through soakaways. No objections.

Somerset Drainage Consortium (SDC):

No objection subject to planning condition requiring surface water drainage details.

Wessex Water:

The applicant has proposed draining / pumping the foul drainage from the site to the existing public sewer in Bleadon Hill. This is acceptable in principle.

Mendip Hills Area of Outstanding Natural Beauty Partnership:

The overall effects of development on the AONB have not been fully considered. Notwithstanding this, the importance of keeping the scarp slopes around the Mendip Hills undeveloped is an important consideration and this should not be compounded by further development along the ridgelines in the foreground of the AONB.

Natural England:

The proposal by reason of its scale and immediacy to the Mendip Hills AONB is likely to have a significant impact on the setting and views out from the AONB. It is not considered the application documents give sufficient consideration to the likely impacts of the development to views in and out of the AONB.

Principal Planning Issues

The principal planning issues in this case are (1) matters of principle; (2) sustainability (overview); (3) housing distribution strategy; (3) housing and employment; (4) transport and highway impacts; (5) landscape and visual impacts; (6) biodiversity; (7) flood risk and drainage; (8) archaeology; (9) loss of agricultural land; (10) impact on residential amenity; (11) planning obligations and section 106 requirements and (12) other issues.

Issue 1: Matters of Principle – Policy Overview

Section 38 (6) of the Planning and Compulsory Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. This is consolidated in paragraphs 11 and 196 of the National Planning Policy Framework (NPPF). However paragraph 14 of the NPPF says that where the development plan is out-of-date, the presumption is to approve sustainable development provided it is not significantly and demonstrably outweighed by any adverse impacts. Paragraph 47 of the

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NPPF also requires local planning authorities to identify and update annually a supply of specific deliverable sites to provide five years' worth of housing against their housing target, plus an additional 5% buffer. Paragraph 49 of the NPPF says policies for the supply of housing should not be considered to be up to date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

Development Plan and 5-year housing land supply

Most policies in the Core Strategy are adopted. The remaining 'remitted' policies (CS6, CS14, CS19, CS28, CS30, CS31, CS32 and CS33) are however yet to be adopted, although only very minor changes to these policies are proposed. Remitted Policy CS14 (Distribution of New Housing) will be updated to identify where, in broad terms, the remaining housing balance (1,715 dwellings) up to 2026 will be delivered. The intention is that additional housing land will be distributed in the most sustainable locations for 1,715 dwellings. Proposed changes to remitted policies have been consulted upon and responses received have been forwarded to the Planning Inspectorate, who will arrange further hearings if appropriate.

In tandem with this, the Council must also demonstrate that it has a deliverable rolling 5-year supply of housing land when measured against the remaining Core Strategy housing figure. The Council, based on its most recent annual housing assessment (April 2015), did not have sufficient sites to meet the 5 year housing land supply. This was confirmed as common ground between the parties at the Brinsea Road, Congresbury appeal (14/P/1901/O) in October 2015 and this remains the current situation. Under the 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 paragraph 14 of the NPPF is engaged. This states that where the development plan is absent, silent or relevant policies are out of date, the presumption is to approve sustainable development unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

Emerging Policy

The Policies in Part 1 of the 'Sites and Policies Plan' (SAP) is now at its final stages and close to adoption. These policies carry significant weight in accordance with paragraph 216 of the NPPF.

The identification of new housing sites to meet the Core Strategy Housing target would normally be plan-led through the 'Site Allocations Plan' (Part 2 of the 'Sites and Policies Plan'). The plan-preparation stage of the Site Allocations Plan (SAP) has begun and consultation is due to commence shortly. At present it has little weight as a material consideration in determining planning applications. In the meantime the Council must determine planning applications for speculative housing and the need to provide a deliverable supply 5-year housing land is a significant material consideration. The SAP is therefore being prepared in parallel with the consideration of planning applications.

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This is already in progress with, for example, the Planning & Regulatory Committee resolving to approve a proposed development at Pudding Pie Lane, Churchill (141) at its last meeting in January. In addition, when considering a site at Venus Street, Congresbury (14) (which is subject of a non-determination appeal) at the same meeting the Committee resolved that, had it had the opportunity to consider the proposal, it would have been minded to approve it, subject to conditions and a S106 agreement.

Summary

NPPF paragraph 14 advises that there is a presumption in favour of sustainable development and that where the development plan is absent, silent or relevant policies are out of date, 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 NPPF when taken as a whole; or
- Specific policies in the NPPF indicate development should be restricted.

Issue 2: Sustainability (Overview)

The Government's view of sustainable development is set out in Paragraphs 18-219 inclusive of the NPPF. Sustainable development has many strands, but its core inter-dependent dimensions are economic, social and environmental. This proposal impacts on all dimensions.

From an economic perspective, the site is evidently available and 79 houses would, if approved boost housing delivery, which is a significant material consideration. The inclusion of 'affordable' housing, together with construction jobs and increased spending from a rising population, new homes bonus are also important economic (and social) considerations although these benefits are not specific to this location alone. Social sustainability is however also concerned with directing growth to places where new residents can be part of communities and where public facilities and services are local and accessible. Even though Weston-super-Mare is the main strategic area for housing growth in North Somerset, it does not mean that any site that is adjacent to the built-up area is automatically suitable for housing development. Each site will require a more in-depth assessment of its suitability.

The applicant considers this will be achieved and they regard this site as a suitable extension of the built-up area. Moreover they contend that as Weston-super-Mare is the main focus for housing growth in North Somerset, this proposal is consistent with the Council's strategic housing policies. They also say the development can be provided with acceptable environmental sustainability results in terms of highways, traffic, landscape, ecological and drainage impacts. These and other sustainable criteria is considered in detail the following 'Issues'.

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Issue 3: Housing and Employment

In Weston-super-Mare and the surrounding area (which includes this site) policy CS20 of the Core Strategy regulates the release of residential development alongside employment provision. It indicates that major housing applications should provide 1.5 jobs per home. This is consolidated in the “Employment-Led delivery at Weston-super-Mare” SPD which shows that the application site is within the ‘Remainder of Weston-super-Mare’ and the policy for this area that: *“if on-site [Employment] provision is not suitable, financial contributions will be sought towards economic development through the use of planning obligations. These contributions will be agreed through Section 106 and the Community Infrastructure Levy and will be focussed on local initiatives and to support the delivery of employment elsewhere in the town.”* In this case a financial contribution is appropriate and a suitable project has been identified. The applicant has confirmed that they agree to meet the required sum. This is acceptable.

Issue 4: Transport and Highway Impacts

The NPPF says (Para. 29): *“Transport policies have an important role to play in facilitating sustainable development”* and giving *“people a real choice about how they travel.”* Paragraph 32 adds that decisions should take account of whether, amongst other issues: safe and suitable access to the site can be achieved for all people. Paragraph 35 says: *“development should be located and designed where practical to ... give priority to pedestrian and cycle movements, and have access to high quality public transport facilities”*. It should also: *“consider the needs of people with disabilities by all modes of transport”*. Paragraph 36 says: *“A key tool to facilitate this [sustainable development] will be a Travel Plan.”*

Policy CS1 of the Core Strategy (Addressing climate change and carbon reduction) says: *“Opportunities for walking and cycling should be maximised through new development and in existing areas emphasising the aim to provide opportunities that encourage and facilitate modal shift towards more sustainable transport modes”*. These objectives are consolidated in Policy CS10 of the Core Strategy and Policy T/10 of the Replacement Local Plan. The latter adds that development will be permitted if it does not prejudice highway safety.

Policy DM24 of the ‘Sites and Policies Plan Part 1’ (Development Management Policies) Publication Version is also material. It says: *“Development giving rise to a significant number of travel movements will only be refused on transport grounds if it... is not accessible by non-car modes or it cannot readily be integrated with public transport, cycleway and footpath links and bridleway where appropriate.”*

Location and Accessibility

The applicant’s Transport Assessment (TA) notes the nearest local centre which includes a convenience shop, newsagent, post office, take-away, primary school

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and bus stops for main routes is at Broadway, Oldmixon. They say this centre falls “*within the preferred maximum walking distance set out in ‘Providing for Journeys on Foot’ (DfT 2000)*”. Table 2.2 of their TA lists the walking and cycling distance to these facilities and other common destinations further from the site.

However measurements taken of the most direct footpath route shows the actual walking distance from the centre of the site to the nearest local facilities is about 1500 metres from the site with Oldmixon Primary School being 1600 metres away. This means that with the exception of the primary school and Weston College’s site at Loxton Road (1800 metres from the centre of the site) all other local facilities are beyond the preferred maximum walking distances set out in in “Providing for Journeys on Foot” and are considerably greater than the defined ‘desirable’ or ‘acceptable’ distances. This guidance is widely used and was referred to in a recent appeal decision for a housing development at Congresbury.

“Providing for Journeys on Foot” also adds that the likelihood of people walking will depend on the attractiveness and practicality of routes, especially its gradient. This is relevant because as well as being beyond the maximum walking distance to most services and facilities, about 850 metres of the walking route to and from the Oldmixon local centre is on a hill with some steep sections. Some parts of the route (towards the top of the hill) do not have footpaths. These factors combined are likely to dissuade most new residents, especially those with bags, push buggies, walkers or mobility scooters, from walking or cycling to and from the nearest local facilities. The particular location would not therefore give priority to pedestrian and cycle movements and access to/from the site would be overly-reliant on the private car. This is contrary to paragraph 35 of the NPPF and demonstrates unsustainability of the site.

In terms of public transport, the only bus service to the site is the 4A service. This is an hourly Hutton to South Road service which stops in Bleadon on the return journey. The first service does not stop in Bleadon until 08:45, which is likely to be too late for travel to work or school. The applicant has been in discussion with a local bus operator (Crosville Motors) and this has led to the preparation of a draft route and timetable for a new bus service which would stop on Bleadon Hill near to the site. This would be hourly and would commence at 08:10 hours with the final return service reaching the site at 19:10hours. The draft outbound route would include Totterdown Lane, Broadway, Winterstoke Road, Drove Road, Station Road and Regent Street. The return route includes the above as well as Weston Hospital, Bridgwater Road, Bleadon Road and Celtic Way on-route to the site. The applicant is willing to enter in to a S106 legal agreement to fund the service for its first 3 years. The proposed operator (Crosville) has indicated in correspondence that it is confident the service would be viable to operate on a commercial basis thereafter. Any new service, however, would need to be subject to comprehensive marketing which could be agreed as part of a S106 Agreement.

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Whilst the proposed bus service could give commuters; those going to school or wanting to visit the town centre, an alternative to the car, it does not change the fact that the location of the site will still be too dependent on vehicle access.

Impact of additional trip numbers on local roads

The section of Bleadon Hill which passes the site is subject to a 30mph speed limit, although surveys indicate vehicle speeds are closer to 35mph in both directions close to the site. Traffic counts on Bleadon Hill indicate two way flows in the morning peak of 102 vehicles and 114 vehicles in the evening peak. The TA has determined that the development will generate 43 additional two-way movements in the morning peak and 45 two-way movements in the evening peak. The majority of these (between 68-88%) will be to/from the west. There are various routes motorists can take to and from the west, with the most common likely to be to Bleadon Hill leading to Bridgwater Road (A370), or Totterdown Lane towards Oldmixon. The impact of the additional traffic on these routes is minor and well-within the operational capacity.

Some objectors say that pinch-points in local roads would make any increase in traffic harmful to road safety and convenience. Others say that the roads are not wide enough for buses without endangering other motorists travelling in the opposite direction and any further increase in bus numbers should be avoided. On the latter point, there is no significant operational problem with buses using the local roads. Double decker buses are also occasionally used due to scheduling arrangements, the width of such vehicles are very similar to single deck public transport. It is not considered that a small increase in the number of buses will be detrimental to road safety including those narrower sections of the highway.

In terms of cumulative impact there is a separate planning application (reference number 15/P/0983/O) presently under consideration for 60 dwellings on land at the end of Wentwood Drive/Highfield Road, which is about 500 metres from this site. A proportion of the traffic from that application could take in the same approach roads. Taking a worse-case scenario the cumulative impact of both development could add between 30-38% more traffic movements on to the roads, although in practice it would be likely to be less. With existing traffic levels being relatively low the cumulative impact would be well within the operational capacity of the local roads and it is unlikely to be prejudicial to road safety.

The width of the access point into the site and the visibility splays are acceptable. The proposed build-out in the road has been subject to a Stage 1 Road Safety Audit which has not raised any fundamental concerns. This scheme would need to be delivered through a S106 agreement.

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Summary

There are no road safety or capacity objections to the proposal. The distance and nature of the route to the nearest services and facilities is however likely to result in very few residents walking or cycling to the local facilities. The offer to fund a new bus service for 3 years is welcomed and this would, in the view of the potential bus operator, stand a good chance of the service becoming viable. The service could be commenced in tandem with the occupation of dwellings and the frequency and proposed hours of the service would mean that the site is accessible by public transport. This is a more sustainable vehicle option than car access alone and it could reduce vehicle trip numbers from occupants of the development and could also benefit other residents who live close to the site.

Paragraph 35 of the NPPF however suggests that development should be located to give priority to pedestrian and cycle movements and have access to high quality public transport facilities. The inclusion of a new bus service is not a trade-off for the disadvantages of the location in terms of walking and cycling. Travel-Plans can contribute towards sustainable development. The applicant's included a 'Framework Travel Plan' sets out possible initiatives and measures to reduce car travel including public transport provision and promoting walking and cycling. These initiatives will not however, for the reasons already given, mean that walking or cycling will be an attractive offer to residents of this site.

On balance, the proposal, because of the location of the site, is most unlikely to encourage walking or cycling to key public facilities and services and the site will be over reliant on vehicle access including local trips. Even with an enhanced public transport offer, it indicates that the site is not in a sustainable location for housing development. The application is considered to be contrary to paragraph 35 of the NPPF, Policies CS1 and CS10 of the Core Strategy, Policy T/10 of the Replacement Local Plan and Policy DM24 of the Sites and Policies Plan Part 1 (publication version).

Issue 5: Landscape and Visual Impact

The site is not within a national statutory landscape designation, but it is located in the Mendip Hills Character Area (No.141), as it most closely reflects the character of the AONB to the east. Statement SEO 1 which applies to the Mendip Hills says the objectives for this area is to: "*Safeguard inward and outward views of and to the distinctive hill line and conserve and enhance the special qualities, tranquillity, and sense of remoteness and naturalness of the area.*"

The site is also part of the 'Limestone Ridges and Combes' Landscape Character (North Somerset Landscape Character Assessment 2005) which is notable for:

- High limestone ridges with grazed pasture on lower slopes

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- Sparse settlements with outlying scattered development on the plateau and lower ridges
- 20th Century infill and ribbon development rising up Bleadon Hill which is highly visible from lower areas.

The landscape character is assessed as strong with the landscape condition being good. The Landscape Strategy for this area is to conserve the rural landscape, encourage traditional methods of land management and guard against urbanisation of small rural roads.

Bleadon Hill has two distinct parts: an urban area which rises up the hillside to the west and a rural area along its ridge, which includes the application site. The road passing through both parts is also called 'Bleadon Hill'. This becomes Celtic Way further east which continues downhill towards Bleadon village. Celtic Way is hilly and winding and is flanked by walls, hedges or grass banks. Bleadon Hill, by contrast, is relatively straight and it runs along the ridge with hedgerows alongside the road. Outlying dispersed groups of housing are found along both roads. 'Hillcote' is closest to the application site and is an island of housing (40 dwellings) with fields around it, which is about 190 metres beyond the built-up edge of Weston-super-Mare to the west. The wider landscape between Weston and Bleadon village is seen from the ridge of Purn Hill. From here the outlying housing groups are seen at near equal distance apart and are separated from each other by wide green spaces.

The applicant argues that the site falls within a 'transitional zone' between the urban area to the west and the remote Area of Outstanding Natural Beauty further east. They say this zone is part of the urban fringe and is characterised by prominent groups of housing interspersed with fields and woodland. They differentiate it from the western edge of the AONB (which they describe as a "buffer zone"), although they acknowledge the 'buffer zone' also includes "*prominent development on lower and mid slopes surrounded by woodland blocks*". In the officer's view there is no perceptible difference between the character and appearance of the 'transitional' and 'buffer zones', except the latter is in the AONB. The application site is not however surrounded by development and it is not considered to be a natural extension of the urban area.

Landscape Parameters

The applicants propose development parameters in an attempt to reduce the visual and landscape impact of the development. These would be guiding principles for a reserved matters application.

The first is a 'Landscape Parameter Plan' which shows the size and position of open space in the development. It also shows which hedgerows are to be retained, removed and relocated as well as areas of new planting. The existing hedgerow

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along the southern boundary is to be retained and supplemented with an additional (parallel) hedgerow. To provide visibility splays for the new vehicle access, a 234 metre long section of the road side hedgerow facing Bleadon Hill would however be unearthed and repositioned further back from the road and behind the visibility splays. This section of hedge would be reduced in height from approximately 1.3 to 1.5 metres (at present) down to 300mm-500mm to enable its relocation.

'Parameter Plan 2' limits the dwellings to a maximum of two storeys, although those dwellings that would be nearest to the southern-most boundary would be limited to a maximum overall height of 6.5 metres. This is likely to mean they would be chalet bungalows. These properties would be recessed further in to the site (further away from the southern boundary) when compared to adjoining dwellings on the south side of Southridge Heights.

The third Parameter Plan concerns housing density. Dwellings in the west field (closest to adjoin dwellings in Leighton Crescent and Southridge Heights) would be developed to a density that is equivalent to 20-30 dwellings per hectare and those in the east field would be equivalent to 10-15 dwellings per hectare. Hence the further dwellings are from the urban edge, the less dense they will be.

A further detail concerns the southern hedge. This shows residential boundaries will stop before the hedge and a footpath will be provided in between. This hedge would be offered to Avon Wildlife Trust to ensure it is retained.

Landscape and Visual Impact Assessment (LVIA)

As well as the 'Parameters' the applicants Design & Access Statement and LVIA further considers the impact of the development on:

- The setting of the Mendip Hills Area of Outstanding Natural Beauty;
- Key public viewpoints; and
- The Character of Bleadon Hill and the 'transitional' landscape;

The terminology used in the LVIA to assess impact accords with the: "*Guidelines for Landscape and Visual Impact Assessment*" - 3rd Edition, produced by the Landscape Institute and Institute of Environmental Management (2013). It considers the sensitivity of the 'receptor' (the location where the view is taken from) and the significance (or magnitude) of impact of the development from these viewpoints. The LVIA and the officer's response are summarised below.

Close range views of the site (within 500 metres of the site boundaries)

The hedge on the northern site boundary which faces Bleadon Hill is about 1.3 - 1.5 metres high, although it is nearer to 1.6 to 1.8 metres above the adjoining road level due to the field being on slightly higher ground than the road. This largely

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obscures views of the fields when passing along Bleadon Hill. Illustrative views provided by the applicant show the likely long-term impact of the development from various point in Bleadon Hill (the road). This appears to suggest the roadside hedge including the relocated section has regrown to its present height. It indicates the roofs of dwellings would appear above the hedge, although views of the development would also open up at a number of permanent gaps in the hedge, such as the road access, path access points and the bus stop. Even allowing for its relatively low density and a sensitive design, the outer line of dwellings closest to Bleadon Hill are likely to appear as a long continuation of the built-up area into a landscape which has a different and more rural appearance. This impact would be exacerbated for a number of years where a long section of the road side hedge is substantially lowered. The short and longer term effect of this development would have a significant adverse effect to passing view from Bleadon Hill (road).

The east half of the site is also seen from the public footpath on the boundary of the AONB which is opposite the site and is on a higher ground. The applicant has considered views of the application site and development from the footpath and considers that it does not make an important contribution to the essential character of the existing view and the use of appropriate materials and landscaping would help to integrate building in to the landscape. Whilst the development may not preclude views of the landscape beyond and to the side of the site it will lessen the appreciation of it. This is because the housing would appear in the relative foreground and the development would close a wide green gap between buildings at 'Hillcote' and 'Fern Court', which is a strong and positive feature of the 'transitional' landscape. The development would harm views from the AONB, which is a very sensitive receptor. The magnitude of impact would be 'significant'.

Views from the footpath to the south would not be affected by the development. North and east view are however also an important part of the view and experience of Purn Hill. These views include some bungalows in Southridge Heights (adjoining the west boundary of the site) as well as some dwellings at 'Hillcote'. 'Fern Court' (which adjoins the east boundary) is also seen as are some properties in Hillside Road to the east. 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 and it will be offered to Avon Wildlife Trust. Correspondence from Avon Wildlife Trust says that if they are gifted the field and hedgerow they would take on the responsibility for its maintenance.

The applicant includes cross sections which show the sloping topography including 'Hillcote' to the north, the application site, and downhill through Purn Hill and down to Purn Way. These together with photographic viewpoints suggest that if the southern boundary hedge is retained at its present height (approximately 3 metres), only the top parts of the roofs of dwellings would be seen from Purn Hill. The applicant's suggests these would be reduced further through appropriate building materials / colours and through additional planting adjoin the southern

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hedge. They also propose that the dwellings closest to the southern hedge will be no taller than 6.5 metres as they will be sited further in to the site (further away from the southern boundary) compared to adjoining dwellings in Southridge Heights.

The retention of the southern hedgerow would not screen the development as well as is being portrayed by the applicant's. This is because parts of Purn Hill are not much lower than the application site and the sight line from these areas is likely to pick up the roofs of bungalows closest to the southern boundary as well as the two storey houses behind. The adjoining house at 'Fern Court' for example is a two storey building and is located close to Bleadon Hill. While the white painted walls of this property stand out, its darker coloured roof can be clearly seen above the hedgerow at various points along Purn Hill. Even if the building materials for new dwellings are more muted, the roofs of the properties, which are only just below the horizon, are still likely to stand out to passive views. Some of the new dwellings may, depending on materials / colours used, blend in to the backdrop of houses at the 'Hillcote'. Dwellings either side of 'Hillcote' would however be more conspicuous and contribute to a linear development extending closer to the setting of the AONB. Additional planting adjacent to the southern boundary will also be slow to establish in the thin soils and exposed location.

Wider (more distant) views of the site

The southern hedge is also seen from Bridgwater Road (A370), Accommodation Road, Bleadon Road, Bridge Road, Purn Way and from parts of the 'West Mendip Way' public footpath. All of these viewpoints are south of the site and are on much lower and level ground. The views from Purn Way, Bleadon Road and Bridge Road range from 560-1100 metres. The views from Accommodation Road and A370 (adjacent to Hobbs Boat PH) are 1800-1900 metres away.

From Purn Way, Bridge Road and Bleadon Road, the southern boundary hedge sits on the horizon and it forms a wide green space between housing at South Ridge Heights and Fern Court. The topography is such that the houses at 'Hillcote' are not seen in most of these views. The applicants super-impose the proposed dwellings on to a number of representative photographic viewpoints including Bridge Road. From here the upper part of the roofs are visible above the hedge, although the applicants suggest the roofs would be screened once additional planting has matured. The applicant considers the sensitivity of the view from Bridge Road is medium to high but the degree of impact from the development would only be 'slightly significant'. Officers, for the reasons already given, have doubts that the existing vegetation would adequately screen the development. Even if the roofs of properties are seen, these would be conspicuous on the horizon and appear as ribbon development beyond the built-up area and into the countryside.

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The section of Bridgwater Road (A370) which approaches the River Axe from 'Hobbs Boat' pub is straight and the eye is drawn to the backdrop of Bleadon Hill. Development above the hedge line will stand out on the horizon. From Accommodation Road the site is just below the horizon and below 'Hillcote'. Development that stands out above the hedge line will however overlap 'Hillcote' resulting in a larger mass of development in the countryside. The applicants contend the development can be screened to a high degree, but officers, for the same reason already stated, doubt that this will happen.

Summary

The site is in an area which is different in character and appearance from the urban area to the west and the open countryside to the east. The applicants says it has the character of an urban fringe, but the outlying groups of housing within it are compact with wide green gaps between them. The proposed density and property design would go some way to reduce the impact, but the key mitigation is a reliance on a high degree of screening through existing and new planting. The relocation of a long section of the hedgerow facing Bleadon Hill will take several years to re-establish to its current height during which time the development would appear very stark and dominant. Even if the hedgerow recovers to its current height it would not screen the roofs of dwellings, giving the impression of lengthy development extending along Bleadon Hill. This would also be conspicuous from a public footpath in the AONB.

The retention of the southern hedge is welcomed but this is unlikely to be able to screen the roofs of the houses. Because they appear on or close to the horizon they will be clearly noticeable and will give the impression of a long ribbon extension in to the countryside. The view from Purn Hill will also see an increase in the quantity of development which will impact on views towards the AONB. The view of the landscape from the footpath in the AONB will also be adversely affected.

Overall, the scale and likely impact of the development in this location would cause unacceptable harm to the rural character and appearance of the site and its place in the wider setting. This is contrary to (i) Policy CS5 of the North Somerset Core Strategy and (ii) the landscape strategy for '*Mendip Ridges and Combes*' as set out in the North Somerset Landscape Character Assessment - Supplementary Planning Document and emerging Policy DM10 of the 'Sites and Policies Plan Part 1' (Development Management Policies).

Issue 6: Biodiversity

The application is accompanied by an ecological assessment and Bats Surveys. These provide a comprehensive overview of the biodiversity within and near to the site. One of the key issues to arise from this is that the site is within an area of

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known Bat activity and it is likely that the some of the hedgerows on the site are used by bats as part of the wider foraging and feeding network. As a result of this a Habitat Regulations Assessment is required to be approved before the application is determined which will include mitigation measures to show that the impacts of the development will not have unacceptable impacts on Bats and their habitats. An update will be provided on this matter.

Issue 7: Flood Risk / Drainage

The site is located in Flood Zone 1 which has a 1:1000 annual probability of flooding. Residential development is appropriate in Flood Zone 1. The applicant's 'Flood Risk Assessment and Foul & Surface Water Drainage Strategy' has been considered by consultees. No objections are raised provided further details are required under planning conditions. This is acceptable under Policy CS3 of the Core Strategy.

Issue 8: Archaeology

The site includes evidence of prehistoric field system and prehistoric occupation. Further archaeological evaluation by trial excavation was carried out and as a result there are no archaeological objections to the application.

Issue 9: Loss of Agricultural Land

Grade 1, 2 and 3a agricultural land is defined as being best quality and most versatile and it is afforded greater protection under the NPPF. The application site is Grade 3b Agricultural Land and therefore the development would not result in a reduction in best and most versatile agricultural land.

Issue 10: Impact on living conditions

The most direct impact is likely to be on residents at 'Hillcote'. Whilst this underlines the impact on the character of the area, this loss of views does not in itself have an adverse impact on the living conditions of residents. Nor will the development have an over-bearing impact or take light from their properties. The distance between the site and 'Hillcote' will not adversely affect privacy. Development close to the west boundary has potential to affect adjoining residents in Southridge Heights and Leighton Crescent, but these are detailed considerations which can be considered and addressed if necessary at the 'reserved matters' stage.

Issue 11: Planning Obligations / Section 106 Requirements

The NPPF (paragraphs 203-206) says planning obligations should only be sought where they:

- are necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

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The detailed requirements for planning obligations are set out in the North Somerset Replacement Local Plan (NSRLP), the North Somerset Core Strategy (CS) and the Developer Contributions SPD respectively. These are further supported by the North Somerset Core Strategy Infrastructure Delivery Plan, which forms part of the evidence base for the Core Strategy and the Sites and Policies Plan. The scope of Section 106 requirements are set out below.

Affordable Housing

Policy CS16 of the Core Strategy sets out the Council's Policy on Affordable Housing and says the trigger for on-site provision are schemes of 10 or more dwellings. There is no upper limit on affordable housing provision, but 30% of the total housing number provided as 'affordable housing' is the normal requirement. Policy CS30 of the Core Strategy reaffirms a target of 30%.

Education

Policy CS25 'Children, young people and higher education' of the Core Strategy sets out the Council's Policy on education provision and seeks to ensure adequate school provision is made to meet demands of new development. A development of up to 79 homes would need to contribute to early years (0-4), Primary (5-11), Secondary (11-16), Special Needs and Post 16 education through a financial contribution. A sum of has been sought for pre-school and Primary School facilities.

Health Care Facilities

Officers' have liaised with NHS England which is responsible for providing all elements of healthcare services to ascertain the requirements arising from this development. They have not however sought any contributions from this development.

Libraries

A financial contribution towards improving the local mobile library and the main library at the Town Hall, WSM is required.

Public Open Space and Built Sports facilities

Policy CS27 of the North Somerset Core Strategy deals with sport, recreation and community facilities. The development must provide a play area on site with a minimum of 600 square metres plus play equipment and maintenance sum. Further financial contributions towards off-site open space provision and playing pitches are also required.

Transport

The applicant has proposed to formalise the existing give-way arrangement to the west of the proposed development with a small build out. This will also tie in with

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the proposed pedestrian improvements on the site. The proposed improvements have been subject to a Stage 1 Road Safety Audit which has not raised any fundamental concerns with the proposed mitigation. This scheme and the delivery of a new bus service will need to be delivered through a S106 agreement.

The applicant has confirmed that they accept the various S106 requirements.

Issue 12: Other Matters

There are no public footpaths crossing the site. The Council received a claim however that the public roam across parts of the site and that a public right of way should be recorded as passing through the site from the mid-point of the northern boundary to its south-west corner. As this route is claimed and not proven, it cannot be recorded as a public right of way and it carries very little weight as a material consideration. The process for considering claims will be decided under other legislation. The applicant has been made aware of this claim.

The Parish Council indicates that the Church Commissioners suggest there may be a covenant on part of the land which states only 5 properties per acre are permitted to be built. Covenants are private agreements which are outside the scope of planning controls. Any such restrictions would therefore be subject to separate consent and it therefore has no material impact on this application.

Natural Environment and Rural Communities (NERC) Act 2006

NERC places a duty on Local authorities to have regard to the conservation of biodiversity in exercising their functions. This has been considered and there no bio-diversity objections to the application.

The Crime and Disorder Act 1998

The proposed development will not have a material detrimental impact upon crime and disorder.

Local Financial Considerations

The Localism Act 2011 amended section 70 of the Town and Country Planning Act 1990 so that local financial considerations are now a material consideration in the determination of planning applications. This development is expected to generate approximately £711,000 in New Homes Bonus contributions for the authority. However, it is considered that the development plan and other material considerations, as set out elsewhere in this report, continue to be the matters that carry greatest weight in the determination of this application.

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Conclusion

There is a presumption to grant planning permission for sustainable development unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. Sustainable development has a broad meaning but economic, social and environmental issues are its core inter-dependent dimensions.

Economic sustainability is concerned with investment and building of more homes. The site is evidently available and the application will boost local housing delivery and boost a 5-year housing land supply. It also proposes that 30% of the homes to be built on site are 'affordable' homes which complies with the Policy CS16 of the Core Strategy. Other generic economic benefits include the 'new Homes Bonus', increased local spending which, although not demonstrated in the application, should ensue from more people living in the area. The temporary benefit of construction jobs and supplies to implement the development is also relevant. Policy CS20 of the Core Strategy also requires housing to be provided in tandem with employment development. Where on-site jobs is not suitable, financial contributions will be sought towards economic development and this will be focussed on local initiatives and to support the delivery of employment elsewhere in the town. The applicant has agreed to provide the requisite employment contributions through a Section 106 Agreement.

Social sustainability is concerned with providing homes for people in the right places so that they can feel part of a community and where facilities and services are available, local and accessible. From a strategic perspective the proposal accords with the Council's housing distribution strategy in remitted policy CS14 of the Core Strategy, in that Weston-super-Mare is identified as the main area for housing growth. This does not however automatically mean that all sites beyond the built-up part of Weston-super-Mare will be suitable for housing and a site-specific assessment is required. This site is not however within a reasonable walking distance of the nearest 'local facilities' and its position on a hillside is likely to dissuade most future residents from walking or cycling to or from local facilities. The offer from the applicant to fund a new bus service will give residents an alternative mode of transport. This is welcomed but it does not change the fact that the site because of its location will be overly dependent on vehicle access.

Environmental sustainability is relevant to this application in a number of respects. In terms of traffic impact, consideration has been given to the individual and cumulative impact of additional vehicle movements from this application and those that are likely to arise from the separate current application for 50 houses on land off Wentwood Drive (planning application 15/P/0983/O) which is relatively close to the site. If both applications were approved and they are implemented the resulting volume of traffic would still be well within the operational capacity of local roads and it would not be detrimental to road safety or convenience. Accordingly, there

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are no traffic related objections to the application and the proposal accords with Policy CS10 of the Core Strategy and T/10 of the Replacement Local Plan.

In terms of Landscape and Visual Impact, the site is not within a statutory landscape, but it is high on a hillside and part of the 'Mendip Ridges and Combes' landscape character area which seeks to conserve the rural landscape and guard against urbanisation. It is also close to the Mendip Hills AONB. The development by reason of its scale and location will result in a long extension of the built-up area in to the countryside. Even though the proposed housing density is relatively low and sensitive design and materials could be used to reduce its impact, it will still transform the appearance of the site. The crux however is the degree to which this will be noticed from outside the site and its resulting landscape and visual impact.

The development will stand out to views from Bleadon Hill (road) and a public footpath to the north of the site and the effect is likely to be perceived as a long 'ribbon' of development. This will be highly conspicuous for a number of years from Bleadon Hill when roadside hedge is substantially lowered. However, even if it regrows to its present height the roofs of dwellings will still be seen above it. The effect is likely to be a long continuation of the housing in to a landscape where groups of dwellings are more compact and separated from each other by larger green gaps. This will change and harm the character and charm of this landscape: giving it a more developed and urban feel.

The applicant contends that views of the development from the south can be concealed by a combination the southern hedge being retained and lower properties closest to it. This will help but the roofs of dwellings are likely to be seen on the horizon and the dwellings will again stand out as a long extension of the housing area to the west. This will have an unacceptable impact on the character and appearance of the landscape and officers do not consider this can be mitigated to an acceptable degree.

The overall effect of the development will therefore harm the character and appearance of the landscape and this is 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) and Paragraphs 58, 64, 75 and 109 of the NPPF.

The boost in housing delivery and the reduction in housing shortfall that will arise from this application are significant considerations in favour of the application. The offer to fund a new bus service is an advantage in terms that it would offer a genuine alternative to the car. The key and over-riding problem with this application is however the location of the site, which is highly unlikely to encourage walking or cycling movements from residents to reach the nearest local facilities. The location of the site and the scale of the development because of its long linear

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form which will be conspicuous and extend some way beyond the built up edge of Weston-super-Mare. It is not a natural location to extend the built-up area and it would result in a large and uncharacteristic development with unacceptable visual and landscape harm.

This is considered to be an over-riding consideration which significantly and demonstrably outweighs the contribution that the development would make to meeting the Council's housing requirements.

RECOMMENDATION (1)

In the event that the Council were able to make a decision the application, the application would have been **REFUSED** for the following reasons and the appeal be defended on this basis:

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.