

SEPTEMBER 2020

TOWN AND COUNTRY PLANNING ACT 1990

APPEAL STATEMENT OF CASE

LAND OFF PURN WAY, BLEADON, SOMERSET BS24 0QF

ON BEHALF OF: **MR ANDREW MACKENZIE**

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1. EXECUTIVE SUMMARY

- 1.1 This Statement supports an appeal against the refusal of outline planning permission by North Somerset Council for the erection of 14no. dwellings with access and layout to be considered, and appearance, landscaping and scale reserved for future consideration.
- 1.2 The 0.82ha site comprises an open field adjacent (on two sides) to the Beladon Settlement Boundary, to the north of (and to the rear of houses on) Purn Way, and the east of Manor Grange. The West Mendip Way (long-distance footpath) runs along the northern boundary, with a connecting footpath along the eastern boundary, separating the site from allotments and a smallholding respectively. No other relevant policy designations apply.
- 1.3 The proposal was refused on locational strategy grounds.
- 1.4 North Somerset has a 4.4 year housing land supply, and paragraph 11 of the NPPF is currently engaged – thus the tilted balance is engaged in favour of sustainable development. The second annual Housing Delivery Test (HDT) results were published by the Ministry of Housing, Communities and Local Government on 13 February 2020. For North Somerset, the results show that 78% of the housing required within the previous 3 years was delivered. As a result, the Council has produced a HDT action plan for the second consecutive year.
- 1.5 It is the case for the appellant that the proposal constitutes sustainable development and that the Council's locational strategy should be afforded limited weight.
- 1.6 Given the presumption in favour of sustainable development, the benefits of the proposal would outweigh any perceived adverse impacts. For this reason, the appeal should be allowed.

2. APPEAL SITE, PLANNING HISTORY AND PROPOSAL

- 2.1 The 0.82 ha application site is an open field located to the north of Purn Way and the east of Manor Grange, adjacent to the Bleadon settlement boundary, in the Bleadon ward of North Somerset. The site is within the North Somerset and Mendip Bat Consultation Zone C; otherwise there are no other relevant policy designations.
- 2.2 The site shares its southern and western boundaries with residential development on Purn Way and Manor Grange respectively, with access from Purn Way. The West Mendip Way, a long distance footpath between Uphill and Wells, runs along the northern boundary, with a connecting footpath running along the eastern boundary. Beyond the footpath, a smallholding lies to the east and the village allotments to the north.



Aerial view of site

- 2.3 Outline consent was sought for 16no. dwellings, with access and layout to be considered, and matters of design, landscaping and scale reserved for future

consideration. This was later reduced to 14 dwellings, comprising ten detached bungalows and four semi-detached houses, arranged around the existing access from Purn Way, with the bungalows sited around the western, northern and eastern boundaries, and the two pairs of houses along the southern boundary, either side of the access.

- 2.4 Of the 14 housing units, 30% would be affordable (4.2 units) with the base line tenure mix of 82% social rented and 18% intermediate housing. The achievement of the social housing would be subject of a Section 106 Legal Agreement. The affordable units would be identified at reserved matters stage if outline approval is granted.
- 2.5 The proposal was refused due to conflict with the Council's locational strategy, and whilst the Council acknowledged its lack of a five-year housing supply, the benefits of the proposal were deemed insufficient to outweigh this harm.
- 2.6 A previous application, 17/P/1351/O was refused on ecology and surface water mitigation, in addition to the locational strategy conflict. The two former issues were addressed within the current application.
- 2.7 Bleadon Parish Council supported the current appeal proposal, as the development was deemed to be appropriate for the site and had an element of social housing within it. It was also noted that the village had very little areas left for development and growth.

3. THE CASE FOR THE APPELLANT

- 3.1 The application was refused on a single ground; that the site is outside of the settlement boundary of an infill village, and is not allocated for housing in the Site Allocations Plan, and would therefore conflict with policies CS14 and CS33. It was therefore deemed to constitute unsustainable development.

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- 3.2 In applying the tilted balance, the Council considered that the village itself was not a sustainable location, and that the economic benefits (local construction jobs and increased local spend) were generic and given low weight. No weight was given to any social benefits.
- 3.3 Reference is also made within the reason for refusal to protecting the character of the rural area. However, within the delegated report, the Council concluded (Issue 4), that the site was “considered capable of accommodating residential development of a suitable scale and height without significant harm arising to the surrounding wider landscape”, and that a landscaping condition with regards to any future reserved matters application would satisfy policy requirements.
- 3.4 The case for the appellant is essentially three-part; how much conflict is there with the locational strategy, how much weight should be given to the policies, and does the proposal constitute sustainable development which would outweigh this conflict, when applying the tilted balance.

Locational strategy

- 3.5 Bleadon is an infill village, as identified in policy CS33. Whilst residential development within the settlement boundaries of an appropriate scale is supported, new development outside the settlement boundary is limited to replacement dwellings, residential subdivision, residential conversion of buildings where alternative economic use is inappropriate, or dwellings for essential rural workers. None of these apply to the appeal site. In contrast, policy CS32, covering the larger service villages, states that new residential development of up to 25 dwellings adjoining settlement boundaries will generally be acceptable in principle.
- 3.6 Policy SA1 of the Site Allocations Plan sets out details of residential sites of 10 houses or more, together with any specific site-related requirements or key consideration. Of relevance is the site allocation at Bleadon Quarry, for 42 dwellings and 500sqm of employment space. Outline consent was granted for this development in 2014

and expired in 2019. The Council is currently considering a new application on the site (ref: 19/P/0835/O).



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dwelling located closest to existing dwellings to reflect the scale of surrounding housing. Single storey buildings are located on the edge with surrounding countryside. This demonstrates it is possible to achieve a sensible scale of development in that specific sense." [author's emphasis]

- 3.9 It is therefore clear that the Council's view on the harm resulting from the conflict with CS33 is due to the sustainability of the location, rather than any visual or spatial impact on the countryside or the village itself.

Weight afforded to locational strategy

- 3.10 North Somerset Council has taken repeatedly adopted the stance that, as the SAP is recently adopted (April 2018), the settlement boundaries established by the SAP, carry great weight, despite the lack of a 5YHLS. However, as the 2019 (**Appendix 4**) and 2020 (**Appendix 5**) Housing Delivery Action Plan reports show, the Council has consistently failed to deliver a sufficient supply of housing. Extracts from both reports are included below.

Three year period	2010/11-2012/13	2011/12-2013/14	2012/13-2014/15	2013/14-2015/16	2014/15-2016/17	2015/16-2017/18	2016/17-2018/19
Delivery over the three year period	1,679	1,802	1,961	2,003	2,095	2,284	2,444
Requirement for the three year period	3,147	3,147	3,147	3,147	3,147	3,147	3,147
% result	53%	57%	62%	64%	67%	73%	78%

Housing delivery for three-year periods (2010-2019) NSHDAP 2020

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North Somerset results

	2016/17	2017/18	2018/19	Total
Number of homes required	1,049	1,049	1,049	3,147
Number of homes delivered	852	863	729	2,444
Housing delivery test result				78%

On the basis of the current transitional arrangements, the consequences of the 78% result are that the authority must publish an action plan, and that a 20% buffer must be applied to the land supply requirement. It should be noted that North Somerset has already been applying a 20% buffer to the land supply, on the basis of past under delivery.

Past three years housing delivery – NSHDAP 2020

3.11 We attach at **Appendix 2** a recent (October 2019) appeal decision concerning land at Nailsea in North Somerset. The Inspector allowed 450 houses on greenfield land outside the settlement boundary of the settlement of Nailsea. The Inspector was very critical of the Council's inability to deliver housing notwithstanding the adoption of pragmatic policies seeking to deliver housing on the edge of the most sustainable settlements.

3.12 Paragraph 12 of the Nailsea appeal decision relates to the weight to be referred to settlement boundaries:

"In planning terms, the site is outside of the settlement boundary of Nailsea, as identified in the North Somerset Local Plan Review which covered the period up to 2011. As a matter of fact, the boundaries are now time-expired... The settlement boundaries across North Somerset have yet to be updated to reflect those allocations included in the NSSAP. That being the case, the Policies Map insofar as it relates to Nailsea cannot be seen as being up-to-date."

3.13 Paragraphs 15 and 16 refer to housing delivery in the district:

"Whilst I accept that the CS and NSSAP have both been examined and found sound in recent years, it is fair to say that the planning climate in North Somerset has been somewhat fluid in the intervening period. From a fair reading of the Examining Inspector's report it is evident there was concern about housing delivery in North

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Somerset in 2018. The Inspector found that the NSSAP had failed to identify sufficient sites to meet the Council's CS housing requirements up to 2026. To remedy this, an additional 2,500 dwellings was sought by the Inspector. However, only sites for an additional 821 dwellings were identified as part of the NSSAP.

16. As paragraph 72 of the Inspector's report makes clear, this reduced figure was only considered acceptable to deliver housing during the interim period prior to the adoption of the eJSP and the new Local Plan. The NSSAP was hence found sound on the expectation that it would have a "very short lifespan". Irrespective of the Inspector's expectations, the key fact is that the NSSAP has failed to deliver a 5-year supply of deliverable housing land in North Somerset even in the short-term. There is no dispute that the NSSAP will now be in place for significantly longer than the period envisaged by the Inspector and this adds further weight to my concerns that the rigid adherence to the numerical limits in Policy CS31 would be likely to hinder rather than help the Council achieve its housing targets.

19. I have identified conflict with the wording of Policy CS31. In assessing what weight this should carry, it is germane that the Council cannot demonstrate a 5-year supply of deliverable housing sites. That immediately reduces the weight that can be attached to the conflict with Policy CS31 in line with Footnote 7 to paragraph 11 d) of the Framework."

- 3.14 Since the Laney's Drove Locking (APP/D0121/W/17/3184845 issued 18th June 2018), the Council have accepted that they can only demonstrate a 4.4 year housing land supply.
- 3.15 As a result, the Development Plan is not up-to-date and, consistent with national policy, the Council's housing supply and distribution policies set out in the adopted Local Plan cannot be attributed full weight in planning decisions.
- 3.16 Attached as **appendix 3** is a recent (September 2020) appeal decision at Sprigg Farm, Weston-in-Gordano. Unlike Bleadon, Weston-in-Gordano has no settlement

boundary, and consequently is less sustainable. In this instance, the Inspector was unequivocal on the weight to be afforded to the settlement boundaries:

"Due to the Council's housing supply position, the location of the site outside a settlement boundary is not definitive in this case. The location is such that there is access to some local services in the village such as the church, public house and the motor repair garage. The evidence indicates that there is a fairly regular bus service to local centres and that the services and facilities of parts of Portishead are not far away. While some residents may use the car, the bus service appears to be a practical alternative to the private vehicle. The B3124 road is reasonably narrow but for some, considering the modest distance, cycling to parts of Portishead would be a reasonable alternative to the car. Taking all these matters into account I consider that the site has adequate access to local services and facilities. Consequently, the conflict with Policy CS33 of the CS and the overall locational strategy of the development plan carries limited weight." (para 32)

- 3.17 In conclusion, the location of the appeal site outside a settlement boundary is not definitive, and given that the Council recognises that no harm would ensue to the countryside or the character of the adjoining village, any harm can only arise from the potential unsustainable location.

Would the proposal constitute sustainable development?

- 3.18 The Council has referred to an appeal decision (attached as **Appendix 7**) at land adjoining Bridgewater Road, within the delegated report, where the Inspector commented, *"an Infill Village does not provide the necessary level of services or facilities to provide for fully sustainable location."* (para 85)
- 3.19 This appeal, which was also in Bleadon, was for 200 dwellings, and the Inspector also stated, *"I therefore conclude that the appeal site does not represent an appropriate location for the scale of development proposed."* (para 95). Bleadon currently comprises some 600 houses, and the Bridgewater Road appeal would have represented an increase of 33%. In comparison, the current appeal would

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increase the housing stock by 2% - the two appeals are not directly comparable, and small -scale development such as that proposed in this instance is not necessarily inappropriate in this location.

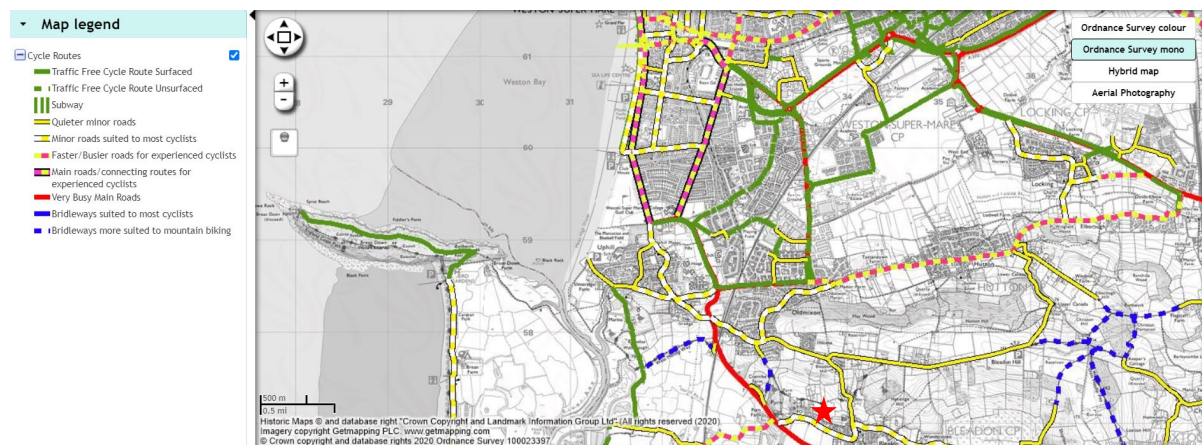
- 3.20 In concluding the Bridgewater Road appeal, the Inspector noted the conflict with policy CS14 and CS33, but also, *"harm to the character and appearance of the area and the AONB, CS5, DM10 and DM11, failure to properly address the sequential test, CS3 and insufficient assessment of the highly sensitive ecology of the site to address potential harm, CS4 and DM8."* (para 104).
- 3.21 At paragraph 112, the Inspector stated, *"I give full weight to the development plan policies on flood risk, ecology and the character and appearance of the area and the AONB. While the Council's Appeal Decision significant shortfall in the provision of housing land reduces the weight that can be given to Policy CS14 and CS33."*
- 3.22 It is clear therefore that the appeal was dismissed primarily on grounds not relating to locational strategy; no such grounds exist with regards to the current appeal.
- 3.23 More instructive is the Inspector's decision at Sprigg Farm, particularly with regards to sustainable transport. As noted earlier, the Inspector acknowledged that some residents may use the private car, but that the bus service was a practical alternative, and that Portishead was a modest distance (3km) and reasonably reachable by bike.
- 3.24 Bleadon is a more sustainable location than Weston-in-Gordano by virtue of its infill village designation. The Inspector at Bridgewater Road noted, *"While Bleadon has a limited range of services, there are acknowledged to be well-used community facilities, a small shop and Post Office and three public houses, albeit two are close to the A370 and the holiday parks rather than the central core of the village."* (para 83)
- 3.25 The nearest bus stops to the appeal site are situated on the A370, 375 metres (5 minutes' walk) to the southwest. The 20 bus service runs between Weston-super-

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Mare and Burnham-on-Sea. The timetable for this route is attached at **Appendix 4** and shows a half-hourly service in operation seven days per week, with the first service arriving in Weston (the principal town in the district) at 830am and the last service departing at 6pm. The bus serves the seaside resorts of Brean and Burnham, and consequently the service is more regular in the summer months; the inter service is understood to operate less frequently whilst still providing a commuter and schools service for Bleadon.

- 3.26 The route includes schools in the Uphill and Oldmixon areas of Weston, and the 08:13 service takes 7 minutes to reach Broadoak Road, for Broadoak Secondary School, and 5 minutes to Uphill Road South, for Uphill Primary School. Services depart from Broadoak Road back out to Bleadon at 1540, to coincide with school finishing times. The journey into Weston itself takes 17 minutes.
- 3.27 In terms of actual distances, Uphill Primary School lies 2.4km to the northwest, though Oldmixon Primary School, whilst not served by bus from the site, is the closest school and lies 1.3km to the north, together with the Oldmixon local retail centre (which includes two convenience stores, a Post Office and chemist). Broadoak Secondary School lies 2.5km to the north, with Weston College 1.8km from the site. Weston General Hospital, a major employer, is within 1.6km of the site. The centre of Weston lies within 4km (NB - not 4 miles, as stated in the delegated report).

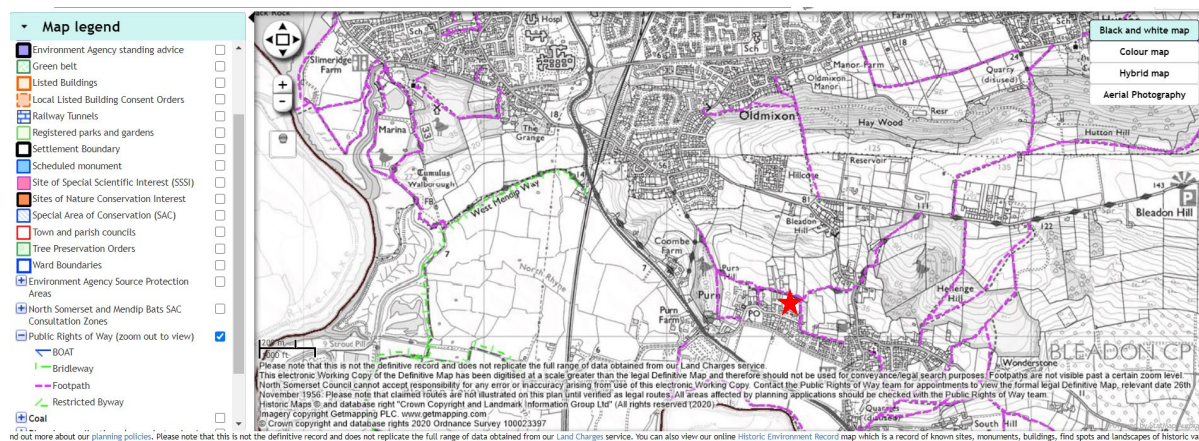


Bike routes from appeal site (indicated with red star)

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3.28 As can be seen from the cycle route map above, Oldmixon and Uphill (and from there, Weston) are both accessible by bike via a combination of quieter country roads and surfaced traffic-free routes. Public Rights of Way also connect the site to both Oldmixon, and Uphill, via the West Mendip Way.



PROW routes from appeal site (indicated with red star)

3.29 It is therefore demonstrable that, whilst some occupants will use the private motor vehicle, there are practical alternatives in the form of a regular bus service and by virtue of services in Weston being within a modest distance as to make them accessible by bike and/or on foot.

3.30 With regards to economic sustainability, the Council has acknowledged the benefits of construction jobs and local investment, but considered these transitory and attached moderate weight. Similarly, the New Homes Bonus and increased Council Tax were deemed generic and of low weight, whilst increased local spending, deemed unquantifiable, was given very limited weight.

3.31 It is the case for the appellant that, no matter what weight is given to these economic benefits, they still represent benefits which weigh in favour of the proposal, when applying the tilted balance; a generic benefit remains a benefit. Further economic benefits come from the sustainable growth of the village, and the inward investment that this invariably attracts.

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3.32 In terms of social benefits, the Council recognised that increasing the number of houses was a benefit, but did not state the weight attached. With reference to the Bridgewater Road appeal, the Inspector stated:

“up to 200 houses would represent a significant benefit and the appellant has confirmed that no less than 30% would be affordable. I give significant weight to the open market housing. I also give significant weight to the affordable housing. Although the Council suggest that their completions against targets are high on affordable housing, it cannot be denied that there is significant demand for such housing across the district.” (para 110)

3.33 It is the case for the appellant that 14 houses in an area which consistently fails to deliver a sufficient supply of housing is a social benefit to which significant weight should be given. Similarly, given the acknowledged high demand for affordable housing in the district, significant weight should also be given to the delivery of 30% of the units as affordable, be that on-site, off-site, or a mixture of the two.

3.34 In conclusion, the only identified harm results from the conflict with the locational policies of the development plan, which should be afforded limited weight given the housing supply issue. Applying the tilted balance, the benefits identified above show that the proposal would constitute sustainable development, and for this reason, the appeal should be allowed.

4. CONCLUSIONS

- 4.1 The Council has a long-standing issue with providing sufficient land for housing, and for these reasons, the locational strategy policies should be given very limited weight.
- 4.2 Notwithstanding, policy CS33 seeks to limit development at the infill villages to small-scale infill housing within the settlement boundary, to encourage sustainable development, preserve the setting of the villages and, the openness of the countryside. The Council accepts that the proposal is compatible both with the village and that it would not impact harmfully on the character and appearance of the surrounding countryside.
- 4.3 The location is such that the outskirts of Weston (including schools, retail and employment opportunities) are reachable by both bus and bicycle, thereby providing a genuine alternative to the private car. The proposal is therefore reasonably sustainable, location-wise.
- 4.4 Low-to-moderate weight can be afforded to the economic benefits of the proposal, whilst significant weight can be given to the social benefits of additional housing, including 30% affordable housing provision.
- 4.5 It is clear that, when applying the tilted balance, the benefits of allowing the proposed development would significantly and demonstrably outweigh the conflict with the locational strategy and the time-expired settlement boundaries.
- 4.6 For these reasons, the Inspector is respectfully requested to allow the appeal.

APPENDIX 1 – Delegated report 18/P/5035/OUT



DELEGATED REPORT

Application No:	18/P/5035/OUT	Target date:	05.03.2019
Case officer:	Lee Bowering	Extended date:	
Proposal:	Outline application for the proposed erection of 14no. dwellings with matters of appearance, landscaping and scale reserved for subsequent approval		
Site address:	Land Off Purn Way, Bleadon, BS24 0QF,		

DELEGATED REPORT

18/P/5035/OUT

Outline application for the proposed erection of 14no. dwellings with matters of appearance, landscaping and scale reserved for subsequent approval at land off Purn Way, Bleadon, BS240QF

SUMMARY OF MAIN ISSUES AND RECOMMENDATION

The suitability of the site for development being located outside the settlement boundary of an infill village and the weight to be given to the existing development plan having regard to the five-year land supply and the consideration of the tilted balance. Other planning issues are referred to within the report.

It is recommended that the application be refused.

Planning History/Background – most recent applications

Reference	Proposal	Decision
17/P/1351/O	Outline application for residential development of up to 16 dwellings and access with all other matters reserved for subsequent approval on land off Purn Way, Bleadon, BS24 0QF,	Refused 17 April 2018
05/P/2450/F	Erection of dwelling on land off Purn Way, Bleadon	Refused 07 December 2005
2510/80	Residential development on land north of Purn Way, Bleadon off	Refused 05 November 1980

Site / Proposal

The site is approximately 0.82ha and comprises an open field. Vehicle access to the land is via an existing farm track taken from Purn Way which borders properties alongside their side/rear gardens. Purn Way is a no through route and the road which ends to traffic some 70m east of the site. The West Mendip Way footpath skirts the northern boundary, beyond which are allotments. To the east of the site is a smallholding, also separated by the West Mendip Way.

It is proposed to erect ten detached bungalows and two pairs of semi-detached houses served by a new roadway to be constructed along the existing farm track that is accessed onto Purn Way. A landscape/ecological buffer, approximately 17 metres wide is proposed within the site parallel with the northern site boundary with a similar, but narrower landscape/ecological buffer, approximately 9 metres wide, within the site, adjacent to the site's eastern boundary.

Two parking spaces are shown to be provided to each dwelling on the submitted layout plan which now shows two fewer dwellings than previously proposed in the initial application submission.

Monitoring Details (if applicable)

To ensure compliance of National Space Standards requirements and delivery of the required affordable housing provision, Cill and s106 requirements.

Affordable Housing (if applicable)

All sites proposed for 11 or more dwellings, are required to provide a minimum of 30% on-site affordable housing, at nil public subsidy, with a tenure split of 77% social rent and 23% shared ownership.

This application proposes 14 dwellings; therefore, the affordable housing requirement is 5 of these units.

Policy Framework

The site is affected by the following constraints:

- The site is outside the settlement boundary for Bleadon;
- Bleadon is an infill village and is covered by a Neighbourhood Plan which does not identify the site for development purposes.

The Development Plan

The Development Plan comprises:

- North Somerset Core Strategy - Adopted January 2017
- The Sites and Policies Plan Part 1: Development Management Policies (DMP) - Adopted July 2016

North Somerset Core Strategy

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
CS7	Planning for waste
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
CS33	Smaller settlements and countryside
CS34	Infrastructure delivery and Development Contributions

The Sites and Policies Plan Part 1: Development Management Policies (adopted 19 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
DM19	Green Infrastructure
DM24	Safety, traffic and provision of infrastructure etc associated with development
DM25	Public rights of way, pedestrian and cycle access
DM27	Bus accessibility criteria
DM28	Parking standards
DM32	High quality design and place making
DM34	Housing type and mix
DM36	Residential densities
DM42	Accessible and adaptable housing and housing space standards
DM71	Development contributions, Community Infrastructure Levy and viability

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

The following policies are particularly relevant to this proposal:

Policy	Policy heading
SA1	Allocated residential sites (10 or more units)
SA2	Settlement boundaries and extension of residential curtilages

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
5	Delivering a sufficient supply of homes
6	Building a strong, competitive economy
8	Promoting healthy and safe communities
9	Promoting sustainable transport
11	Making effective use of land
12	Achieving well-designed places
14	Meeting the challenge of climate change, flooding and coastal change
15	Conserving and enhancing the natural environment

National Planning Policy for Waste (October 2014)

National Planning Practice Guidance (Revised 24 July 2018)

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

- Residential Design Guide (RDG1) Section 1: Protecting living conditions of neighbours SPD (adopted January 2013)
- Residential Design Guide (RDG2) Section 2: Appearance and character of house extensions and alterations (adopted April 2014)
- North Somerset Parking Standards SPD (adopted November 2013)
- North Somerset Landscape Character Assessment SPD (adopted December 2018)
- North Somerset and Mendip Bats SAC guidance on development SPD (adopted January 2018)
- Creating sustainable buildings and places SPD (adopted March 2015)
- Solar Photovoltaic (PV) Arrays SPD (adopted November 2013)
- Travel Plans SPD (adopted November 2010)
- Biodiversity and Trees SPD (adopted December 2005)
- Affordable Housing SPD (adopted November 2013)

- Accessible Housing Needs Assessment SPD (adopted April 2018)
- Development contributions SPD (adopted January 2016)

Nationally described space standards – March 2015

To be read in conjunction with policy DM42

Consultation summary

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

Bleadon Parish Council

Comments dated 26 January 2020

"Situated between the allotment gardens and the settlement boundary. The number of proposed dwellings had been reduced from the previous refused application to 2 no houses and 10 no bungalows. The recommendation was that it be approved as the development was deemed to be appropriate for the site and had an element of social housing within it. Councillors were reminded that the village had very little areas left for development and growth.

Resolved to recommend approval with one Councillor voting against."

Neighbours' views

In excess of 77 letters of representation have been received.

- The principal planning points made are as follows:
- Conflict with local plan-outside village boundary and villager has infill status;
- Inadequate access to site;
- Increase in traffic - danger to pedestrians;
- Access roads that are barely wide enough for one domestic vehicle and with no continuous pavement, inadequate parking;
- The plans only mitigate travel through the site not to and from the site;
- Adverse effect on the residential amenity of neighbouring properties by reason of close to adjoining properties; noise, disturbance, overlooking, loss of privacy and overshadowing;
- Out of keeping with character of area;
- Out of scale with village; visual impact and on character of village;
- Inadequate public transport provisions;
- Increase danger and risk of flooding;
- Strain on existing community facilities;
- Street lighting inadequate;
- Effect on local ecology, loss of wildlife;
- Development too high;
- Overdevelopment;
- Information missing from plans.

Avon & Somerset Police – Designing Out Crime

[Comments dated 10 January 2019]

At this stage where only outline planning is sought, it is difficult from a crime reduction/prevention point of view to give detailed comments as the areas to be addressed as detailed design would normally be decided upon at Reserved Matters stage and any layout plans submitted at this stage are only indicative.

Taking the above into account the applicant may wish to consider the below observations and incorporate them in the design and layout of any future reserved matters application should the council be minded to grant outline approval:

Car parking provided within garages or on a hard standing within dwelling boundary.

Dwellings orientated to offer good levels of natural surveillance.

Windows incorporated in habitable rooms in elevations overlooking parking spaces between plots.

Appropriate boundary treatments creating clear demarcation between public and private space.

Street lighting for adopted highways and footpaths, private estate roads and footpaths and car parks to comply with BS 5489:2013

Achieving compliance with Secured by Design (SBD Homes 2016) continues to provide a 'police preferred specification' for new developments (Proving compliance with Part Q of building Regulations)

[Comments dated 06-01-2020]

"This amended layout proposes removal of the pedestrian route through the development and enhanced ecological buffer to the north and east of the site. The number of dwellings is reduced but the layout of the dwellings and position of car parking spaces shown are similar to the previous layout.

Comments I submitted previously (January 2019) remain relevant to this outline planning application."

Axe Brue Internal Drainage Board

"The Board has no objection to the proposals as the applicant has demonstrated that a surface water drainage scheme can be delivered on site. As the proposal is in outline the Board recommends a condition that no development takes place until surface water drainage details are submitted to and approved by the Local Planning Authority. An assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system."

Natural England

“We have considered the application details, including the Bat and Reptile Survey report, dated November 2018 and offer the following comments:

Internationally and nationally designated sites – further information required. The application site is in close proximity to the Mendip Limestone Grasslands Special Area of Conservation (SAC) and the North Somerset & Mendips Bats SAC, which are European sites. These sites are also notified at a national level as a series of Sites of Special Scientific Interest (SSSI(s)).

In considering the European site interest, Natural England advises that you, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that a plan or project may have. The Conservation objectives for each European site explain how the site should be restored and/or maintained and may be helpful in assessing what, if any, potential impacts a plan or project may have. The consultation documents provided by your authority do not include information to demonstrate that the requirements of Regulations 63 and 64 of the Habitats Regulations have been considered by your authority, i.e. the consultation does not include a Habitats Regulations Assessment.

In advising your authority on the requirements relating to Habitats Regulations Assessment, it is Natural England’s advice that the proposal is not necessary for the management of the European site. Your authority should therefore determine whether the proposal is likely to have a significant effect on any European site, proceeding to the Appropriate Assessment stage where significant effects cannot be ruled out.

The application site lies within Band C of the bat consultation zone, as identified in the North Somerset and Mendip Bats SAC Guidance. The required level of survey within Band C depends on whether a commuting structure is present and the suitability of the adjacent habitat to support prey species hunted by horseshoe bats.

The application site contains and is connected to habitats and features that are favourable to bats and bat surveys have confirmed the site is used by greater and lesser horseshoe bats.

The bat surveys consisted of two walked transects (one in July and one in August) and the deployment of two automated static detectors for five nights during July in ‘Positions A1 & A2’ and two automated static detectors for five nights during August 2018 in ‘Positions B1 & B2’. A single greater horseshoe bat was recorded within the southeast extent of the site during the August walked transect. Greater and lesser horseshoe bat passes were also recorded by static detectors deployed in different parts of the site during July and August 2018. Given the modest level of survey effort and the difficulty of detecting horseshoe bats, these results appear notable.

The Bat Activity and Reptile Survey report suggests: With specific consideration of lesser horseshoe and greater horseshoe bat, recordings for these species within the development area was low, with activity associated with the field boundaries. Therefore, without mitigation, it is considered that the development would cause a minor impact to bat species in general, and minor/negligible impact to greater horseshoe and lesser horseshoe bats (with impacts to lesser horseshoe and greater horseshoe bats, in turn considered to represent a minor/negligible impact upon the North Somerset and Mendip Bats SAC).

Natural England advises that there is currently not enough information to determine whether the likelihood of significant effects can be ruled out. We recommend you obtain the following information to help undertake a Habitats Regulations Assessment:

☐ *Further details of the recommended mitigation proposed in the Bat Activity Survey & Reptile Survey report, including in relation to lighting and planting schemes, to ensure these are compliant with the requirements of the Bat SAC Guidance SPD.*

There may also be a need for additional bat surveys to ensure the use of the application site and adjacent areas by horseshoe bats is adequately understood, including its contribution to the wider network of foraging and commuting habitats. This would increase confidence that mitigation measures would be effective.

Sites of Scientific Interest. The application site is approximately 350m from Purn Hill SSSI, designated for its exceptionally diverse unimproved calcareous grassland flora, which includes three nationally rare species. These habitats can be vulnerable to the effects of recreation, for example, by trampling or by causing disturbance to grazing animals. Grazing is a particularly important element of the SSSI management as it is necessary to maintain the interest features and botanical diversity of the site. We would therefore encourage the Council to consider the potential for this development to compound this issue and ways in which this might be alleviated, for example, by requesting further information from the applicant regarding access to alternative natural green space, perhaps coupled with the provision of educational visitor information.

Mendip Hills Area of Outstanding Natural Beauty (AONB). The proposed development is approximately 300m from the Mendip Hills AONB, which is a nationally designated landscape. The statutory purpose of the AONB is to conserve and enhance the area's natural beauty. Relevant to this is the duty on public bodies to 'have regard' for that statutory purpose in carrying out their functions (S85 of the Countryside and Rights of Way Act, 2000). The Planning Practice Guidance confirms that this duty also applies to proposals outside the designated area but impacting on its natural beauty.

You should assess the application carefully as to whether the proposed development would have a significant impact on or harm that statutory purpose. We advise that you consult the AONB Partnership. Their knowledge of the site and its wider landscape setting, together with the aims and objectives of the AONB's statutory management plan, will be a valuable contribution to the planning decision.

Protected species We have not assessed this application and associated documents for impacts on protected species.

Natural England has published Standing Advice on protected species. The Standing Advice includes a decision checklist which provides advice to planners on deciding if there is a 'reasonable likelihood' of protected species being present. It also provides detailed advice on the protected species most often affected by development.

You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation.

The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted

as meaning that Natural England has reached any views as to whether a licence may be granted.

If you have any specific questions on aspects that are not covered by our Standing Advice for European Protected Species or have difficulty in applying it to this application, please contact us at with details at consultations@naturalengland.org.uk.

Other advice:

We would expect the Local Planning Authority (LPA) to assess and consider the other possible impacts resulting from this proposal on the following when determining this application:

- ☐ *local sites (biodiversity and geodiversity)*
- ☐ *local landscape character*
- ☐ *local or national biodiversity priority habitats and species.*

Natural England does not hold locally specific information relating to the above. These remain material considerations in the determination of this planning application and we recommend that you seek further information from the appropriate bodies (which may include the local records centre, your local wildlife trust, local geoconservation group or other recording society and a local landscape characterisation document in order to ensure the LPA has sufficient information to fully understand the impact of the proposal before it determines the application. A more comprehensive list of local groups can be found at [Wildlife and Countryside link](#).

Environmental Net Gain The 2018 National Planning Policy Framework (NPPF), includes a number of strong references to net gain. This approach is also strongly encouraged by the Government's 25 Year Environment Plan. In light of this and the forthcoming Joint Spatial Plan priority on development providing a net gain for biodiversity, we would encourage your Authority to seek a net gain in biodiversity from this application.

Natural England supports the use of the Defra biodiversity metric as a tool to be used in conjunction with ecological advice to quantify biodiversity net gain in the terrestrial environment. It calculates before and after habitat value in terms of 'biodiversity units'. Natural England encourages the incorporation of the 10 best practice principles developed by CIRIA/CIEEM/IEMA for those delivering biodiversity net gain."

Wessex Water

"No comment received"

Avon Fire and Rescue

"Fire Hydrants - The additional residential and commercial developments will require additional hydrants to be installed and appropriately-sized water mains to be provided for fire-fighting purposes. This additional infrastructure is required as a direct result of the developments and so the costs will need to be borne by developers either through them fitting suitable mains and fire hydrants themselves and at their cost or through developer contributions. Avon Fire & Rescue Service has calculated the cost of installation and five years maintenance of a Fire Hydrant to be £1,500 per hydrant. Again this cost should be borne by the developer. Importantly, these fire-fighting water supplies must be installed at the same time as each phase of the developments is built so that they are immediately available should an incident occur, and the Fire & Rescue Service be called."

Principal Planning Issues

The principal planning issues in this case are (1) the principle of development, (2) sustainable development, (3) Accessibility, Transport and Road Safety, including parking provision (4) Impact on landscape (5) flood risk and drainage, (6) The impact of the proposals upon the site ecology and surrounding area, (7) impact on residential living conditions and (8) Design, layout and energy (9) Other issues (Archaeology, Planning Obligations, Affordable Housing, Lighting)

Issue 1: Principle of development

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. The development plan includes: 'The North Somerset Core Strategy' (adopted January 2017); 'Development Management Policies' DPD (adopted July 2016), the 'Site Allocations Plan' SAP (adopted April 2018)

The development plan interprets and defines what sustainable development means for North Somerset. Policy CS13 of the Core Strategy (CS) requires sufficient developable land to deliver a minimum of 20,985 dwellings between 2006 and 2026.

Policy CS14 of the Core Strategy (CS) deals with the distribution of the housing requirement (the 'spatial strategy' pursuant to policy CS13) across the settlement hierarchy. It prioritises new housing at Weston-super-Mare followed by the other Towns and then at nine 'Service' villages. This is given effect by Policies CS28 ('Weston-super-Mare'); CS30 ('Weston Villages'), CS31 ('Clevedon, Nailsea and Portishead') and CS32 ('Service Villages'). These policies include flexibility to deliver an appropriate scale of housing growth adjacent to town and service village settlement boundaries through the development management process. The Site Allocations Plan (April 2018) does not identify this site for development.

Policy CS33 does not support housing outside the settlement boundaries of identified infill villages, such as Bleadon. The proposal is therefore contrary to the adopted development plan in that the residential development of the site would be in conflict with policy CS33 of the Core Strategy.

The Site Allocations Plan identifies the detailed allocations to deliver the Core Strategy housing requirement and was adopted in April 2018. This includes additional housing supply required by the Inspector to provide additional flexibility and choice at sustainable locations, but not sites at Bleadon. The SAP confirms the settlement boundary; the current proposal lies outside the adopted settlement boundary.

The proposal is not considered to conflict with Policy DM 34 as it proposes both two storey housing and bungalows which it is in response to the 2012 Housing Needs Survey for Bleadon Parish which recognised the need for;

- Single storey bungalow for single people or retired couples;
- Larger family houses to attract a younger population;
- Low-cost housing for existing, elderly residents and younger people in the village wanting to enter the housing market.

The affordable housing requirement for the site is five units although the actual mix of units across the site would be determined at a reserved matters stage, if the application were to be approved.

One of the most recent tested position on housing land supply is an appeal decision for housing at Laney's Drive, Locking dated 18 June 2018 (planning application reference number 16/P/0329/O). The Inspector concluded (in paragraph 54 of the appeal decision) that the Council has a housing land supply equivalent of 4.4 year against a base date of October 2017. The significance of this is that the NPPF, at paragraph 11d, says: "Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites". Paragraph 14 of the NPPF is therefore engaged and brings into consideration the 'tilted balance'. The consideration and assessment of Sustainability, in so far as the site and proposal is concerned is referred to in the following Planning Issue (2).

Par 11 d) ii. Is nevertheless relevant to the decision makers assessment and consideration of the application in that d) *"where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole;"

Par. 213 of the NPPF states:

"However, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)."

Therefore, out-of-date housing policies does not make them irrelevant, but the weight given to them is a matter of judgement. This may depend on the extent of the housing land supply deficit, steps being taken to reduce it, and the degree to which the housing policies otherwise accord with the NPPF. On the latter, the SAP was only adopted in April 2018, having found to be sound in process and content.

The distribution of housing sites in the SAP allied to the Core Strategy provides a sustainable distribution of housing across the settlement hierarchy, which accords with the NPPF and should be given significant weight in the planning balance.

It is considered that the proposal is contrary to policies CS 14 and CS33 of the North Somerset Core Strategy.

Issue 2: Sustainable Development

The NPPF says sustainable development has three inter-dependent dimensions, namely; economic; social and environmental.

Proposals should strike the right balance between these dimensions to be considered as sustainable development. The adopted Core Strategy confirmed the settlement hierarchy for North Somerset. Infill villages such as Bleadon are comparatively less sustainable settlements, where development opportunities are more limited. The village lacks a number of key community facilities and features that would make it sustainable. Whilst there are bus services to Weston and Burnham from the A370 (approximately 0.4 mile on foot) the paucity of facilities including no primary school combined with the distance (2.0 miles to the hospital on the edge of Weston, and 4.0 miles to the centre (Town Hall) and the lack of cycle routes render the site unsustainable.

The economic impacts of the proposal will result in construction jobs and other local investment during its build out. Such benefits are however transitory and are given only moderate weight in the planning balance. The scheme would also generate New Homes Bonus and Council Tax, but these are generic benefits and are given low weight.

Increased local spending could ensue from the proposal, but as this is not quantified it can only be given very limited weight. Increasing the number and range of homes is a social benefit. Social sustainability is also concerned with building houses in the right places to facilitate social interaction and create inclusive communities. The site is in a location where new residents may feel part of a wider community but where local facilities and services that are easily available and accessible are limited and do not include a school, or doctor's surgery (See Issue 3 for further analysis).

In the recently dismissed Appeal decision (Appeal Ref: APP/D0121/W/18/3211789 dated 23 December 2020) for the erection of 200 houses on land adjoining Bridgwater Road, Bleadon, the Planning Inspector at paragraph 85 stated:

"An Infill Village does not provide the necessary level of services or facilities to provide for fully sustainable location. While the proposed improvements to the bus service would represent a better opportunity for current and future residents to utilise public transport, the development would still place a larger reliance on the use of the private car than introducing such a scale of development within a higher order settlement."

Issue 3: Accessibility, Transport and Road Safety, including parking provision

The site & proposal

The site is in Bleadon on Purn Way which is unclassified highway subject to a 30mph speed limit. The development land comprises of approximately 0.77 acres of land currently being used as a pony paddock. The site is bordered on the northern side by the West Mendip Way footpath and beyond this are allotments. The southern side and part western side are existing developments on Purn Way and Manor Grange. The eastern field is being used for horticulture and mixed usage. A planning application was submitted and refused in 2009 (application No 09/P/1860/F) for a single dwelling on what is now the proposed access into the development. A planning application was also submitted in 2018 (application No 17/P1351/O) which was refused but not on highway grounds.

The amended applicant is for 14 dwellings although the property sizes have not been confirmed. Purn Way is not a through route and the road ends to traffic some 70m east of the site. In the opposite direction it connects to Bleadon Road which leads to the A370, Bridgwater Road the main route to Weston-s-Mare. There is also a through route to Bleadon Road via Chestnut Lane which is relatively narrow and some 80m in length. This would probably be an attractive route for residents from the proposed development.

Traffic Generation

A development of this size could generate between 50 and 78 vehicle movements each day. The TRIC database has been used by the applicant to forecast the number of movements during the peak period hour associated with a development for 16 dwellings and this predicts between 9-8 movements in each case. The overall level of traffic at peak and throughout the day is unlikely to cause significant effect on local highway conditions. As facilities in the village are limited and there will be new travel for employment, education and shopping. The village has a local bus service, but this will probably not be suitable for the majority of travel.

Access

The plans submitted indicate that access would be taken from an existing farm track of varying width onto Purn Way. The planned access into the development runs internally in the development to a central area in the development. The applicant has submitted plans showing a 5.5m wide carriageway and a 2m footpath into the site. Visibility displays and tracked plans for larger vehicles have also been submitted which demonstrate that refuse and delivery vehicles can enter the development safely allowing other vehicles to pass. In terms of visibility from the site the applicant has indicated that at a point 2.4m back from the edge of the carriageway, 48m of visibility can be achieved to the west and 26m to the east which is below standards specified in Manual for Streets. This is satisfactory as the eastern section of Purn Way only continues for a further 70m serving a small number of properties and so traffic speeds will be well below the 30mph speed for which the guideline displays are specified.

Servicing Arrangements

Consideration should be given to refuse collection arrangements. Manual for Streets recommends that residents should not be required to carry refuse more than 30 metres to the collection point. The applicant states that a central refuse collection point might be required if refuse vehicles cannot access individual plots. The application form however

states that layout and access is to be considered at the outline stage. The applicant would however be required to comply with the requirements of the Council's Residential Design Guide – Section 4 – Recycling and Waste, at the reserved matters stage, should outline planning permission be granted.

Parking

Local residential car parking standards are set out in the North Somerset Parking Standards SPD and outline the minimum required number of car parking spaces for residential development. Furthermore, Policy CS11 of the Adopted Core Strategy states that adequate parking must be provided and managed to meet the needs of anticipated users (residents, workers and visitors) in usable spaces. The amended site layout shows two spaces allocated alongside each property and this would be a sufficient number of spaces for two- and three-bedroom units, although four-bedroom units require one additional space. The plans also indicate some parking spaces available alongside the neighbourhood open space area in the centre of the development. Further details in this regard would need to be addressed at the reserved matters stage.

Cycle Parking

Cycle parking standards are set out in the Parking Standards SPD and the required number of spaces must be provided.

Sustainable Travel

There are bus stops to the southwest and southeast of the site. There is a bus stop at the Purn Way junction with Bleadon Road some 320m walking distance from the site access. There is a bus stop with a shelter on Coronation Road some 530m walking distance from the site. There has been a reduction in bus service provision locally which has not been accounted for by the applicant.

- Community bus service B1 – Bleadon to Weston-super-Mare
 - This service operates four times a day and inter-works another community bus service (L1). It operates on Mondays to Fridays only this operates at a much-reduced frequency than the previous bus service 4A.
 - The route operates around Bleadon village and Bleadon Hill in an anti-clockwise direction with a bus stop on Bleadon Road, close to the proposed development. However, this service is operated by 15-seater minibus, so additional development could lead to capacity issues on this service.
- Bus service 20 – Burnham-on-Sea to Weston-super-Mare: This service operates on Bridgwater Road and there are not continual footpath links from the development along Bleadon Road to the closest bus stops making this less attractive for bus passengers.

Given the above taster tickets should also be provided to residents to encourage the trial of public transport services.

Home to School Travel

There is no primary or secondary school in Bleadon and for this reason there is currently home to school transport provided for the dwellings in the areas surrounding the

application site due to these dwellings exceeding statutory walking distances and because there are no safe walking routes. The applicant would be required to enter into a s106 Agreement to secure contributions for home to school transport if planning permission were to be granted.

Addendum - dated 30.12.19

The revised site layout has been submitted to accommodate an ecological buffer along the northern and eastern site boundaries. This has resulted in two fewer dwellings on the site with revisions to the internal road layout. The proposed dwellings are now shown to be served by a simple T junction with spur roads from each side.

The revised site layout comprising 14 dwellings is considered to be acceptable on highway grounds and therefore the proposal complies with policies CS10 and CS11 of the Core Strategy and policies DM24 and DM28 of the Sites and Policies Plan Part 1.

Issue 4: Landscape

The reduction in the number of dwellings appears to have been brought about by the need for substantial ecological buffers to the north and east of the site where most of the perimeter hedgerow and its adjacent landscape are to be retained and enhanced. This also includes new perimeter hedge planting adjacent to the revised residential boundary. Regrettably this layout removes the central green, but this is a loss of potential amenity to future residents rather than being harmful to the landscape.

The visual containment of the site is already relatively good. Notwithstanding this, care would need to be taken at reserved matters stage to ensure adequate space is retained for landscaping, to enable the development to be assimilated into the landscape. This is best achieved via a revised landscape parameter plan, with a similar plan controlling building height and developable area.

Buffer Green Corridors; These can provide valuable wildlife corridors and assist screening. Re-instatement of the site's boundary hedges will help retain green corridors and define the extended area of settlement.

Inevitably there are impacts upon a number of adjacent properties as summarised in the Landscape and Visual Impact Assessment. Views from private dwellings (Viewpoints VP2,3 and 4) are the only 'substantial' significance of impact. The siting of new development and screening of these properties should be a consideration in planning the layout. Care should also be taken not to damage existing perimeter hedges and trees in adjacent gardens.

There is no significant harm identified to views out of the AONB, the development being seen in the context of the village. The Ridges and Combes Landscape Character Area is said to have a moderate Significance of Impact arising from the proposal, but again this is very localised.

The NSC Landscape Sensitivity Assessment, in respect of Bleadon, notes:

Fields to the west of Celtic Way are more open, however, these are not located within the AONB and are not visible from it. Owing to this, land to the north of the settlement adjacent to the settlement edge is of medium sensitivity.

The following link is for reference purposes:

<https://www.n-somerset.gov.uk/wp-content/uploads/2018/05/Landscape-Sensitivity-Assessment-2018.pdf>

The meaning of Medium Sensitivity for the purpose of the report is:

Medium sensitivity: Land with a medium susceptibility to change and/or which is of medium value, e.g. land which has medium visual prominence, land which partially contributes to heritage or ecological assets.

Combined with the submitted LVIA assessment and the nature of the existing uses surrounding the site, it is considered capable of accommodating residential development of a suitable scale and height (note the bungalows along the northern edge), without significant harm arising to the surrounding wider landscape (including the AONB). The submission of a fully detailed landscape planting scheme would be a requirement of the reserved matters application submission thereby satisfying the requirements of policies CS5 and CS12 of the North Somerset Core Strategy and policies DM10 and DM32 of the Sites and Policies Plan Part 1

However, under CS33 the proposal cannot be viewed as infilling, as it lies outside the settlement boundary for Bleadon and is not an allocated site. Were this to be permitted, submission of a detailed landscape scheme should be a condition of any approval.

The supporting Arboricultural information submitted with the application is considered to be acceptable however it will be necessary to condition the requirement for the submission, for approval, of a Method Statement Report together with a Tree Survey and Tree Protection Plan.

Issue 5: Flood risk and drainage

This site is located within Axe Brue Internal Drainage Board area (now part of the Somerset Drainage Boards Consortium) and as such their response and requirements have been reviewed alongside the comments of the Council's Flood Risk Management Team.

One of the reasons for refusal of the previous planning application, 17/P/1351/O, was that the submission was unable to sufficiently demonstrate that the site would not increase

flood risk in the surrounding area. The submitted documents received since this earlier submission, have now answered the previous concerns raised.

It should be noted that infiltration testing has been carried out for the site, with the lowest value being 0.041m/hr. These tests were repeated twice for each soakaway. Best practice recommends three times for each pit. However, as the results were consistent this is sufficient for outline planning, but further investigation will be required for discharge of conditions.

The submission of the required surface water drainage detail and further investigation work which will include an assessment of together with an assessment for the potential for disposing of surface water by means of a sustainable drainage system would be secured by planning condition in the event that the application was to be recommended for approval.

It is considered that subject to the relevant drainage conditions the proposal would comply with Policies DM 1 of the Sites and Policies Plan Part 1 Development Management Policies and Core Strategy Policy CS3 if approved.

Issue 6: The impact of the proposals upon the site ecology and surrounding area

Section 99 of OPDM Circular 06/2005 states: 99. It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances, with the result that the surveys are carried out after planning permission has been granted.

The site is located within Band C of the North Somerset and Mendip Bat Special Area of Conservation (SAC) and is also within close proximity to a number of other designated sites.

Unlike the previous refused application submission that lacked the evidence to demonstrate that the proposal would not have an adverse impact on the biodiversity of the area, the current application proposal has the support of an Ecological Impact Assessment together with a suite of surveys which were undertaken during the course of 2018 and 2019 with an updated survey undertaken in mid-August 2019.

The surveys undertaken covered a range of habitats and protected species. The surveys undertaken included an Extended Phase 1 Habitat Survey, Walked Transect Surveys and Static Detector Survey. The following species were included in the survey: bats, badgers, great crested newts, common toad, reptiles, brown hare, dormouse and hedgehogs.

The survey findings established that, with the exception of the presence of bats and slowworms, there was no evidence of other protected species recorded on site, or in the immediate locality that would be adversely affected by the proposed development.

The update survey, which includes additional data on flora, found that the habitats on site were generally of poor quality with the grassland and other central habitats being of low

ecological value. The hedgerows, although well-established and tall, were species-poor and had suboptimal structure.

Previous surveys identified the presence of a low population of slow worms on site. Bat activity surveys, including the use of static detectors, recorded 8 bat species using habitats for foraging/commuting within the site, including low use by both greater and lesser horseshoe bats.

Updated survey

The grassland vegetation has been confirmed as semi-improved. The report highlights that underlying rocks and soils may allow beneficial re-establishment of limestone/chalk grassland with a more diverse flora than is currently present if appropriate longer-term grassland management is implemented in retained habitat corridors.

Overall the new ecological impact assessment report represents a higher quality ecological submission than that submitted previously and provides sufficient information to consider the impacts of the proposal.

Bats

There is some potential for lesser and greater horseshoe bats associated with the North Somerset and Mendip SAC to experience a minor adverse impact from the removal of habitat on site in the absence of mitigation. However, it is considered that the removal of two dwellings reduced from 16 to 14, (10 of which would be bungalows reducing the potential for light spill onto key hedgerows) and the proposed wide ecological buffer habitat areas shown on the amended plan, will potentially eliminate the minor adverse impact. Indeed, it is considered that the revised scheme will be able to meet the mitigation requirements of the bat SAC guidance provided the ecological buffer as identified on the revised site plan is provided. Appropriate additional supporting tree and hedge planting and grassland management will also need to be included in a long-term site ecological planting plan and management plan.

It is considered that a new native hedge should be planted to the rear of properties on the northern and eastern sides of the site to help prevent light spill together with a central managed grassland foraging habitat corridor aiming to enhance grassland quality (as advised in the new ecological report) is offered within the proposed ecological buffer zones to support the bat SAC and other local wildlife.

The wide ecological buffer would also serve to protect the foraging and commuting routes from householder damage and light spill thus the development as amended could be considered acceptable and provide sufficient mitigation and protection of the important features for the SAC bats.

Hedgerows

The overgrown hedgerows to the north and east site boundaries should be protected and buffered as proposed in the revised site plan to ensure they can continue to function as wildlife habitat and commuting/foraging routes for bats. Some supplementary planting of trees and shrubs to fill gaps would be needed.

Protection of Local Wildlife Sites and SSSI

It is likely that the closer non-statutory wildlife sites may experience a minor adverse impact from additional recreational pressure as a result of the development.

It is important that the nearby rural SSSI and Local Wildlife Sites retain an agricultural buffer around them to protect and support their ecosystems and ensure agricultural practices are still viable on these high-quality habitats. In addition, bat commuting and foraging routes to the north, east and west of the site must be protected from damage and erosion from light spill.

It is considered that whilst the modified proposal with its reduced number of dwellings and the proposed significant and wide ecological buffers, could be accommodated with minimal or no damage to these protected sites due to its location adjacent to existing housing on two sides, further extensions of the village into the fields north and west of the village would be potentially more damaging to these designated and Local Wildlife sites by reducing agricultural/rural buffers and expanding impacts.

Ecological Mitigation

The recommendations for habitat and species mitigation, habitat retention, creation and management as outlined in the Ecological Impact Assessment prepared by Clarkson and Woods are broadly acceptable and these should be incorporated into the detailed planning stage proposals should the conclusion be to grant outline planning permission to develop the site.

Notwithstanding other policy considerations associated with the consideration of this application, it is considered that subject to the necessary Habitat Regulations Assessment, and to the submission of satisfactory detail at the reserved matters application stage, the proposal is in accordance with policy CS4 of the Core Strategy and policy DM8 of the Sites and Policies Plan Part 1: Development Management Policies; and the provisions of the Conservation of Habitats and Species Regulations 2017 and Section 99 of OPDM Circular 06/2005.

Issue 7: Impact on residential living conditions

The site is generally well-contained by trees adjacent to its north boundary and along its eastern boundary. This will partially screen views of dwellings. The impact of the development on the occupants of neighbouring dwellings in Purn Way and Manor Grange is likely to be minor in terms of outlook and privacy, although this will ultimately depend on

the position of windows, scale and design of dwellings, which is set aside for reserved matters. Further landscaping and reinforcement of the existing landscape planting and boundaries would be secured by way of an appropriate landscape planting

Concern from nearby residents about noise and disturbance even during the development process would be difficult to sustain. The construction activities could be mitigated to satisfactory levels through a Construction Management Plan.

It is considered that, subject to appropriate detailing at the Reserved Matters application stage, the proposal complies with policies DM32 of the Sites and Policies Plan Part 1 Development Management Policies and the Residential Design Guide Section 1– Protecting living conditions of neighbours January 2013.

Issue 8: Design, layout and energy

Whilst this is an outline application submission the applicant has asked for the access and layout to be determined at this stage and therefore the number of dwellings proposed, and their respective layout within the site, is as shown on the amended plan received.

The dwellings largely overlook a central turning area and garden land which, due to the constraints of the site, may not be convenient for larger vehicles requiring access to the site and may be considered be rather formal and rigid in nature for this edge of village location, notwithstanding its equally formal neighbouring development to the west.

The scale of the buildings is predominantly single storey with the two pairs of two storey dwelling located closest to existing dwellings to reflect the scale of surrounding housing. Single storey buildings are located on the edge with surrounding countryside. This demonstrates it is possible to achieve a sensible scale of development in that specific sense.

The external form and detailing of the proposed dwellings, including the materials to be used would be submitted at a Reserved Matters stage. There would however need to be additional conditions added to the outline planning consent should the decision be taken to approve the application, and these would cover a range of issues, including energy requirements, National Space Standard requirements and construction management plans.

Issue 9: Other issues (Archaeology, Planning Obligations, Lighting, Listed Buildings)

Archaeology

The archaeological investigations were undertaken and revealed no significant archaeology. The applicant has since submitted a detailed archaeological evaluation

report and based on the results from the trenches. Sufficient information is now available and there will be no further requirements for archaeological investigations or mitigation.

Planning Obligations

Policies CS16 and CS34 of the North Somerset Core Strategy and policy DM71 of the North Somerset Sites and Policies Plan, Part 1 set out the position on s106 planning obligations, together with the SPD on Development Contributions. Policy CS16 of the NS Core Strategy indicates that affordable housing will be sought on all residential developments of 11 dwellings or more. The development proposal is for 14 and therefore the affordable housing requirements would be secured by s106 Agreement in the event that this outline planning application was to be recommended for approval.

Policy DM71 sets out broad requirements for planning obligations which are now mainly focused towards site-specific requirements. In this case though a contribution towards the Mendip Way PROW, that passes the rear of the site is considered justified, together with the following on site s106 contribution requirements:

- The cost and installation of a fire hydrant;
- 192 m2 Neighbourhood Open Space – New provision is sought due to under-supply and this is to be delivered on site as part of a perimeter buffer;
- 384 m2 Conservation Site (rural) – To be delivered in combination with the neighbourhood open space above;
- On-site provision will require 15-year commuted maintenance sums to be paid prior to adoption

Allotments: – There is no requirement for on-site allotment provision as there is an adjacent site.

Surface water drainage: - Further examination of the commitment to a surface water drainage scheme would likely be required if the application were to be approved.

Off-site requirements; are now mainly covered by the Community Infrastructure Levy (CIL). All large-scale off-site provision is now dealt with through CIL, including school places and libraries, Woodland, Conservation Sites, Allotments, Formal Parks & Public Gardens and Community Parks (except in Strategic Development Areas) for which this development would be liable.

Lighting

It has been established that a number of bats of different species frequent the site which at present occupies a reasonably dark location suitable for the habitat of bats. For this reason, it is considered appropriate that a condition requiring details of all external lighting associated with the development be submitted in the event that planning permission is granted for the development.

Listed Buildings

The proposal does not affect the setting of any listed buildings. The proposal is therefore in accordance with policy CS5 of the North Somerset Core Strategy, policy DM4 of the Sites and Policies Plan (Part 1), section 16 of the NPPF and section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

Conclusions

This site is located outside of the settlement boundary of an infill village and has not been allocated for development in the Site Allocations Plan. The approach to the settlement hierarchy and distribution of development in North Somerset is directed to the fundamental objective of delivering more sustainable patterns of development in the district in future . The approach to development in Bleadon, as set out in the development plan is fully consistent with the approach to sustainable development contained in the NPPF and therefore should be accorded significant weight? Thus, the development not only consists of an extension to the village into the countryside, but is contrary to this principle underlying the settlement policy.

The proposed development would represent an extension of the built-up area into open countryside where development is strictly controlled to protect the character of the rural area and prevent unsustainable development. Whilst the Council does not currently dispute that it cannot demonstrate it has a five-year supply of housing land it is considered that, having regard to the tilted balance, significant weight should nevertheless be accorded to the Development Plan, and this outweighs the transient and generic economic benefits that would derive from the scheme and its modest contribution to local housing supply.

The layout and form of development has been influenced by the requirements to provide onsite the necessary ecological landscape buffers /margins on the Northern and Eastern boundaries. This has had the effect of reducing the number of dwellings proposed and in turn has reduced plot sizes and available on-site amenity space. It is therefore likely to pose extremely challenging, but not insurmountable to accommodate the necessary on-site cycle storage and recycling/waste facilities without making further changes to the layout which is under consideration as part of this outline application submission.

The layout principles are however considered acceptable and would be subject to further detail as part of the reserved matters application in the event that outline planning permission was forthcoming.

The facilities available to this infill village are limited and the site is not ideally located because of the limitations of access to the site and the restricted width of Purn Way albeit that a highway refusal reason is not justified. Due to the unsustainable nature of the site and village drainage and flood risk is no longer considered to be a reason that would justify refusal and it is considered that the relationship to neighbouring properties can be satisfactorily addressed at the reserved matters submission stage if outline planning permission is granted. The lack of information concerning biodiversity which led to one of the previous refusal reasons has now been satisfactorily addressed albeit that further detail and mitigation by condition would be required as part of any grant of planning permission to develop the site for residential purposes, given the findings and conclusions reached by the applicant's own appointed Ecologist. A formal requirement for an HRA to

be signed off nevertheless remains. Other issues have been considered but these are not enough to influence the recommendation.

Balancing of Issues

The site lies outside the settlement boundary of Bleadon, which is an infill settlement and the proposal would not amount to sustainable development and the material considerations in this case do not warrant a decision other than in accordance with the development Plan). The proposal is thus contrary to policies CS14 and CS33 of the North Somerset Core Strategy.

REFUSE for the following reasons:

1. The proposal is not on a site allocated for development in the North Somerset Sites and Policies Plan Part 2 – Site Allocations and falls outside the settlement boundary of an infill settlement. The proposal is therefore contrary to policies CS14 and CS33 of the North Somerset Core Strategy where development is strictly controlled in order to protect the character of the rural area and prevent unsustainable development.

Reason for Overriding Parish Council comments (if appropriate)

conflict with the Parish Council who now support the proposal contrary to their earlier objections against the development of the site.

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:

NERC places a duty on Local authorities to have regard to the conservation of biodiversity in exercising their functions.

- The Crime and Disorder Act 1998:

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

- Human Rights Act 1998

- 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 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.

Signed: Lee Bowering

**APPENDIX 2 – Appeal decision at Land north of
Youngwood Lane and east of Netherton Wood (ref:
APP/D0121/W/18/3212682)**





The Planning Inspectorate

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Your Ref: 16/P/1677/OT2

Our Ref: APP/D0121/W/18/3212682

Rob Worgan
North Somerset Council
Development and Environment
Town Hall
Walliscote Grove Road
WESTON-SUPER-MARE
BS23 1UJ

29 November 2019

Dear Mr Worgan,

Town and Country Planning Act 1990
Appeal by Mactaggart and Mickel Homes Ltd
Site Address: Land north of Youngwood Lane and east of Netherton Wood Lane,
Nailsea, BS48 4JS (nearest)

“CORRECTION NOTICE” – APP/D0121/W/18/3212682

Appeal by MacTaggart and Mickel Homes Ltd

Appeal at Land north of Youngwood Lane and east of Netherton Wood Lane,
Nailsea BS48 4JS

I am enclosing a copy of the corrected appeal decision in pursuance of Section 56(2) of the Planning and Compulsory Purchase Act 2004 as amended. This decision corrects that issued on 15 October 2019.

The drawing numbers, “150303_L_01_01_B, 150303_L_SK_008_D, FMW1667_SK12 and FMW1667_SK13”, in Condition 4 of the appeal decision have removed and replaced with, “150303_L_01_01_D, 150303_L_SK_008_G, FMW1667_SK12 and FMW1667_SK13”.

Please accept our apologies for this and for any confusion or inconvenience this may have caused.

Information about the Inspectorate’s complaints procedures can be obtained from our web site, which also gives information on the circumstances in which the validity of this decision may be challenged by making an application to the High Court: <https://www.gov.uk/government/organisations/planning-inspectorate>

Yours sincerely,

Kevin Plummer

Kevin Plummer

Where applicable, you can use the internet to submit documents, to see information and to check the progress of cases through GOV.UK. The address of the search page is - <https://www.gov.uk/appeal-planning-inspectorate>



Appeal Decision

Inquiry Held on 3 to 6 September 2019

Site visit made on 5 September 2019

by D M Young BSc (Hons) MA MRTPI MIHE

an Inspector appointed by the Secretary of State

Decision date: 29 November 2019

Appeal Ref: APP/D0121/W/18/3212682

Land north of Youngwood Lane and east of Netherton Wood Lane, Nailsea.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
 - The appeal is made by Mactaggart and Mickel Homes Ltd against North Somerset Council.
 - The application Ref 16/P/1677/OT2, is dated 27 June 2016.
 - The development proposed is a residential and related development comprising approximately 450 dwellings, means of access thereto, access roads, footways/cycleways, infrastructure works and associated community infrastructure including open space and landscaping.
-

This decision is issued in accordance with Section 56 (2) of the Planning and Compulsory Purchase Act 2004 as amended and supersedes that issued on 1 November 2019

Decision

1. The appeal is allowed and planning permission is granted for a residential and related development comprising approximately 450 dwellings, means of access thereto, access roads, footways/cycleways, infrastructure works and associated community infrastructure including open space and landscaping at land north of Youngwood Lane and east of Netherton Wood Lane, Nailsea in accordance with the terms of the application, Ref 16/P/1677/OT2, dated 27 June 2016, subject to the conditions in the schedule to this decision.

Preliminary Matters

2. The Inquiry sat for 4 days on 3, 4, 5 and 6 September 2019. As the full extent of the appeal site can be readily viewed from public footpaths and roads and with the agreement of the main parties, an accompanied site visit was not deemed necessary.
3. Although the application was submitted in outline with only access to be determined at this stage, it was accompanied by an illustrative masterplan¹ as well as a raft of supporting technical documentation contained in an Environmental Impact Assessment. This material is broadly accepted by technical consultees and demonstrates that most matters are capable of being satisfactorily dealt with either by condition or planning obligation.

¹ Plan drawing: 150303_L_01_02_J

4. Planning and highway Statements of Common Ground (SOCG) were submitted prior to the Inquiry and I have had regard to these, as well as the responses of interested parties to them, in reaching my decision.
5. A signed and dated agreement under s106 of the Town and Country Planning Act was submitted after the close of the Inquiry. All the proposed obligations need to be assessed against the statutory Community Infrastructure Levy (CIL) tests, a matter I return to later in my report.
6. The appeal is made against the failure of the Council to determine the application within the prescribed period. The Council's Statement of Case confirms The Council's Statement of Case confirms that were it in a position to determine the application, it would refuse it for reasons relating to (1) conflict with Policy CS31 of the "*North Somerset Council Core Strategy 2017*" (the CS) and (2) the effect on the emerging "*West of England Joint Spatial Plan Publication Document 2017*" (the eJSP). The second issue encompasses related arguments pertaining to highways and ecology.
7. There is no dispute between the parties that the Council cannot demonstrate a 5-year supply of housing². In such situations paragraph 11 d) of the National Planning Policy Framework (the Framework) is engaged. I will also return to this matter later in my decision.
8. Shortly after the Inquiry closed, the Inspectors examining the eJSP published their second and more detailed letter dated 11 September 2019. I wrote to the main parties offering them the opportunity to make submissions on the contents of the letter and I have taken those comments into account in reaching my decision.

Main Issues

9. In light of the above and based on all the written and oral evidence, I consider the main issues are:
 - (a) whether the proposed development would accord with the development plan with particular regard to CS Policy CS31.
 - (b) whether the development would prejudice the emerging spatial strategy for the area contained in the eJSP;
 - i) the effect on any future link road;
 - ii) whether the development would adversely affect the integrity of a protected habitat site, and
 - (c) whether there are any other material considerations, including the benefits of the proposal, which would indicate that the proposals should be determined otherwise than in accordance with the terms of the development plan.

Reasons

Policy context

10. The appeal site is some 24 hectares in size and abuts the existing south-east edge of Nailsea. It is bounded by Netherton Wood Lane to the west and Youngwood Lane to the south. The northern site boundary is defined by a

² The SOCG reports the position at the time of the appeal as 4.4 years.

public bridleway that links Netherton Wood Lane to Sedgemoor Close. The eastern site boundary is demarked by hedgerows and trees. The site generally falls from north to south and is currently in agricultural use.

11. The development plan for North Somerset comprises the CS, the "*North Somerset Sites and Policies Plan Part 1: Development Management Policies 2016*" (the NSSPP) and the "*North Somerset Sites and Policies Plan Part 2: Site Allocations Plan 2018*" (the NSSAP).
12. In planning terms, the site is outside of the settlement boundary of Nailsea, as identified in the North Somerset Local Plan Review which covered the period up to 2011. As a matter of fact, the boundaries are now time-expired. Pursuant to Policy SA1 and Schedule 1 of the NSSAP, the northern part of the site is allocated for 170 residential units. The settlement boundaries across North Somerset have yet to be updated to reflect those allocations included in the NSSAP. That being the case, the Policies Map insofar as it relates to Nailsea cannot be seen as being up-to-date.
13. Whilst a long list of development plan policies has been provided in the SOCG, it was evident at the Inquiry that the Council's first putative reason for refusal relies on an alleged conflict with CS Policy CS31. It is important to note that this objection relates only to the 280 dwellings on the southern part of the site. Policy CS31 seeks to control new development outside of the main towns in order to protect the character of the area and prevent unsustainable development. The policy requires residential development in excess of about 50 dwellings to come forward as allocations through the development plan. The Council submit that appeal scheme is in clear breach of Policy CS31.
14. As 280 dwellings significantly exceeds 'about 50 dwellings', it must follow that there would be conflict with Policy CS31. That would be the case even if the settlement boundary was up-to-date.
15. Whilst I accept that the CS and NSSAP have both been examined and found sound in recent years, it is fair to say that the planning climate in North Somerset has been somewhat fluid in the intervening period. From a fair reading of the Examining Inspector's report³ it is evident there was concern about housing delivery in North Somerset in 2018. The Inspector found that the NSSAP had failed to identify sufficient sites to meet the Council's CS housing requirements up to 2026. To remedy this, an additional 2,500 dwellings was sought by the Inspector. However, only sites for an additional 821 dwellings were identified as part of the NSSAP.
16. As paragraph 72 of the Inspector's report makes clear, this reduced figure was only considered acceptable to deliver housing during the interim period prior to the adoption of the eJSP and the new Local Plan. The NSSAP was hence found sound on the expectation that it would have a "*very short lifespan*". Irrespective of the Inspector's expectations, the key fact is that the NSSAP has failed to deliver a 5-year supply of deliverable housing land in North Somerset even in the short-term. There is no dispute that the NSSAP will now be in place for significantly longer than the period envisaged by the Inspector and this adds further weight to my concerns that the rigid adherence to the numerical limits in Policy CS31 would be likely to hinder rather than help the Council achieve its housing targets.

³ The Report on the Examination of the NSSAP February 2018

17. Even if Policy CS31 were up-to-date, in my view it is not sufficient simply for a development proposal to be in conflict with the wording of a development plan policy for it to be necessarily objectionable. For example, if there would be no actual manifestation of harm then there would be no sensible purpose served by rejecting a development.
18. According to the Council, the objectives of Policy CS31 are to “*protect the character of the area and prevent unsustainable development*”⁴. However, the Council confirmed at the Inquiry that it does not oppose the development based on landscape impact. Moreover, aside from vague references to ecology and scale, the Council was unable to identify what tangible harm would arise from the development. It is common ground that the location of the site on the edge of Nailsea would be sustainable in transport terms subject to a package of off-site mitigation works. Concerns about scale have not been substantiated in any cogent way and it was pertinent that the balance of the development (280 dwellings) would be well below the strategic level of growth envisaged in the eJSP. The scale of the balance is also significantly less than the long-standing, but as yet, undelivered allocation to the north-west of Nailsea for 450 dwellings. No other convincing reasons have been advanced to support the view that the scale or location of the development would be inappropriate. Whether or not the proposed development represents sustainable development in the terms set out in the Framework is a matter addressed in the planning balance made later in my decision.
19. I have identified conflict with the wording of Policy CS31. In assessing what weight this should carry, it is germane that the Council cannot demonstrate a 5-year supply of deliverable housing sites. That immediately reduces the weight that can be attached to the conflict with Policy CS31 in line with Footnote 7 to paragraph 11 d) of the Framework. Moreover, the lack of any discord with the overriding policy objectives means that the conflict carries limited weight in the overall planning balance.

Prematurity

20. The appeal site is included in a general area for strategic growth in the eJSP. Policy 7 of the same states that to deliver the housing needs for the area Strategic Development Locations (SDL's) will be delivered through the plan period. Policy 7.7 indicates that an area to the south-west of Nailsea is to accommodate a new extension to the town comprising 2,575 dwellings during the plan period up to 2036 with an additional 725 dwellings thereafter. Amongst other things it is anticipated that the Nailsea SDL would comprise a new local centre, new bus routes, footpaths, cycleways and a new multi-modal link road from the A370 Long Ashton Bypass to the M5. The Council's case is that granting planning permission ahead of the eJSP and emerging local plan would pre-determine important elements for the site thus failing to engage with the strategic approach required to ensure the SDL is genuinely plan-led.
21. The first point to make is that the submission of the appeal scheme to the Council in June 2016 pre-dated the publication of the eJSP and the “*Local Plan 2036: Issues and Options Document 2018*” (the IOD). It is therefore not the case that the appellants have sought to circumvent the plan making process. Be that as it may, the emergence of the eJSP over the last 2 years has meant that the proposed development has to some extent been overtaken by events.

⁴ Council's Statement of Case paragraph 18

22. For a case of prematurity to succeed, paragraph 49 of the Framework states that the emerging plan has to be at an advanced stage and (my underlining) the development proposed has to be so substantial, or its cumulative effect so significant that to grant planning permission would be to undermine the plan making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging plan.
23. Although the appeal proposal is for 450 dwellings, 170 of these are already allocated such that in net terms only an additional 280 homes are proposed. This balance of 280 would represent just 1.1% of the housing requirement for North Somerset as identified in the eJSP and the IOD. This cannot reasonably be construed as being so significant as to harm the spatial strategy or indeed undermine the plan making process.
24. In terms of the second limb of paragraph 49, the eJSP has progressed to the Hearings stage and therefore it might be considered as being at a fairly advanced stage. However, in view of the examining Inspectors' post-Hearing letters dated 1 August and 11 September 2019 the matter is clearly not as simple as that. Those letters identified fundamental soundness problems with the eJSP particularly with the way in which SDL's had been selected against reasonable alternatives. Such were the gravity of the examining Inspectors' concerns that it has been strongly recommended that the most appropriate way forward would be to withdraw the plan from examination.
25. It is quite clear on any fair-minded reading of the letters that the eJSP has, for the time being, hit the proverbial buffers and will not proceed in its current form. Whilst the letter does not identify any problems with individual SDL's, the fact that they form a fundamental part of the eJSP's spatial strategy means they can carry little weight at this time.
26. Responding to the examining inspectors' second letter, the Council concede that the eJSP is not at an advanced stage. Nonetheless, it is argued that the '*general direction of travel*' is towards an area of strategic growth to the south-west of Nailsea and this should be afforded substantial weight. Whilst I accept the point that some growth will inevitably be required at Nailsea, the presumption that this will be on the same level and in the same location as the SDL, would appear to be a repetition of the issues of the eJSP identified by its examining inspectors as it seeks to impose a pre-determined spatial strategy that has not been subject to vigorous testing. Moreover, to contend that a development might impinge upon something that might happen in the future, seems to me to be a particularly weak basis for decision taking when there is so much uncertainty over those future considerations. For the above reasons, I am attaching very limited weight to the '*general direction of travel*' argument at this stage.
27. In conclusion on this matter, the Framework does not support a finding of prematurity in this case. I acknowledge that the Framework does not exclude the possibility that prematurity might sometimes justify refusal even where the two tests in paragraph 49 are unmet. Clearly such cases are likely to be rare and require the demonstration of exceptional circumstances. On the evidence before me, I am not persuaded that the circumstances of this case suggest any reason to take a different approach to prematurity from that advocated in the Framework. As the Council's link road and ecology objections rely heavily on

the prematurity argument, these largely fall away given my findings above. Nonetheless for completeness I have addressed these matters below.

The link road

28. The Council confirmed at the Inquiry that any future link road would take the form of a multi-modal, residential distributor road designed to the principles of Manual for Streets rather than the Design Manual for Roads and Bridges. Although the Council has yet to identify a preferred alignment, it was conceded that the primary purpose of the road would be to distribute residential traffic across any future SDL rather than a link road the purpose of which is to draw traffic away from the town centre and other existing routes. That being the case, I do not consider that the alignment of the route is of the same critical importance as if the road were a genuine link road where the primary purpose would be the free flow of traffic between two specified points. In reality, if the SDL were to come forward, I would expect there to be a broad range of options for the road's alignment.
29. Due to ecology and drainage constraints and bearing in mind there is no requirement for a link road across the allocated part of the appeal site, there is realistically only a relatively narrow corridor across the southern part of the site which could accommodate the road. The Council has not drawn my attention to any obvious off-site impediments which might frustrate a route between points A-B and C-D on the submitted plan⁵.
30. The Highways SOCG confirms that an appropriately worded condition could be imposed on any planning permission to safeguard the future route of a link road. In the event a route is still required but the preferred alignment has not been determined, the condition would allow the developer to set aside a corridor between points A-B and C-D. Therefore, I see no reason why the proposed development would result in the road having an unacceptable alignment.

Ecology

31. The appeal site is some 2.6km north of the nearest component of the North Somerset and Mendip Bats Special Area of Conservation (the SAC), an area of acknowledged importance for Greater and Lesser Horseshoe Bats. The Council's supplementary planning document⁶ (the SPD) identifies the site as being within consultation zones A and B, the former being identified as land with the highest potential to affect important features.
32. The EU directive on the conservation of natural habitats of wild fauna and flora (the Habitats Directive, as implemented into UK law by The Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations) requires decision makers to undertake an Appropriate Assessment (AA) where a proposed plan or project either alone or in-combination, would result in a likely significant effect on a European protected site. The appellants' assessment of the effect on the SAC is contained within what is referred to as a Shadow AA dated August 2019.

⁵ Drawing no: 150303 SL 011

⁶ Full Title: North Somerset and Mendip Bats Special Area of Conservation (SAC) Guidance on Development: Supplementary Planning Document Adopted January 2018.

33. It is common ground that subject to appropriate mitigation, the appeal scheme itself could result in a net-gain for biodiversity including horseshoe bat habitats. However, since mitigation must be considered within the framework of an AA rather than at the screening stage, I cannot rule out the potential likely significant effects on the SAC individually or in combination with other projects. An AA is therefore required and as part of my assessment I must also consider whether any potential effects could be mitigated.
34. The submitted Ecology Reports include a summary of the bat activity surveys conducted on the appeal site in 2015 and 2018-19. The results of these surveys have been used to inform the illustrative masterplan and the Habitats Evaluation Procedure (HEP). The Council's witness accepted that the development could achieve an overall positive HEP score in compliance the SPD. It was agreed at the Inquiry that it would be possible to bring the site forward in a way that safeguards those established commuting corridors that bisect the appeal site. Although there was some disagreement over the design of hop-overs, the evidence indicates this could be addressed at the detailed design stage. Therefore, when assessed on its own the appeal scheme, subject to mitigation, would lead to an overall positive outcome for bats and the integrity of the SAC.
35. A determination under the Habitat Regulations must be made not only based on the effect of the proposal alone but in combination with any other plans or projects (my emphasis). Paragraph 16 of Circular 6/2005 states that it will normally be appropriate to consider current planning applications as well as consents under other relevant regimes and 'relevant' plans. In my view this means plans or projects that have, or are likely to be, approved. Table 2 of the Shadow AA includes a list of development sites in the surrounding area which are either allocated for housing or the subject of a planning application/consent. Based on the information in its Section 3, I am satisfied there would be no adverse in-combination effect from these other plans or projects.
36. The Council's concerns regarding ecology appear to rest almost entirely on the advice of Natural England (NE), the government's scientific adviser on ecology matters. In their judgement, the AA must contain an in-combination assessment including Nailsea and Backwell SDL's. NE were not present at the Inquiry and therefore their evidence could not be tested. Nonetheless, the Council's own expert witness agreed with NE's assessment and pointed to the eight bullet point of Policy 7.7 of the eJSP which requires a strategic approach to the assessment, safeguarding and enhancement of greater and lesser horseshoe bat habitats. The determinative issue is therefore whether the in-combination assessment needs to cover the eJSP with particular regard to the SDL's therein.
37. The first point to make is that the scope of in-combination assessment is a matter of judgement for the Competent Authority taking into account the precautionary principle and what is reasonable and proportionate to the specifics of a particular case. In terms of what other "plans" should be considered in an in-combination assessment, regard needs to be had to adopted development plans. How far an emerging plan should be taken into account is a matter of judgement based on the extent to which there is a realistic prospect of it being implemented. In coming to a view, regard should be had to the precautionary principle and unless there is objective evidence to

indicate that an emerging plan or project is unlikely to be adopted and/or implemented regard should normally be had to it.

38. With this in mind, the current status of the eJSP is clearly a significant consideration. As I have set out above, fundamental aspects of the plan including the overall spatial strategy have been deemed unsound and it has been recommended that the plan is withdrawn. Consequently, this must be viewed as evidence that it is unlikely to be adopted, such that the SDLs and the individual components of Policy 7.7 can be given very little weight at this stage. Whilst I note the contents of NE's e-mail dated 4 September 2019, it cannot be right to say that there should be an in-combination assessment against a draft plan that has been found unsound. Therefore, the eJSP should not be considered as part of the in-combination assessment.
39. If other sites were to come forward in the surrounding area, it is entirely reasonable to expect the Council to take a consistent approach to the issue of bat mitigation i.e. the maintenance of existing flight routes whilst increasing foraging habitat in line with the SPD. Indeed, this appears to be the approach that has been taken in respect of the Engine Lane development⁷. No cogent evidence has been presented as to why such an approach if applied across a wider area would harm the integrity of the SAC.
40. In summary, I am satisfied that the adverse effects of the appeal scheme can be effectively mitigated at the detailed design stage. Accordingly, as the Competent Authority, I am satisfied that the proposed development either alone or in-combination with other development would not adversely affect the integrity of the SAC. There would thus be no conflict with the requirements of paragraphs 175-177 of the Framework, CS Policy CS4 or Policy DM8 of the NSSPP.

Other Matters

41. Local residents have expressed a wide range of concerns particularly in relation to highway safety. These concerns are addressed in some detail in the appellants' Addendum Transport Statement dated October 2016 and January 2019. In summary, it was found that there are no existing safety issues associated with the rural lanes to the south, east and west of the site. Moreover, despite some intensification of use these roads would continue to operate well within capacity. Improvements are proposed to those junctions where development traffic would result in unacceptable levels of queuing in the opening year assessment. The proposed site accesses would be delivered in accordance with established standards and the introduction of priority working and a new footway at the pinch point on St Mary's Grove would benefit existing highway users. In light of the above, I am satisfied that the additional traffic could be accommodated without creating severe residual impacts, which is the test set out in paragraph 109 of the Framework, if permission is to be refused.
42. Various appeal decisions have been referred to in the evidence. However, there was no suggestion that the facts of any one case were so aligned with the facts here that the previous decision indicated that this appeal should be either allowed or dismissed. I have therefore had regard to the various decisions insofar as they are relevant to my consideration of this appeal.

⁷ LPA Ref: 17/P/1250/F

Conditions

43. The Council has suggested a number of planning conditions which I have considered against the advice in the "*Planning Practice Guidance*" (the PPG). In some instances, I have amended or combined the conditions provided by the Council in the interests of brevity and to ensure compliance with the PPG.
44. Conditions 1, 2 and 3 are standard conditions for outline planning permissions. Condition 4 is imposed for the avoidance of doubt and to ensure that the development is carried out in general accordance with the approved plans and details. Materials and landscaping conditions are necessary to ensure the appearance of the development is acceptable ^[5 & 9]. Drainage conditions are necessary to ensure satisfactory drainage of the site in the interests of flood prevention ^[6,7 & 8]. A Landscape Ecological Management Plan (LEMP) and lighting conditions are necessary to safeguard local ecology and habitats ^[10 & 12]. I have imposed a condition relating to tree protection measures to ensure trees are not damaged during the construction period ^[11]. A Construction Environmental Management Plan is necessary to protect the amenity of nearby residents ^[13]. Conditions regarding adaptable homes, housing mix, travel plans and renewable energy measures are necessary to ensure compliance with development plan policies in these areas ^[14-17]. An archaeology condition is necessary to protect any archaeological assets that may be present ^[18]. Highway conditions are necessary in the interests of highway safety and to ensure the development does not prejudice the delivery of any future link road through the site ^[19-21].
45. Conditions 13, 18 and 19 are 'pre-commencement' form conditions and require certain actions before the commencement of development. In all cases the conditions were included in the SOCG and address matters that are of an importance or effect and need to be resolved before construction begins.

Planning Obligations

46. The Framework sets out policy tests for planning obligations which must be 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. The same tests are enshrined in the statutory tests set out in the regulation 122 of the CIL regulations.
47. To promote non-car modes of travel, a financial contribution of £326,413 is sought towards the improvement of the existing public rights of way between St Mary's Grove-The Perrings, The Perrings-Backwell Lake and Youngwood Lane-Station Close. These improvements have been costed and agreed with the Highway Authority. A public rights of way contribution of £3,895 is required to improve a number of existing footpaths in the local area. A contribution of £650,000 would pay for the diversion of the nearest bus service into the site for a period of 5 years after which it is hoped that the route would be commercially viable. A contribution of £120 per dwelling is required to provide the occupants of each new dwelling with a travel pack containing sustainable travel information and inducements. All these contributions are supported by CS Policy CS10 and NSSPP Policy DM24 which collectively seek the integration of new development with public transport, cycleway and footpath links, and bridleways where appropriate. These aims are consistent with those of the Framework to reduce the need to travel by car and assist the move to a low

carbon future. I am thus satisfied that these contributions meet the statutory tests.

48. The off-site highway contribution of £95,000 is supported by the Transport Assessments submitted in support of the application which show that the North Street/Hanham Way/Queens Road and Station Road/Queens Road junctions would operate over capacity in a '2021 + NSSAP development' scenarios. The addition of traffic from the appeal scheme exacerbates queuing at these junctions and on that basis improvements schemes have been agreed⁸. However, as both junctions are also shown to operate over capacity in the '2021 base + allocated' scenarios, there is an element of incidental planning gain particularly at the Station Road/Queens Road junction which will be upgraded to a mini-roundabout. The junction improvements have been costed by the Highway Authority and I am satisfied they are necessary to mitigate the impact of the development upon the local road network. Accordingly, the off-site highway contribution meets the statutory tests.
49. CS Policy CS16 states that sites of 11 dwellings or more are required to provide a minimum of 30% affordable housing at nil public subsidy. I am therefore satisfied that the affordable housing obligation meets the statutory tests.
50. The provision of public open space and green infrastructure and contributions towards its maintenance over a 15-year period is necessary to support healthy lifestyles and have been calculated via standard formulas. I am therefore satisfied that the public open space obligation meets the statutory tests.

Planning Balance and Conclusion

51. I am required to determine this proposal in accordance with the development plan, unless material considerations indicate otherwise. The starting point is therefore the development plan. There would be some conflict with CS Policy CS31. However, for the reasons set out under my first main issue, the weight which can be attributed to this is limited. Nonetheless, it weighs against the scheme in the overall planning balance. I have not found a prematurity case in relation to the eJSP nor identified any other matters which could not satisfactorily be addressed by conditions or at reserved matters stage.
52. As to whether material considerations indicate that the permission should be allowed, the Framework is one such consideration. Given the Council's housing land supply position, those policies that are most important for determining the application are to be considered out-of-date. Therefore, while the weight that I can attach to the conflict with CS Policy CS31 is reduced, the default position identified in paragraph 11 d) of the Framework is also engaged. The first limb of this paragraph relates to the situation where specific policies in the Framework indicate development should be restricted, such as where habitat sites are involved. Having addressed this matter above, I have found that the development would not adversely affect the integrity of a protected habitat site.
53. The second limb states that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. The effect of this is that the planning balance shifts in favour of the

⁸ Drawings Drawing A099461-SK03 & A099461 – SK04

- grant of consent. The framework establishes that the purpose of the planning system is to contribute to the achievement of sustainable development, which includes economic, social and environmental dimensions.
54. There would be social benefits arising from the provision of up to 450 new dwellings 30% of which would be affordable. This is the weightiest factor in the overall balance. Indeed, given that the Council is unable to demonstrate a 5-year supply of housing and in view of the Framework's aim to boost significantly the supply of housing, it must, in accordance with the Framework, carry significant weight. The appeal site is available, developable and the Appellants have demonstrated a willingness to bring the site forward in a timely fashion. Beyond the rights of way network, there is currently no public access to the appeal site and therefore the opportunity for the local community to use the extensive areas of open space created by the development, is also a benefit, albeit one that is primarily intended to address the needs of the occupants of the appeal scheme itself. Collectively, the social benefits attract substantial weight.
55. The purchase of materials and services in connection with the construction of the dwellings, employment during the construction period, an increase in local household expenditure and revenues to the Council from the New Homes Bonus are all economic benefits that weigh in favour of the scheme.
56. In environmental terms, there would inevitably be some dis-benefits. In the sense that the development of open countryside is such a disbenefit, it cannot carry significant weight because the undersupply of housing in North Somerset can only realistically be remedied by the release of at least some greenfield sites. There would inevitably be some moderate landscape harm arising from a loss of openness across the appeal site in addition to the loss of agricultural land. However, given that these would be the inevitable consequence of most greenfield developments, they are not factors that weigh heavily against the scheme.
57. The environmental benefits include small biodiversity gains. The appeal site is also located in an accessible and sustainable location on the edge of Nailsea, a town with a good range of shops and services. There would be a comprehensive package of footway, cycleway improvements which would facilitate car-free trips to the town centre and local train station.
58. Based on the foregoing, the adverse impacts of the proposal would not significantly and demonstrably outweigh the substantial benefits which would arise from this development. I am thus satisfied that the appeal scheme would constitute sustainable development. This is a significant material consideration sufficient to outweigh the development plan conflict.
59. Accordingly, I conclude that the proposal should be allowed, subject to the imposition of a number of conditions, as discussed at the Inquiry and set out in the schedule below.

D. M. Young

Inspector

SCHEDULE OF CONDITIONS

- 1) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this permission.
- 3) The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in general accordance with the details shown on the submitted plan numbers: 150303_L_01_01_D, 150303_L_SK_008_G, FMW1667_SK12 and FMW1667_SK13.
- 5) Prior to any development above ground level, details of the materials to be used in the construction of the external surfaces of the dwellings hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 6) No above ground development shall take place until details of surface water drainage works have first been submitted to and approved in writing by the Local Planning Authority. Before these details are submitted, an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in the National Planning Policy Framework, associated Planning Practice Guidance and the non-statutory technical standards for sustainable drainage systems, and the results of the assessment provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the system shall be designed such that there is no surcharging for a 1 in 30 year event and no internal property flooding for a 1 in 100 year event + 40% allowance for climate change. The submitted details shall:
 - i. Provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site to greenfield run off rates and volumes, taking into account long-term storage based on the natural downstream catchment, and urban creep and the measures taken to prevent pollution of the receiving groundwater and/or surface waters; and
 - ii. Include a timetable for implementation.
 - iii. Survey and confirm the route of any discharge to a maintained (viewed) rhine by the North Somerset Internal Drainage Board. Design the sustainable drainage scheme on site so there is no alteration to the downstream flooding regime up to 1 in 100 yr.
 - iv. Pollution control measures within the sustainable drainage systems to protect the downstream SSSI.

- v. demonstrate that no culverting of watercourses on the site shall take place except for access points and shall be designed with a soffit at the 100CC flood level/and a 300mm freeboard in accordance with Design Manual for Roads and Bridges (DMRB).

The development shall be carried out in complete accordance with the approved details.

- 7) No dwelling shall be occupied until details of the implementation, maintenance and management of the approved sustainable drainage scheme have been submitted to and approved, in writing, by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details.
 - a) a timetable for its implementation and maintenance during construction and handover; and
 - b) a management and maintenance plan for the lifetime of the development which shall include details of land ownership; maintenance responsibilities/arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable urban drainage scheme throughout its lifetime; together with a description of the system, the identification of individual assets, services and access requirements and details of routine and periodic maintenance activities.
- 8) Where a reserved matters application submitted under condition 3 of this consent includes one or more new or existing rhynes, pond, watercourse or spring it shall include details of a suitable access and maintenance margin on both sides of rhynes. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that order with or without modification) no development or infrastructure including cables, mains, pipes or other apparatus, shall be installed or laid within the rhyne management and maintenance corridors.
- 9) Trees, hedges and plants in any Reserved Matters Area shown in the landscaping scheme to be retained or planted, which during the development works or during a period of five years following implementation of the landscaping scheme in that Reserved Matters Area, which are removed without prior written approval from the Local Planning Authority or which die, become seriously diseased or damaged, shall be replaced in the first available planting season with other such species and size as are to be agreed with the Local Planning Authority.
- 10) Prior to commencement of any phase of development a Landscape Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The plan shall detail management over a minimum 5-year period from the commencement of development of that phase. The plan shall reflect the mitigation principles set out in the Ecological Assessment / Environmental Impact Assessment accompanying the Outline application. The LEMP shall include a work schedule with objectives, management prescriptions and timings to maintain and enhance all wildlife habitats to maximise food resources for wildlife; to provide cover for dispersal, foraging, nesting and hibernation sites for the wildlife using the site; optimise hedgerow management to support biodiversity; provide details of the location and design of bat,

bird and other wildlife boxes; The approved plan shall be fully implemented and adhered to over the operational phase of the development.

- 11) The tree protection measures specified in the Arboricultural Assessment dated May 2016 shall be adhered to throughout the period of construction.
- 12) Prior to or accompanying the submission of any reserved matters consent application details of the site external lighting, including temporary/construction and permanent outdoor lighting, shall be submitted which shall include:
 - (i) details of the design, type and location of the proposed lighting;
 - (ii) the predicted light lux levels; and
 - (iii) lighting contour plans.

The scheme shall ensure that light levels do not exceed 0.5 lux in areas important to bats (to be first agreed in writing with the Local Planning Authority) and shall be submitted to and agreed in writing by the Local Planning Authority and implemented, installed and operated in perpetuity in accordance with the approved scheme.

- 13) Prior to the commencement of development, a Construction Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority. Plan shall include details of:
 - i) site enabling works, including timings of vegetation clearance;
 - ii) siting and installation of services such as drainage; sensitive storage locations for materials and soils; measures for control of dust and disposal of waste; prevention of pollution measures to protect surface waters and ground waters, all in accordance with best practice;
 - iii) site security;
 - iv) fuel storage, bunding, delivery and use (if applicable) and proposals to address minor and major pollution incidents potentially resulting from the site development including the containment of silt or soil contaminated run-off;
 - v) disposal of contaminated drainage, including water pumped from excavations;
 - vi) vehicle routes to and from the site with distance details, construction delivery hours, car parking for contractors, specific measure to be adopted to mitigate construction impacts (including infrastructure improvements if appropriate), construction workers travel plan and a traffic management plan to control traffic during the construction phases, and
 - Vii) construction hours

The approved Plan and details shall be implemented and adhered to thereafter at all times.

- 14) Prior to or accompanying any reserved matters application for residential development an assessment a scheme shall be submitted to and approved in writing by the Local Planning Authority detailing how, subject

to viability and feasibility, a minimum of 15% of the future energy requirements will be delivered from renewable energy generation systems and how this will be monitored at specified stages of the development to ensure that the target is achieved at each stage. The development shall thereafter be operated in accordance with the approved scheme, unless otherwise agreed in writing with the Local Planning Authority.

- 15) Each application for reserved matters consent which includes residential units shall include a Statement demonstrating and explaining how it complies with Accessible and adaptable housing delivery requirements as required under policy DM42 of the adopted Development Management Sites and Policies Plan part 1, the adopted Accessible and adaptable housing needs assessment SPD and the approved scheme shall be fully implemented in association with the development.
- 16) Applications for reserved matters consent submitted under condition 2 of this consent shall include details to justify the range of house types which shall meet the needs of the local population which shall accord with the principles set out in policy DM35 of the North Somerset Sites and Policies Plan (Part 1 – Development Management Policies) including where practical and viable, contain some or all of the following categories:
 - One-bedroom properties
 - 2-3 bedroom properties aimed at young families
 - A range of 2-3 bedroom properties, including houses, apartments and bungalows, aimed at people downsizing from larger properties.
 - Age-restricted retirement properties
 - No more than 20% of new dwellings will be 4 bedrooms or more (after taking account of the allocation of affordable housing).
- 17) Each application for reserved matters consent which includes residential units shall not be occupied until a Sustainable Travel Plan is first submitted to and approved in writing by the Local Planning Authority. All the recommended measures, targets, monitoring programmes and mitigation measures within the approved Travel Plan shall be implemented in accordance with the approved details unless the Local Planning Authority gives written consent to any variation thereto.
- 18) No development shall take place until an archaeological Written Scheme of Investigation (WSI) has been submitted to and approved, in writing, by the local planning authority. For land that is included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI. The WSI shall include:
 - The statement of significance and research objectives; and
 - The programme and methodology of site investigation and recording; and
 - The nomination of a competent person or persons or organisation to undertake the agreed works; and
 - The programme for post-investigation assessment and subsequent analysis, publication & dissemination; and
 - The deposition of resulting material.

- The development shall not take place except in complete accordance with the details and programme set out in the approved WSI.
- 19) No development shall commence until a scheme for the provision of the site accesses, internal estate roads, parking spaces, garages, turning areas, internal footpaths and external pedestrian/cycle links have been submitted to and approved in writing by the Local Planning Authority. The vehicular accesses and pedestrian/cycle routes shall thereafter be delivered and constructed in accordance with the approved details.
- 20) Prior to occupation of the 50th dwelling, the new footway shall be constructed at St Mary's Grove in accordance with the details shown on plan no FMW1667, fig 4.4 of the Transport Statement accompanying the application.
- 21) Any reserved matters application made pursuant to this permission (except for a reserved matters application solely comprising land allocated under the adopted Sites and Policies Plan Part 2, Site Allocations Plan dated April 2018) shall:
- a) If the local planning authority has formally identified the alignment of a link road through the site, by including it in the initial stages of a local plan in compliance with Regulation 18 of the Town and Country Planning (Local Plan) (England) Regulations 2012 or under Regulation 19 of the aforementioned Regulations or an Adopted plan, make provision for that alignment.
 - b) If the local planning authority has not formally identified the alignment of a link road through the site, safeguard an alignment between points A-B and C-D on drawing no 150303 SL 011 entitled "Nailsea Reference Points" by Clifton Emery Design dated August 2019 (excluding the land allocated under the adopted Sites and Policies Plan Part 2, Site Allocations Plan dated April 2018) of a maximum width of 20 m;
 - c) If the local planning authority confirms in writing that it is no longer pursuing a link road through the site, there shall be no provision made in any reserved matters application for a link road through the site.

APPEARANCES

FOR THE APPELLANT

Rupert Warren QC

Instructed by the Appellants

He called:

Dr Thomas Rocke BA (Hons) PhD BTP (Dist) MRTPI

Rocke Associates Ltd

Mr Kurt Goodman BSc (Hons) MSc MCIEEM

FPCR – Ecology Consultant

Mr David Bird BSc CEng MICE

Vectos Limited – Highway Consultant

FOR THE LOCAL PLANNING AUTHORITY

Mr Timothy Leader of Counsel

Instructed by the Council

He called:

Mr Marcus Hewlett BA (Hons)

North Somerset Council

Ms Sarah Dale BSc (Hons)

Council's Ecology Consultant

Mr Paul Paton

North Somerset Council

INTERESTED PERSONS

Mr Ian Morell

Nailsea Town Council

Mr Anthony Evans

Local Resident & Vice Chair of Nailsea Action Group

Cllr Sandra Hearne

Local resident and Town Councillor

DOCUMENTS SUBMITTED AT THE INQUIRY

- ID1 Appellant's opening statement
- ID2 Council's opening statement
- ID3 Extract from proof of evidence from Pegasus in appeal reference 3184845
- ID4 Billington Study and appendices
- ID5 Natural England letter dated 14 August 2019
- ID6 Letter from Clarke Willmott to Natural England dated 4 August 2019
- ID7 Email from Simon Stonehouse at Natural England dated 4 September 2019
- ID8 Statement of justification for S106 agreement
- ID9 Draft conditions
- ID10 Statements from Councillor Hearne
- ID11 Statement from Mr Evans of Nailsea Action Group
- ID12 Council's closing statement
- ID13 Appellant's closing statement

**APPENDIX 3 – Appeal decision at Sprigg Farm,
Weston-in-Gordano (re: APP/D0121/W/19/3233568)**





Appeal Decision

Hearing Held on 10 August 2020

Site visit made on 11 August 2020

by David Wyborn BSc(Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 September 2020

Appeal Ref: APP/D0121/W/19/3233568

Sprigg Farm, Clevedon Road, Weston-in-Gordano BS20 8PR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Paul Harris against the decision of North Somerset Council.
 - The application Ref 19/P/0887/FUL, dated 8 April 2019, was refused by notice dated 19 June 2019.
 - The development proposed is the erection of a dwelling house, including demolition of 2no. barns and 1no. residential dwelling.
-

Decision

1. The appeal is dismissed.

Main Issues

2. As the site lies within the Green Belt, the main issues are:
 - whether or not the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies, including the effect of the proposal on the openness of the Green Belt,
 - whether the development plan would support the location of the dwelling,
 - the effect of the proposal on the character and appearance of the area, and
 - the effect of the siting of the dwelling on the living conditions of future occupiers.

Reasons

Green Belt

3. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. In addition, the construction of new buildings should be regarded as inappropriate in the Green Belt subject to a number of exceptions as set out in paragraph 145 of the Framework.
4. The proposed dwelling is advanced on the basis that the development would comply, in terms of paragraph 145 of the Framework, with both the exception for limited infilling in villages (paragraph 145e) and, in summary, for limited infilling or the partial or complete redevelopment of previously developed land which would not have a greater impact on the openness of the Green Belt than

the existing development (paragraph 145g). It is necessary to demonstrate that only one exception would be met for the proposal to be not inappropriate development.

5. In terms of the Council's approach to whether a proposal would be limited infilling in a village, as defined by the Framework, and notwithstanding that Policy CS33 of the North Somerset Council Core Strategy (January 2017) (the CS) does not name Weston-in-Gordano as an infill village, two examples have been drawn to my attention which I consider are relevant to the considerations at the appeal site.
6. With the case at land west of 28 Clevedon Road, Tickenham¹, the planning report explains that Tickenham, which is located within the Green Belt and is not a named infill village, does not have a settlement boundary. Consequently, the report explains that the proposed construction of a dwelling would not comply with Policy DM12 of the North Somerset Council Sites and Policies Plan Part 1 (July 2016) (the SPP Part 1) regarding limited infill development in the Green Belt (and is a policy which complements Policy CS33 of the CS). However, the Council when referring to the approach advised in *Julian Wood v SSCLG & Gravesham BC 2015* assessed the situation on the ground and came to the view that the scheme would fall within a village, constitute limited infilling and therefore would not be inappropriate development within the Green Belt.
7. The other example concerns land adjacent to Bay Tree Cottage, Hill Lane, Weston-in-Gordano². This proposal concerned the construction of a new dwelling and the Council concluded in its planning report that the proposal would be limited infilling within the village of Weston-in-Gordano and meet the requirements of paragraph 145e of the Framework in this respect. The Inspector who considered the appeal found no reason to disagree with this conclusion. This site is in general proximity to the present appeal site.
8. Weston-in-Gordano has the appearance and feel of a village, with a reasonable size and concentration of built development including dwellings, a church and a public house. Consequently, and having regard to the Council's general approach as set out in the two fairly recent examples above³, I consider it is a village for the purposes of considering the exception in paragraph 145e of the Framework. It therefore follows that limited infill development, as a matter of principle, could be acceptable.
9. Weston-in-Gordano has a generally linear form with buildings often facing the road through the village. However, there are examples of development set back from the main road and this forms part of the character and appearance of the village when viewed within the wider landscape. While there is some tapering off of the built form at some edges, generally the village has a clear demarcation between the buildings within the village and the adjoining open countryside.
10. Sprigg Farm is accessed from the main road in a location close to existing dwellings within the village. The group of farm and other buildings within the wider site adjoin, without any meaningful separation on the ground, the nearby

¹ Council reference Application 18/P/5124/OUT

² Appeal Reference APP/D0121/W/19/3227625 dated 25 October 2019

³ I have also taken into account the appeal at 3 Dundry Lane, Dundry (APP/D0121/W/19/3220619). In that case, notwithstanding the policy considerations, the Inspector did not consider the site fell within a village.

residential properties. Although the Sprigg Farm buildings have a functional appearance and therefore a different character to the nearby housing, in wider landscape views, they have a clear built and physical presence that assimilates closely with the built form of the village rather than appearing detached and part of the open countryside. In the circumstances of the buildings on the Sprigg Farm site and its relationship to the surroundings, I consider that the appeal site for the proposed dwelling falls to be considered within the village.

11. The scheme would involve the demolition of a group of buildings which are predominantly surrounded by built form. The proposed dwelling would replace these existing buildings and be located in a space, again broadly surrounded by other development, such that it would not encroach into open land. In my view, the proposal would provide a scheme that was limited in extent and infill the space between existing buildings within the confines of the village.
12. Notwithstanding Policy DM12 of the SPP Part 1, the proposal would therefore meet with the exception for limited infilling in a village as defined by paragraph 145e of the Framework. There is no requirement to consider the impacts on openness as this is implicitly taken into account within this exception⁴. Consequently, I conclude that the proposal would not be inappropriate development within the Green Belt.
13. Furthermore, as the scheme would replace existing buildings and be within part of the village generally surrounded by other buildings, I do not consider that the proposal would conflict with any of the Green Belt purposes, including the need to assist in safeguarding the countryside from encroachment.
14. As I have found that the proposal would not be inappropriate development, I do not need to consider whether the scheme would also meet with the other exceptions for the development of buildings in a Green Belt, including the policy tests set out in paragraph 145g of the Framework.

Location of the development

15. Policy CS33 of the CS sets out the strategy for the location of development across the plan area in regard of infill villages, smaller settlements and the countryside. Weston-in-Gordano is not named as an infill village listed in Policy CS33 of the CS. As a consequence, there is no settlement boundary and development in Weston-in-Gordano is therefore subject to the limited development opportunities as set out for "residential development elsewhere" in Policy CS33. The site is therefore considered to be countryside in terms of the application of development plan policies and an additional permanent dwelling would conflict, as a matter of principle, with the strategy for the location of new housing.
16. Although outside the red lined application site, the description of the proposal includes the demolition of the existing dwelling on the land. This dwelling is subject of a personal planning permission and therefore does not have a permanent unfettered planning permission for a dwelling. Nevertheless, even if the proposal was to be considered as a replacement dwelling, and this could be conditioned accordingly in any permission, then amongst other criteria, it would not accord with the size increase criterion of Policy DM44 of the SPP Part 1.

⁴ Having regard to the approach set out in *Lee Valley Regional Park Authority, R (on the application of) v Epping Forest District Council & Anor (Rev 1) [2016] EWCA Civ 404*.

17. The scheme is not advanced as an agricultural/rural worker's dwelling, although this matter was discussed at the hearing and I examine this in more detail later. Nevertheless, on the basis of the submitted scheme it would not meet with Policy DM 46 of the SPP Part 1 which concerns the policy circumstances for the provision of rural workers' dwellings.
18. Based on the above analysis, I conclude that the development plan would not support the location of the dwelling in this case, and in particular the proposal would not accord with Policy CS33 of the CS and Policies DM44 and DM46 of the PPS Part 1, which seek, notably that development in such locations will be strictly controlled in order to prevent unsustainable development.

Character and appearance

19. This part of the village is set on a gentle slope. The land rises from the road, through the site of the nearby housing and up across the site of the building group at Sprigg Farm. Beyond these buildings the land rises more steeply and there are some views from adjoining rights of way across the fields towards this part of the village.
20. While 2 The Tynings is more apparent, generally the ridges of the dwellings near the Sprigg Farm site are not overly prominent and the buildings themselves are softened by the surrounding landscaping. Within the wider Sprigg Farm site, the fairly large agricultural buildings are clearly visible but their shallow sloping roofs, with some buildings cut into the slope of the land, mean that they have a moderate influence on the wider landscape.
21. The buildings within the appeal site itself are generally low in height and are largely screened by the surrounding buildings. However, the curved roof of the Dutch barn is higher and is a reasonably noticeable part of the wider building group. From parts of the right of way that angles across the fields broadly to the east and the area by the upper style along the right of way broadly to the north west, the curve of the Dutch barn is a feature of the site that draws the eye, although its height is broadly similar to some of the ridges of the adjoining dwellings.
22. The proposed dwelling would be quite a substantial building. The design itself, and if it was to have a clay tile roof rather than the proposed slate, would be broadly typical of the mix and style of buildings within the village. The footprint and volume of the buildings to be removed would be greater than those of the new dwelling, however, much of the existing buildings to be removed are reasonably low and screened from wider view. In contrast, the height of the new dwelling would be greater than the existing structures. The dwelling would have 3 different ridge heights, and even the lowest ridge over the garage area would be taller than the ridge of the existing Dutch barn. The height of the building together with the extent and bulk of building across the site would result in a conspicuous addition. The overall height and bulk of the proposed dwelling, and its prominence from parts of the rights of way network, would not sit sympathetically with the slope of the land and would be out of keeping with the general form of development in this part of the village.
23. Accordingly, I conclude that the proposal would harm the character and appearance of the area. As a consequence, it would not comply with Policies CS5 and CS12 of the CS and Policies DM10 and DM32 of the SPP Part 1 which

seek, amongst other things, that development be carefully integrated into the natural and built environment aiming to respond to local character.

Living conditions

24. The front of the dwelling would be orientated to face the adjoining stable building. Furthermore, it would be in the vicinity of agricultural buildings housing livestock and the access to parts of the site for farm machinery would be in proximity to the dwelling. In these circumstances, the presence of the working farm and equestrian site would have an immediate and adverse effect on the living conditions of occupiers of the dwelling. It would not be appropriate for someone to occupy the dwelling independent of the wider Sprigg Farm buildings.
25. The Council indicated that to address this matter, were I minded to allow the appeal and without prejudice to their case and with reservations, that the dwelling could be subject of an agricultural worker's occupancy condition. However, the wider site is in a mixed use, the dwelling is much larger than allowed for under Policy DM46 of the PPS Part 1, there is little information before me on the functional need on the holding (because this is not the case made by the appellant) and in the past the Council has refused proposals for agricultural worker's dwellings. Presumably this was, in part, because it was not satisfied that the need was demonstrated on the holding. In these circumstances, I am not satisfied that such a condition would be reasonable.
26. Other suggestions were put to me at the hearing, including that the occupation of the dwelling be limited to a rural worker or be limited to a person employed or last employed at Sprigg Farm. However, I am not satisfied that such conditions would provide the necessary certainty to protect the living conditions of the occupants of the dwelling in the long term. The stables are already operated by a person not resident on the site (albeit by a relative at the moment) and there would be little control over parts of the land and/or buildings being rented or sold to others with the potential for activities that may cause disturbance. In these circumstances, I do not consider that I have a mechanism before me that would be precise and enforceable to address the harm to the living conditions that would result from the juxtaposition of the proposed dwelling and the adjoining buildings and their related uses.
27. In these circumstances, I conclude that the siting of the dwelling would not be compatible with providing adequate living conditions for the future occupiers of the dwelling. In this way the scheme would not comply with Policy DM32 of the PPS Part 1 and the Framework which seeks in this respect to create places with a high standard of amenity for future users.

Other Matters

28. I have taken into account the support for the scheme, including the letters of representation, and I am conscious that there are no local objections to the proposal. However, these matters do not outweigh the harm I have identified which leads me to my conclusions.
29. The site adjoins, but is outside, the Weston-in-Gordano Conservation Area (CA). Part of the significance of the CA derives from the relationship of vernacular buildings to the road. As the proposal would be sited behind a substantial hedge and effectively face the other Sprigg Farm buildings, and be

associated with this group, the proposal would preserve the character and appearance of the CA and its setting. Its impact would be neutral and therefore there would be no benefit or enhancement to the CA and its setting from the proposal.

Planning Balance and Conclusion

30. The proposal would not comply with the locational strategy for the provision of residential development, it would harm the character and appearance of the area and would not provide adequate living conditions for future occupiers. These are matters that would conflict with the development plan when considered as a whole.
31. It is accepted by the main parties that the Council is unable to demonstrate a 5 year supply of deliverable housing land. I have found that the proposal would not be inappropriate development in the Green Belt and would have a neutral impact on the setting of the CA. Therefore, the application of policies in the Framework that protect areas of particular importance do not provide a clear reason for refusing the development. In these circumstances, the presumption in favour of sustainable development as set out in paragraph 11d of the Framework is engaged. This indicates that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
32. Due to the Council's housing supply position, the location of the site outside a settlement boundary is not definitive in this case. The location is such that there is access to some local services in the village such as the church, public house and the motor repair garage. The evidence indicates that there is a fairly regular bus service to local centres and that the services and facilities of parts of Portishead are not far away. While some residents may use the car, the bus service appears to be a practical alternative to the private vehicle. The B3124 road is reasonably narrow but for some, considering the modest distance, cycling to parts of Portishead would be a reasonable alternative to the car. Taking all these matters into account I consider that the site has adequate access to local services and facilities. Consequently, the conflict with Policy CS33 of the CS and the overall locational strategy of the development plan carries limited weight.
33. The proposal would provide a sizeable dwelling which would be able to meet the needs of several generations of the same family who have resided at the site and been part of the wider village community for many years. The occupation would assist in maintaining the wider agricultural land and local habitats, and would help ensure best management of the livestock on the site. It is argued that the existing functional buildings would be removed and the volume and footprint of development on the site would be reduced. The case is made in detail that the site constitutes previously developed land such that the reuse of the land would have the strong policy backing of the Framework to support the redevelopment.
34. There is already a somewhat substandard dwelling on the site that would be replaced such that there would not be an increase in the authorised residential units on the site.

35. In terms of the Green Belt, the proposal would not be inappropriate development and would not conflict with the purposes of including land within the Green Belt.
36. Drawing all these matters together, the harm resulting from the conflict with the locational policies of the development plan affords limited weight. The harm to the character and appearance of the area is reasonably localised but nevertheless significant and I attribute this moderate weight. The harm by reason of the adverse living conditions that would result to future occupiers affords substantial weight. Overall, the combined harm that would result from the scheme should be attributed substantial weight. The benefits of the scheme which I have summarised above, while valuable, are reasonably limited in extent given the scale and nature of the proposal and afford moderate weight in favour of the scheme.
37. In the circumstances, I consider that the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole. As a consequence, the proposal would not constitute sustainable development and this weighs heavily against the scheme.
38. For the reasons given above, there are no material considerations that indicate the proposal should be determined otherwise than in accordance with the development plan. I therefore conclude that the appeal should be dismissed.

David Wyborn

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mr Christopher Stokes

Stokes Morgan Planning Ltd

FOR THE LOCAL PLANNING AUTHORITY:

Ms Judith Porter

North Somerset Council

Mrs Karen Bartlett

North Somerset Council

INTERESTED PERSONS

Ms Penny Roberts

Local Resident

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coaster

Weston-super-Mare
Uphill
Lympsham
Brean
Berrow
Burnham-on-Sea

ROUTE

20

from 2 August 2020



CRUISE  ALONG THE COAST

from **First** 



Weston-super-Mare – Burnham-on-Sea



via Uphill, Weston General Hospital , Brean and Berrow



Mondays to Saturdays except Public Holidays

	20	20	20	20	20	20	20		20	20		20	20	20
Weston-super-Mare , Grand Pier	0630	0700	0730	0800	0830	0900	0930	then at these mins past each hour	00	30	until	1700	1730	1800
Rail Station, Neva Road ➡	0636	0706	0736	0806	0836	0906	0936		06	36		1706	1736	1806
Weston General Hospital, Grange Road ➡	0644	0714	0744	0814	0844	0914	0944		14	44		1714	1744	1814
Lympsham, Coppice End Corner	0651	0721	0751	0821	0851	0921	0951		21	51		1721	1751	1821
Brean, Village Hall	0705	0735	0805	0835	0905	0935	1005		35	05		1735	1805	1835
Brean, Leisure Park	0709	0739	0809	0839	0909	0939	1009		39	09		1739	1809	1839
Berrow, Church House Road	0714	0744	0814	0844	0914	0944	1014		44	14		1744	1814	1844
Burnham-on-Sea , Pier Street	0728	0758	0828	0858	0928	0958	1028		58	28		1758	1828	1858

Sundays and Public Holidays

	20	20	20	20	20	20	20	20	20	20	20	20	20	20
Weston-super-Mare, Grand Pier	0630	0700	0730	0800	0830	0900	0930	then at these mins past each hour	00	30	until	1700	1730	1800
Rail Station, Neva Road 	0636	0706	0736	0806	0836	0906	0936		06	36		1706	1736	1806
Weston General Hospital, Grange Road 	0644	0714	0744	0814	0844	0914	0944		14	44		1714	1744	1814
Lympsham, Coppice End Corner	0651	0721	0751	0821	0851	0921	0951		21	51		1721	1751	1821
Brean, Village Hall	0705	0735	0805	0835	0905	0935	1005		35	05		1735	1805	1835
Brean, Leisure Park	0709	0739	0809	0839	0909	0939	1009		39	09		1739	1809	1839
Berrow, Church House Road	0714	0744	0814	0844	0914	0944	1014		44	14		1744	1814	1844
Burnham-on-Sea, Pier Street	0728	0758	0828	0858	0928	0958	1028		58	28		1758	1828	1858





Burnham-on-Sea – Weston-super-Mare



via Berrow, Brean, Weston General Hospital , and Uphill



Mondays to Saturdays except Public Holidays

	20	20	20	20	20	20	20	20	20	20	20	20	20
Burnham-on-Sea, Pier Street	0733	0803	0833	0903	0933	then at these mins past each hour	03	33	until	1803	1833	1903	
Berrow, Church House Road	0742	0812	0842	0912	0942		12	42		1812	1842	1912	
Brean, Leisure Park	0750	0820	0850	0920	0950		20	50		1820	1850	1920	
Brean, Village Hall	0756	0826	0856	0926	0956		26	56		1826	1856	1926	
Lympsham, Coppice End Corner	0811	0841	0911	0941	1011		41	11		1841	1911	1941	
Weston General Hospital, Grange Road 	0818	0848	0918	0948	1018		48	18		1848	1918	1948	
Rail Station, Neva Road 	0825	0855	0925	0955	1025		55	25		1855	1925	1955	
Weston-super-Mare, Grand Pier	0830	0900	0930	1000	1030		00	30		1900	1930	2000	

Sundays and Public Holidays

	20	20	20	20	20	20	20	20	20	20	20	20	20
Burnham-on-Sea, Pier Street	0733	0803	0833	0903	0933	then at these mins past each hour	03	33	until	1803	1833	1903	
Berrow, Church House Road	0742	0812	0842	0912	0942		12	42		1812	1842	1912	
Brean, Leisure Park	0750	0820	0850	0920	0950		20	50		1820	1850	1920	
Brean, Village Hall	0756	0826	0856	0926	0956		26	56		1826	1856	1926	
Lympsham, Coppice End Corner	0811	0841	0911	0941	1011		41	11		1841	1911	1941	
Weston General Hospital, Grange Road 	0818	0848	0918	0948	1018		48	18		1848	1918	1948	
Rail Station, Neva Road 	0825	0855	0925	0955	1025		55	25		1855	1925	1955	
Weston-super-Mare, Grand Pier	0830	0900	0930	1000	1030		00	30		1900	1930	2000	



APPENDIX 5 - North Somerset Housing Delivery Action Plan (August 2019)



North Somerset Council

Housing Delivery Test Action Plan

Published 19 August 2019



Background

The National Planning Policy Framework (NPPF) introduced the concept of the Housing Delivery Test in 2018. Paragraph 75 of the NPPF states;

‘To maintain the supply of housing, local planning authorities should monitor progress in building out sites which have permission. Where the Housing Delivery Test indicates that delivery has fallen below 95% of the local planning authority’s housing requirement over the previous three years, the authority should prepare an action plan in line with national planning guidance, to assess the causes of under-delivery and identify actions to increase delivery in future years.’

The National Planning Practice Guidance (NPPG) provides further detail. Whilst the new NPPF allows for transitional arrangements in the short term, if the delivery of housing within an authority’s area falls below the housing requirement then the following consequences will apply;

- The publication of an action plan if housing delivery falls below 95%;
- A 20% buffer on a local planning authority’s 5-year land supply if housing delivery falls below 85%; and
- The application of the NPPF Paragraph 11(d) presumption in favour of sustainable development if housing delivery falls below 75%, once transitional arrangements have ended.

The consequences will continue to apply until the subsequent Housing Delivery Test results are published, or a new housing requirement is adopted.

Housing Delivery Test results

The first Housing Delivery Test (HDT) results were published by the Ministry of Housing, Communities and Local Government on 19 February 2019. For North Somerset, the results show that 73% of the housing required within the previous 3 years was delivered.

North Somerset results

	2015/16	2016/17	2017/18	Total
Number of homes required	1,049	1,049	1,049	3,147
Number of homes delivered	569	852	863	2,284
Housing delivery test result				73%

On the basis of the current transitional arrangement, the consequences of the 73% result are that the authority must publish an action plan, and that a 20% buffer must be applied to the land supply requirement. It should be noted that North Somerset has already been applying a 20% buffer to the land supply, on the basis of past under delivery.

What is a Housing Delivery Test action plan?

This is the first Housing Delivery Test action plan that North Somerset Council have produced.

The National Planning Practice Guidance sets out what an action plan is and what it should include. Its primary purposes are to identify reasons why housing targets have not been achieved, explore ways to reduce the risk of further under-delivery and set out measures that can be taken to improve delivery in future years.

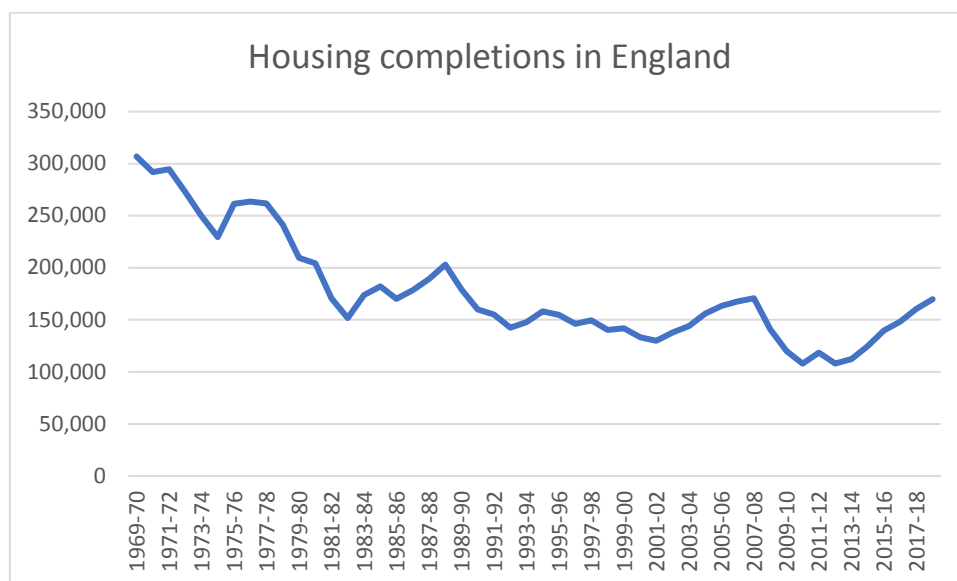
This report is intended to be a practical document which identifies known issues that have contributed to past under delivery of housing in relation to targets, and sets out further research that is needed to develop our understanding of these issues.

The aim of this document is to set out clear workstreams and actions that could help improve housing delivery within North Somerset and ensure that we deliver the right homes in the right places alongside the right infrastructure.

Housing delivery

Nationally

The under delivery of housing is not just an issue in North Somerset. The housing challenge is a national problem, recognised by the Government, particularly in the 'Fixing our broken housing market' white paper, published in February 2017. The Government's ambitions are to deliver 1 million new homes between 2015 and 2020, by seeking to achieve an annual delivery rate of 300,000 homes each year. Completion levels in recent years have fallen significantly short of this target, with the peaks and troughs largely aligning to periods of economic recession.



Of the 318 areas subject to the Housing Delivery Test (predominantly individual local authorities, although in 6 cases joint local plan areas covering more than one council), 107 have recorded performance of delivering less than 95% of their housing requirement over the past 3 years and must produce an action plan.

Locally

North Somerset Council's current adopted housing requirement is 20,985 dwellings for the plan period 2006-2026 as set out in the North Somerset Core Strategy.

Against this requirement housing completions to date are set out below.

	2006/07	2007/08	2008/09	2009/10	2010/11	2011/12	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18
Target	1049	1049	1049	1049	1049	1049	1049	1049	1049	1049	1049	1049
Completions	1132	1474	935	772	637	515	527	760	674	569	852	863
Performance	+83	+425	-114	-277	-412	-534	-522	-289	-375	-480	-197	-186

Understanding the issues

Many factors have led to the under delivery of housing in North Somerset.

Increase in housing requirement and delays within plan making process

Production of the now adopted development plan documents within North Somerset has been a protracted and complicated process. The Core Strategy was originally adopted in April 2012 containing a housing requirement of 14,000 dwellings for the plan period. Work then commenced on a Sites and Policies Plan to identify sufficient sites to achieve, and exceed, this target. The Core Strategy housing requirement was then subject to a legal challenge, the outcome of which was the Inspector was found to have failed to give adequate and intelligible reasons to support his decision. A number of the policies, including the scale of new housing, were remitted back to the Planning Inspectorate to be reconsidered.

The Council undertook further work to review the level of housing that was needed. Following examination hearings the Inspector concluded that a housing requirement of 20,985 was appropriate, and the then Secretary of State directed adoption of this figure in 2015.

Whilst debate had been taking place on the amount of housing required, work had had to pause on identifying sites to deliver the requirement in full. Work did, however, proceed on up to date detailed development management policies, and the Sites and Policies Plan Part 1 was adopted in 2016.

In 2017 the other remitted policies of the Core Strategy were re-adopted, re-confirming the spatial strategy and the settlement hierarchy. The focus could then move to identifying specific deliverable site allocations to deliver the housing requirement. In 2018 the Council adopted the Sites and Policies Plan Part 2, which identified sufficient capacity to achieve 22,285 dwellings over the plan period and specifically included additional deliverable sites required by the Inspector to ensure that the five year supply would be addressed.

Following a long period of uncertainty, the detailed local plan setting out the housing allocations was only adopted in April 2018. Progressing allocated sites through the development management process to eventually seeing completions on sites takes time.

Lack of resources and pressures within the development management process

A problem that is not unique to North Somerset is declining resources within Local Government. Councils are having to do more with less, and a lack of resources coupled with increasing amounts of speculative planning applications and appeals can cause pressure and delays.

Complex sites

A key ambition nationally and locally is to deliver sustainable development and a part of that within North Somerset includes a desire to see the redevelopment of previously developed (and currently under-utilised) sites. Regeneration schemes, particularly within Weston-super-Mare, have proven to be both costly and

complicated to deliver, however the Council remains committed to achieving good quality urban schemes in accordance with the development plan principles, acknowledging that they take time to deliver.

Issues can also arise on greenfield sites, where the provision of infrastructure either on or off site can delay delivery.

Strategic sites

Over 30% of the overall housing requirement is being delivered at the strategic development area of Weston Villages. A supplementary planning document containing a masterplan was produced to guide the development. The first completions within this area were recorded in 2011 and the annual build rate is increasing, although is not yet at the rate originally envisaged.

Developers responsibilities

The Council can only do so much to directly deliver housing. Once sites are allocated, permissions granted and conditions discharged, the responsibility for actually delivering the housing sits with the landowners and developers. Whilst the Council are committed to assisting with housing delivery as far as they can, ultimately this cannot be achieved on the Council's efforts alone.

Actions proposed

Analysis of previous performance

One of the key tasks for identifying the most effective actions going forward is to fully understand past performance and what can be done to most efficiently expedite delivery. Once the housing capacity and supply statistics have been updated to a 2019 base, we will carry out detailed analysis of recently completed sites and a review of all of the sites that have planning consent or allocation status to identify further actions that could assist with delivering housing. This analysis will address the following questions.

- How long does it take for different types of site to progress through the planning system?
- How long does it take for a consented site to commence, and then complete?
- What is the relationship between consents, commencements and completions? Has this changed over time?
- How does North Somerset compare with other areas?
- What could we do differently or better?

Plan making process

Given the stage North Somerset are at in the plan making process (Joint Spatial Plan at examination stage, and Local Plan consultation draft being prepared), now is the time to update the evidence base through reviewing the Strategic Housing Land Availability Assessment (SHLAA) and identifying suitable deliverable sites. The new Local Plan will consider whether identifying a range of smaller and medium sized sites could assist with delivery.

Production of the new Local Plan also provides an opportunity to revisit any previous policies that may have impacted on housing delivery. It is a requirement of the examination of the Local Plan to confirm a five year supply of land for housing.

Within North Somerset four Neighbourhood Plans have been made, three of them allocating sites for housing, and another has been through the examination phase and is proceeding to referendum. We will continue to support local communities with the neighbourhood planning process which can assist with identifying additional housing supply.

Planning application process

The Council will continue to promote its pre-application service to enable us to engage with developers at the earliest stage possible in order to assist with expediting applications. Coupled with this, our new Planning Performance Agreements (PPA) process enables us to agree milestones with developers for applications. It is hoped that take up of the PPA offer will increase over the coming year, again expediting applications through the process. Consideration will also be given to whether issuing consents with shorter time periods for implementation could speed up delivery.

Local Development Orders

The Council have previously prepared and adopted two Local Development Orders (LDO) that permit or grant outline planning consent to certain types of economic development in specified locations. We will consider whether the use of LDOs could assist with accelerating housing delivery.

Engagement with stakeholders

Whilst time constraints haven't permitted consultation with stakeholders on this first Housing Delivery Test action plan, we will engage with key stakeholders going forward. The Council successfully work with the key landowners and developers at the Weston Villages major strategic development through a Joint Delivery Review Board forum, where issues are discussed and trajectories agreed. The Council will consider whether the same model could be useful to implement in the coming months for the emerging Strategic Development Locations.

We also propose to engage with housebuilders, developers and organisations representing or involved in the housebuilding industry to seek their views on any existing problems and what interventions may be needed.

Bringing forward council-owned and partner organisations sites

The Council own a number of sites that are allocated for residential development within the Site Allocations Plan. These are at varying stages within the development management process, but the recently formed Delivery Team within the Council will be driving forward delivery of these key sites. The Council also work closely with Homes England, who are the landowner of a number of key regeneration sites within Weston-super-Mare. Over the coming months it is hoped that firm timescales for the delivery of these sites can be agreed.

Accelerated Construction Programme funding has already been secured for two local authority sites, and we are awaiting the result of a bid to Government for a Housing Infrastructure Fund grant to support strategic development. Further funding opportunities will also be explored.

Working with housing developers

Consideration will be given to how best to work with developers to ensure timely delivery of sites. Means of engagement with housing associations and other housing providers will be reviewed to ensure the most effective liaison. We will consider how to support different types of housing developers, from major housebuilders to smaller local enterprises and whether promoting different models, such as self build, could help delivery rates.

We intend to continue to liaise with individual landowners and developers regarding their individual sites, to ensure we are aware of progress on each site and any constraints that may be contributing to delivery issues. It is proposed that in future this information will be published so that we can monitor whether actual delivery rates match those put forward by the developers.

Monitoring and review

As this is the first iteration of North Somerset's Housing Delivery Action Plan, it is proposed that a review will be published by within the Annual Monitoring Report. This review will report progress on the identified actions and set out any additional actions considered necessary.

Process for review

1. Evidence gathering exercise – August/September 2019
2. Engagement with key stakeholders – October/November 2019
3. Review actions proposed – December 2019
4. Publish interim review – by 31 December 2019

In future years, as set out in the NPPG, updated action plans will be published each year within 6 months of the publication of the annual Housing Delivery Test results.

APPENDIX 6 - North Somerset Housing Delivery Action Plan (August 2020)



North Somerset Council

Housing Delivery Test Action Plan

Published August 2020



Background

The National Planning Policy Framework (NPPF) introduced the concept of the Housing Delivery Test in 2018. Paragraph 75 of the NPPF states;

‘To maintain the supply of housing, local planning authorities should monitor progress in building out sites which have permission. Where the Housing Delivery Test indicates that delivery has fallen below 95% of the local planning authority’s housing requirement over the previous three years, the authority should prepare an action plan in line with national planning guidance, to assess the causes of under-delivery and identify actions to increase delivery in future years.’

The National Planning Practice Guidance (NPPG) provides further detail. Whilst the new NPPF allows for transitional arrangements in the short term, if the delivery of housing within an authority’s area falls below the housing requirement then the following consequences will apply;

- The publication of an action plan if housing delivery falls below 95%;
- A 20% buffer on a local planning authority’s 5-year land supply if housing delivery falls below 85%; and
- The application of the NPPF Paragraph 11(d) presumption in favour of sustainable development if housing delivery falls below 75%, once transitional arrangements have ended.

The consequences will continue to apply until the subsequent Housing Delivery Test results are published, or a new housing requirement is adopted.

Housing Delivery Test results

The second annual Housing Delivery Test (HDT) results were published by the Ministry of Housing, Communities and Local Government on 13 February 2020. For North Somerset, the results show that 78% of the housing required within the previous 3 years was delivered.

North Somerset results

	2016/17	2017/18	2018/19	Total
Number of homes required	1,049	1,049	1,049	3,147
Number of homes delivered	852	863	729	2,444
Housing delivery test result				78%

On the basis of the current transitional arrangements, the consequences of the 78% result are that the authority must publish an action plan, and that a 20% buffer must be applied to the land supply requirement. It should be noted that North Somerset has already been applying a 20% buffer to the land supply, on the basis of past under delivery.

Whilst further improvement is still needed, the 78% result is a 5% increase on last year’s recorded 73% figure. The table below shows how, whilst delivery remains below our requirement, progress is steadily being made year on year. The housing

delivery test has only been an official measure for the past two years, however we have replicated the results for previous years to show the progress that is being made over time.

Three year period	2010/11-2012/13	2011/12-2013/14	2012/13-2014/15	2013/14-2015/16	2014/15-2016/17	2015/16-2017/18	2016/17-2018/19
Delivery over the three year period	1,679	1,802	1,961	2,003	2,095	2,284	2,444
Requirement for the three year period	3,147	3,147	3,147	3,147	3,147	3,147	3,147
% result	53%	57%	62%	64%	67%	73%	78%

What is a Housing Delivery Test action plan?

This is the second Housing Delivery Test action plan that North Somerset Council has produced.

The National Planning Practice Guidance sets out what an action plan is and what it should include. Its primary purposes are to identify reasons why housing targets have not been achieved, explore ways to reduce the risk of further under-delivery and set out measures that can be taken to improve delivery in future years.

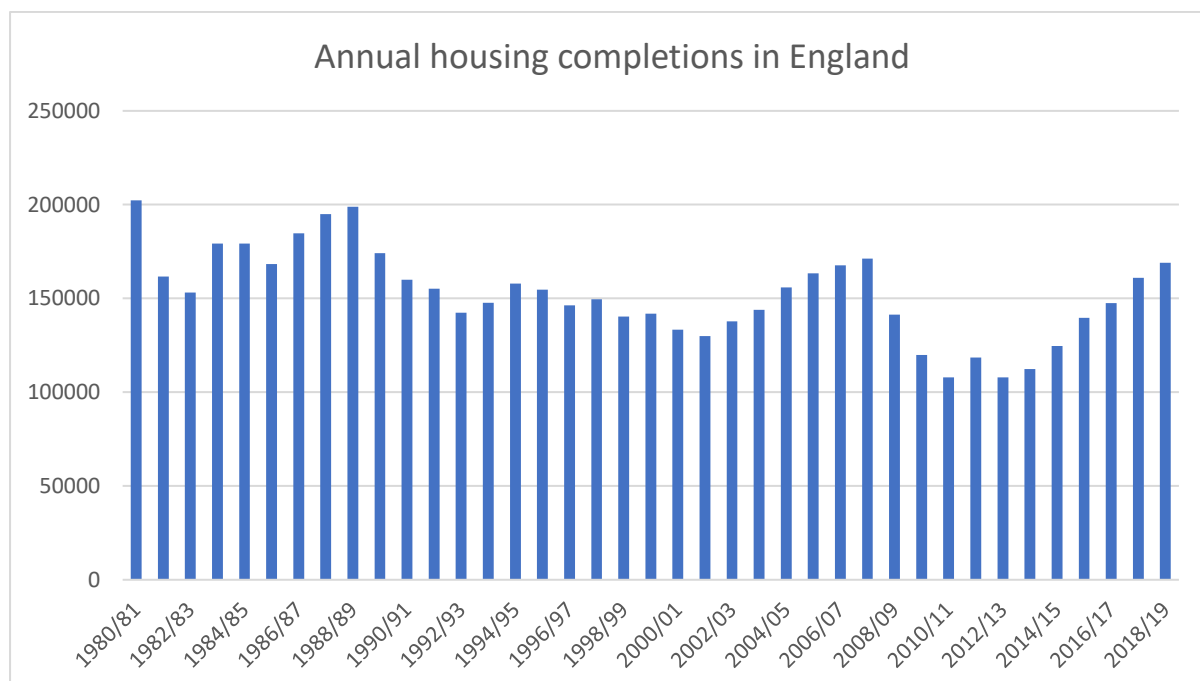
This report is intended to be a practical document which identifies known issues that have contributed to past under delivery of housing in relation to targets, and sets out further research that is needed to develop our understanding of these issues.

The aim of this document is to set out clear workstreams and actions that could help improve housing delivery within North Somerset and ensure that we deliver the right homes in the right places alongside the right infrastructure. We have focussed our proposed actions on those areas that can make the most difference to housing delivery.

Housing delivery

Nationally

Housing delivery shortfall is not an issue that is unique to North Somerset, the housing challenge is a national problem, recognised by the Government.



Of the 315 areas subject to the Housing Delivery Test (predominantly individual local authorities, although in 7 cases joint local plan areas covering more than one council), 107 have recorded performance of delivering less than 95% of their housing requirement over the past 3 years and must produce an action plan.

Locally

North Somerset Council's current adopted housing requirement is 20,985 dwellings for the plan period 2006-2026 as set out in the North Somerset Core Strategy.

Against this requirement housing completions to date are set out below, up to 2019, the most recent measure for the Housing Delivery Test.

	2006/07	2007/08	2008/09	2009/10	2010/11	2011/12	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19
Target	1049	1049	1049	1049	1049	1049	1049	1049	1049	1049	1049	1049	1049
Completions	1132	1474	935	772	637	515	527	760	674	569	852	863	729
Performance	83	425	-114	-277	-412	-534	-522	-289	-375	-480	-197	-186	-320

Understanding the issues

Many factors have led to the under delivery of housing in North Somerset.

Increase in housing requirement and delays within plan making process

Production of the now adopted development plan documents within North Somerset was a protracted and complicated process. The Core Strategy was originally adopted in April 2012 containing a housing requirement of 14,000 dwellings for the plan period. Work then commenced on a Sites and Policies Plan to identify sufficient sites to achieve, and exceed, this target. The Core Strategy was adopted but the housing requirement was then subject to a legal challenge, the outcome of which was the Inspector was found to have failed to give adequate and intelligible reasons to support his decision. A number of the policies, including the scale of new housing, were remitted back to the Planning Inspectorate to be reconsidered.

The Council undertook further work to review the level of housing that was needed. Following examination hearings the Inspector concluded that a housing requirement of 20,985 was appropriate, and the then Secretary of State directed adoption of this figure in 2015.

Whilst debate had been taking place on the amount of housing required, work had had to pause on identifying sites to deliver the requirement in full. Work did, however, proceed on up to date detailed development management policies, and the Sites and Policies Plan Part 1 was adopted in 2016.

In 2017 the other remitted policies of the Core Strategy were re-adopted, re-confirming the spatial strategy and the settlement hierarchy. The focus could then move to identifying specific deliverable site allocations to deliver the housing requirement. In 2018 the Council adopted the Sites and Policies Plan Part 2, which identified sufficient capacity to achieve 22,285 dwellings over the plan period and specifically included additional deliverable sites required by the Inspector to ensure that the five year supply would be addressed.

To summarise, following a long period of uncertainty, the detailed local plan setting out the housing allocations was only adopted just over two years ago in April 2018. Progressing allocated sites through the development management process to eventually seeing completions on sites takes time.

Lack of resources and pressures within the development management process

A problem shared by many Local Planning Authorities is declining resources. Councils are having to do more with less, and a lack of resources coupled with increasing amounts of speculative planning applications and appeals can cause pressure and delays.

Complex sites

A key ambition nationally and locally is to deliver sustainable development and a part of that within North Somerset includes a desire to see the redevelopment of previously developed (and currently under-utilised) sites. Regeneration schemes,

particularly within Weston-super-Mare, have proven to be both costly and complicated to deliver, with multiple ownerships often a problem, however the Council remains committed to achieving good quality urban schemes in accordance with the development plan principles, acknowledging that they take time to deliver.

Issues can also arise on greenfield sites, where the provision of infrastructure either on or off site can delay delivery.

Strategic sites

Over 30% of the overall housing requirement is being delivered at the strategic development area of Weston Villages. A supplementary planning document containing a masterplan was produced to guide the development. The first completions within this area were recorded in 2011 and since then, whilst delivery is taking place, it is not yet at the rate originally envisaged and rates have seen peaks and troughs.

Developers responsibilities

The Council can only do so much to directly deliver housing. Once sites are allocated, permissions granted and conditions discharged, the responsibility for actually delivering the housing sits with the landowners and developers. Whilst the Council are committed to assisting with housing delivery as far as they can, ultimately this cannot be achieved on the Council's efforts alone.

What progress has been made?

This year's housing delivery test result of 78% is an increase on our first result last year, which stood at 73%.

Last year we proposed six actions. The table below shows the progress that has been made to date.

Action	Progress
Analysis of previous performance	We have undertaken some initial high-level analysis of the package of sites that were identified as additional allocations by the council during the examination of the Site Allocations Plan in 2017, in a deliberate attempt to boost supply and ensure a range and choice of sites were available. Despite now benefitting from allocation status and the fact that all of the 22 sites were already within the development management system either having had pre-application advice or a submitted planning application at the time of their allocation, none of these sites had delivered housing completions at the time of the 2019 housing delivery test results being published. Further analysis of where the delays stem from is now being undertaken.
Plan making	At the time of producing the last action plan the council was preparing a Joint Spatial Plan with the other West of England Authorities. That plan was subsequently withdrawn during the examination phase, again leading to costly and unfortunate delays to delivery. The council is now producing its own Local Plan, to cover the period to 2038. The first stage of consultation will take place over the Summer of 2020. The council has continued to support many parish councils and neighbourhood planning groups with the preparation of plans.
Planning application processes	The council has introduced a Planning Performance Agreement (PPA) process, to try and expedite applications, and continued to promote our pre-application services in order to try and ensure as many issues are resolved before an application is submitted, in order to speed up the process.
Local Development Orders	Whilst the council has considered preparing Local Development Orders (LDOs) to assist with housing delivery it was considered that this would be resource intensive without any certainty that it would boost the supply of housing. This will continue to be reviewed.
Engagement with stakeholders	The ongoing consultation on the new Local Plan will enable us to collect a range of views on housing delivery within the district. We will also be undertaking a call for sites later this year, and producing a new Strategic Housing Land Availability Assessment

	(SHLAA). We intend to review the SHLAA assessment process to ensure that any delivery information we collect and present is robust.
Bringing forward council owned sites and land owned by partner organisations	The council's recently formed development team is making progress with securing delivery on a number of council owned sites. The team have also pursued various other interventions over this past year, such as embarking on a community led housing project and improving working relationships with Homes England to assist with bring forward a number of their sites.
Working with housing developers	The council continues to try and engage with all landowners and developers with consents in North Somerset on an annual basis, to assess when they may bring their sites forward and if there are any constraints we can help them overcome. Particular attention is given to the strategic sites at Weston Villages.

Provisional completion figures for 2019/20 show a promising increase on last year's results – with 868 dwellings completed in 2019/20 compared to 729 in 2018/19.

The stock of units under construction is also significantly higher than previously, as allocated sites begin to come forward and delivery on our strategic sites at Weston Villages begins to accelerate now that much of the costly infrastructure associated with sites of this scale is in place or underway. In April 2019 there were 486 units under construction on large sites across the district, and 204 on small sites. By the time of the last survey (base date April 2020, visits undertaken in June 2020 due to the Covid-19 pandemic) this had risen to 1,211 on large sites and 266 on small sites. This is a total of 1,477 units where work has commenced, compared to just 690 a year ago.

The council remain committed to supporting housing delivery and our recently adopted Corporate Plan 2020-2024 sets out the delivery of 'a broad range of new homes to meet our growing need' as a priority.

Other work has been undertaken across the council over the past year as part of our efforts to support housing delivery. Housing Infrastructure Grant funding of c£97m has been secured to provide infrastructure and educational provision to support the ongoing delivery of existing housing allocations and potential further developments.

We have also continued to work closely with partner organisations to support the delivery of sustainable sites, recent examples being the council's agreement to work in partnership with Alliance Homes to increase the delivery of affordable housing and realise other benefits by working together. Since the partnership agreement began in December 2019 the council has resolved to acquire a site from NHS property services based on a back-to-back sub-sale to Alliance in order that it be developed for affordable housing.

Actions proposed this year

The following actions are proposed this year in order to continue to support delivery and boost supply.

Delivery of council owned sites

The council's delivery team will continue work towards delivery of all of the council owned sites that are allocated in the development plan for residential use. This amounts to capacity of around 1,000 units.

Continued partnership working arrangements

As explained above, partnership working is ongoing with Alliance Homes, and this will continue. The council will also continue to support Homes England towards achieving delivery on the sites that they own within the district, particularly their key regeneration sites within Weston-super-Mare which have unfortunately failed to deliver housing completions to date.

Ongoing engagement with Weston Villages developers

The council have established good working relationships with the key developers on these strategic sites, through the longstanding Joint Delivery Review Board arrangements. Regular dialogue and support is ongoing, to ensure that the momentum of the increased activity across the sites is maintained.

Progressing with a new Local Plan

The first stage of consultation on the new Local Plan 2038: Challenges for the Future is taking place during the summer of 2020. This will be followed later in the year by a call for sites exercise which will inform an update to the council's Strategic Housing Land Availability Assessment. Ensuring that the next round of sustainable locations for housing are identified as soon as is practicable will enable us to maintain a steady supply of readily available deliverable sites.

Production of a new Local Plan is also an opportunity to revisit the settlement hierarchy and reconsider any policies which may have impacted on housing delivery in the past.

The council will also continue to support neighbourhood planning across the district.

Additional monitoring

The current Covid-19 pandemic will inevitably have consequences on the housing market nationally, although to what extent is not yet known. Although our stock of units that are under construction has dramatically increased there is no room for complacency, especially given the fact that housebuilders were unable to be active on site for months during the lockdown. In order to ensure we keep a handle on activity regular visits will be made to large sites across the district, to ensure activity is as expected. This will allow early engagement with developers if there are any signs of delay or activity below the levels expected.

Further analysis of lead in times and build out rates

As set out above, initial high-level assessment has shown that allocating sites that are already within the development management process has not translated into higher completion figures over the short term. Further analysis will be undertaken, in the style of the widely recognised Lichfields: Start to Finish research papers, to look at lead in times and build rates for different types and sizes of site. It is intended that the findings may then inform future trajectories to ensure robustness.

We have also set out some questions and evidence gathering exercises below, that we think may help us to understand why delivery rates have been below our housing requirement for a number of years now. We will publish the results of this work by the end of the year, in our Authorities Monitoring Report 2020.

Question	What evidence do we need to collect to answer this question?
During the Site Allocations Plan examination we identified additional sites – why has this not helped boost supply in the short term?	We will undertake detailed analysis of the 22 sites that we identified during the Site Allocations Plan examination, which have a total capacity of 821 units between them.
Why has delivery not accelerated at the Weston Villages developments as expected?	We will put together all of the information we have on lead in times, build rates and completion statistics and present an evidence paper. This will then be discussed with the developers and recommendations agreed.
How long does it take between identifying a site and it delivering completions?	We will assess a range of sites of different sizes and types in various locations across the district to try and understand what factors have the most bearing on delivery rates.
What factors affect a site's progress through the planning system?	We intend to track a number of new applications from the point of submission through to decision and collect feedback on their progress from agents, case officers and consultees to understand where there may be inefficiencies or hold-ups in the system.
Why are there such huge differences between developer submissions on delivery at local plan examinations and developer submissions at appeal?	We understand that planning appeals are an adversarial environment and would like to understand why there are such vast differences in developer submissions in different forums, by looking at their submissions over time and what may change following allocation of a site. At plan making stage developers often over estimate capacities and provide overly ambitious

	trajectories – presumably to make their sites seem more attractive than others.
Is there a level above which delivery cannot be achieved?	We need to understand whether there are factors at play that mean there is effectively a ceiling on delivery rates – will the market become saturated if too many homes are delivered at once? Are there any risks of shortages of labour and materials? How does viability, land values in different areas and the state of the economy affect this?

As part of the production of the new Local Plan 2038 we propose to hold workshop style sessions with landowners and developers specifically on the theme of housing delivery. We intend to hold the first sessions in the Autumn.

Monitoring and review

The council will continue to review and refine actions to support and boost housing delivery within the district. Any updates will be published in the Authorities Monitoring Report which will be prepared in the autumn for publication on or before 31 December 2020.

**APPENDIX 7 - Appeal decision at Land at Bleadon
(Appeal ref: APP/D0121/W/18/3211789)**





Appeal Decision

Inquiry Held on 23-25 July 2019 and 15-18 October 2019

Site visit made on 18 October 2019

by Mike Robins MSc BSc(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 February 2020

Appeal Ref: APP/D0121/W/18/3211789

Land at Bleadon, North Somerset BS24 0PS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Mr C Sanders against the decision of North Somerset Council.
- The application Ref 17/P/5545/OUT, dated 15 December 2017, was refused by notice dated 17 September 2018.
- The development proposed is up to 200 houses alongside a Health Centre, Doctor's Surgery, retail outlets and office/ employment space.

This decision is issued in accordance with Section 56(2)(b) of the Planning and Compulsory Purchase Act 2004 as amended and supersedes that issued on 23 December 2019

Decision

1. The appeal is dismissed.

Procedural Matters

2. The proposal was submitted in outline with all matters reserved for later consideration. Nonetheless, it was submitted with some illustrative material to address potential access points and layout. The initial versions of these indicated three blocks of development separated by enlarged rhyne/surface water storage features, aligned with the existing rhyne/hedgerows within the site. A subsequent version was supplied to the Inquiry in response to concerns regarding ecology and set out an open area of land to the north of the site with two large pond features with refuge islands and buffer zones to the surrounding hedgerows.
3. The Inquiry sat initially for three days but had to be adjourned. It was resumed at a later date for four days. While I carried out an accompanied site visit after closure of the Inquiry, I had carried out unaccompanied visits to the vicinity of the site and the surrounding area, including observing the traffic conditions at the existing road junctions, entering the open access land of Purn Hill and Hellenge Hill and traversing a part of the West Mendip Way and the footpath along the River Axe, as well as a separate visit to the area in darkness.
4. A Legal Undertaking, submitted under s106 of the Town and Country Planning Act, and dated 17 October 2019, was submitted by the appellant. This addressed affordable housing, at 30% of the housing proposed, and included the provision of open space and contributions relating to public transport,

including sustainable transport measures, bus stops, footpaths and primary and secondary school transport.

5. I have taken note of the statement of compliance with the Community Infrastructure Levy Regulations 2010, as amended (CIL Regulations), which was submitted at the Inquiry¹. On the basis of the contents of the undertaking and the compliance statement, I am content that all matters conform to the CIL Regulations and that the obligations can be taken into account in my determination of the appeal.
6. I received signed statements of common ground (SoCGs) relating to planning matters and highways between the appellant and the Council dated 17 July 2019 and 19 July 2019 respectively. As a result of the late submission of ecological surveys and the Council's subsequent supplementary statement, time was given at the Inquiry for the completion of an Ecology SoCG.
7. Two planning appeals were supplied for consideration after the end of the Inquiry. As these were published after closure, I accepted them, and to ensure a fair process, main parties were given full opportunity to comment on these decisions.

Main Issues

8. I consider that the main issues in this case are:
 - The effect of the proposal on the character and appearance of the area, the setting of the village and the Mendip Hills Area of Outstanding Natural Beauty (AONB);
 - Whether the proposal would comply with planning policy which seeks to steer new development away from areas at the highest risk of flooding;
 - The effect of the proposal on the natural environment of the appeal site and surrounding areas, including the presence of protected species; and
 - Whether the appeal site represents an appropriate location for housing having regard to national and local policies.

Reasons

Background and Policy Context

9. The appeal site comprises three large fields located to the south of the village of Bleadon. Currently in agricultural use, the fields are relatively flat with perimeter and dividing hedgerows and rhynes and are bounded to the south by the A370. The site lies outside but adjacent to the settlement boundary of Bleadon and a short distance to the south of the AONB.
10. The development plan includes the North Somerset Council Core Strategy 2017 (the CS), the North Somerset Sites and Policies Plan Part 1: Development Management Policies 2016 (the DMP) and the North Somerset Sites and Policies Plan Part 2: Site Allocations Plan 2018 (the SAP). In addition, the Council have been party to development of the emerging West of England Joint Spatial Plan Publication Document 2017 (the eJSP). During the Inquiry

¹ Document 25

adjournment, the Inspectors examining the eJSP published a letter, dated 11 September 2019, raising significant concerns over the progress of this plan.

11. A Neighbourhood Plan is under development but at a relatively early stage with a community survey carried out in January 2019, followed by production of key issues and survey results presented to the community in June 2019.
12. The National Planning Policy Framework (the Framework) seeks to boost the supply of housing, but it does so in the context of the need for sustainable development that meets the highest standards of design, the protection of habitats and biodiversity and the need to avoid flood risk, while recognising the intrinsic character and beauty of the countryside and giving great weight to conserving and enhancing the landscape and scenic beauty of our AONBs. I address the Framework as a material consideration and the application of its presumption in favour of sustainable development in the planning balance below. I turn then to the main issues in this case.

Character and Appearance

13. The appeal site lies at the transition between two highly characteristic areas of the local landscape, the moors and the raised ridge of the Mendip Hills. The transition is distinctive and relatively abrupt, albeit the appeal site lies in something of a 'bowl' formed by Purn Hill, Bleadon Hill and South Hill to the west, north and east respectively.
14. These distinctive character areas are identified in the North Somerset Landscape Character Assessment, a Supplementary Planning Document, which was updated in 2018, as Landscape Character Area (LCA) A5: Bleadon Moor and E1: Mendip Ridges and Combes. The AONB lies within LCA E1 and extends to within approximately 230 metres of the appeal site.
15. The appellant submitted a Landscape and Visual Impact Assessment, dated December 2017, which identified the local character areas, the extents of which were updated in evidence to the Inquiry, and set out a range of viewpoints, which were similar to those relied on by the Council in their submissions. It concluded that the proposed development had been designed to minimise the influence on landscape character, particularly on the nearby AONB as well as views from surrounding visual amenity receptors.
16. In essence, the appellant considers that, although accepting built form would directly replace open fields, the site is well-contained by mature boundary features, development to two sides and the A370. These, it was argued would provide a physical and visual separation from the moorland such that with suitable landscape treatment and retention of existing features it would 'fit' into the landscape. Further, that the flat landform limits its visibility so that with suitable planting to break up the built form, it would only be selectively perceived from the AONB but would not affect its key characteristics.
17. To assess the strength of these arguments it is necessary to consider the nature of the two distinctive character areas, the status and influence of the village on these and the visual impacts of the scheme on the immediate and wider area, including the setting of the AONB.
18. Bleadon is a village that has clearly grown organically from its historic core around the Church of St Peter and St Paul. It has developed along the lower slopes of the ridge, with some development extending southwards on the lower

- slopes of South Hill and around the old quarry. The Bleadon Road, which currently defines the settlement boundary edge, and the associated rhine on the appeal site, represent a distinct edge to the moorland landscape.
19. Despite its proximity to Weston-super-Mare, Bleadon is clearly a rural village. This is reinforced by the open views up towards the ridge from many parts of the village and views over the appeal site to the moors, as well as the limited streetlighting and separation from the main road. It has easy access to the footpath network that connects to the AONB and nature reserves, including the West Mendip Way, a well-used and identified long-distance footpath.
 20. While the village is not included in the character areas, the historic core and associated development is clearly associated with LCA E1, tucked into the slope and valley between South Hill and Hellenge Hill. Indeed, the key characteristics of this area include '*villages centred on historic stone churches on the lower slopes following the lines of roads*'. The appeal site is much more clearly associated with LCA A5 and the flat, open moorland.
 21. LCA A5 has identified key characteristics, the majority of which are exhibited by the appeal site, including flat pastoral land in a regular field pattern with views to the skyline of the Mendip Hills, intermittent hedgerows and a network of drainage channels. While there is a greater urban influence from the neighbouring village than found across much of the area, it is nonetheless clearly part of the Bleadon Moor landscape. That is despite the fact that the A370 crosses it, as it does the moorland to the south and east, where the character area extends into the Levels and Moors of the Sedgemoor Landscape Character Area. For those using the road, their experience, despite parts of the hedgerow being relatively intact, is definitely one of crossing moorland with views to the rising land beyond. The fact that the Bleadon Road further encloses the site is not something that is necessarily perceived, and the visual impacts of the A370 itself are, in my view, relatively local, and its effect limited, in terms of the character.
 22. The LVIA is reported to have influenced the initial indicative layout of the site, but even with this, the significantly enlarged rhynes and strong rectilinear pattern would not respond to either the moorland or the village character. The later plan, promoted to address other constraints with the site, and suggesting open land to the north and the use of pond features, steps even further from the characteristics of the existing site and its associated LCA. The site would be fundamentally changed and the boundary of the LCA A5 stepped back to the A370. This would extend the area of transition to a large urban block sitting in front of the foothills of the LCA E1 ridge.
 23. In terms of the village, this would represent what is reported to be a 40% increase in the housing, and in my view would have a significantly urbanising effect, especially with the proposed additional commercial and retail elements. This would fundamentally alter its setting, its relationship with the rural landscape and its character.
 24. A review carried out by an independent consultancy² assessed the landscape sensitivity of areas associated with settlements within the North Somerset area to inform site selection for future growth (the LSS). This showed the appeal site as being in a high landscape sensitivity area, a position that appeared to

² CD1.18 Wardell Armstrong Landscape Sensitivity Study (LSS) 2018

be accepted by the appellant in the SoCG³. However, this was challenged in the Inquiry with the suggestion from the appellant being that the sensitivity of the site was overstated.

25. The appeal site was specifically addressed in the LSS, with the report stating:

Although these fields are enclosed by development on three sides, adjacent housing is generally single storey and the settlement edge is partially vegetated. In addition, this land is open and visually prominent, including from viewpoints within the AONB. This land also contributes to the settlement form and the transition to Bleadon Moor. Owing to the above, this land is of high sensitivity.

26. I accept that the housing is not solely single-storey along Bleadon Road, but predominantly they are bungalows or chalet-style and of relatively low profile, and while the flat topography does limit views from the south, it is the views from higher ground that are important, in my view, to this assessment. The site itself comprises fields which, while a component part and characteristic of the local landscape, are not particularly special in themselves. While I accept their visual value to the local community, the Council have accepted, and so do I, that they should not be considered a valued landscape, in the terms set out in the Framework. However, I do not consider this finding incompatible with their sensitivity or overall general contribution to the landscape here. As a result, I consider that the site is of high landscape sensitivity.
27. Turning to visual effects, it is accepted that any housing development of a greenfield site results in an immediate visual change, similarly change will be experienced by those on adjacent roads and from immediately adjacent properties, and I was able to view the relationship with the properties on Bleadon Road directly. The planning system does not exist to protect private interests, such as views, and I accept that with the setting back of any housing and associated landscaping, it is entirely possible to address this relationship. However, the system must consider public interests and to this extent the impacts of the site on views from the roads, public footpaths and open access land is important.
28. The A370 runs alongside the site, for much of it in a slightly elevated position. While there was discussion at the Inquiry in relation to the visual permeability of the hedge and views through it, associated with some of the proposed layout elements, the reality is that it is a relatively mature, but mainly deciduous feature comprising hedgerow and some trees. There are currently glimpsed views over the site and with the installation of the required access, there will be, despite proposed landscaping, at least one point where open views over the development with the AONB hills behind will be available, albeit this is likely to be a transient view for most drivers. What is clear is that the current experience is one of passing through an open moorland landscape, but with development there would be glimpses of housing and a substantial junction with signage and lighting filling a large part of the current open gap between the Bridge Road petrol station and associated houses and the car sales and holiday park, beyond which the road becomes visually more enclosed with an increasing urban character.

³ SoCG para 5.4

29. The appellant accepts that the proposed development lies within the setting of, and has the potential to be perceived from, the AONB, but will be, it was argued, confined within the existing strong field pattern. While the latter point may now be less relevant in light of the alternate illustrative layout responding to ecology concerns, I consider that this also simply underplays the presence that the development would have in views from across much of the open access land at Hellenge Hill, on approach to and leaving the AONB via the West Mendip Way footpath and from other views along Roman Road and Celtic Way.
30. I accept it would be part of an expansive view encompassing a wide vista of the Somerset levels and moors out to the Severn Estuary. However, for views from the footpath, roads and Hellenge Hill it would occupy an important foreground element of this view. With much of the village tucked into the hillside and, from many views, only the church having any sort of prominence, the extension of such a large scale of development on open and flat land would have a very significant effect on these views from within the AONB. I note the appellant's findings that the magnitude of impact will be low, and the level of effect will be minor adverse, but consider that this underplays the importance of the site in these views.
31. The AONB Statement of Significance highlights the special qualities that together create its sense of place. These include the views in towards the Mendip Hills and distinctive tree line, the views out, and panoramas, including across the Severn Estuary to Wales, the Somerset Levels and Moors and the Somerset Coast. It is these specific views that are obtained from the open access land and gaps in the roadside and footpath routes. The introduction of such a scale of development in the foreground of these views would, in my judgement, be harmful to the setting of the AONB, and to its identified special qualities.
32. Furthermore, the well-used area of open access land on Purn Hill, and the approach to it from Southridge Heights, provides similar expansive views over the site, both to the moors, where its close association with the moorland character is perceived, and with its relationship to the sloping edge of the AONB. Here clear views are also obtained of the Riverside Holiday Village and Cherry Tree Holiday Lodge Park. To my mind, this only emphasises what a detractor such elements can be in elevated views over a flat landscape. The proposed development would be larger and would encroach even further, creating a perception of development surrounding the Hill.
33. While the views from Purn Hill do provide some context of the element of containment of the village, notably the housing on Bleadon Road and the Quarry and housing on Bridge Road, the A370 is not a particularly dominant feature and the continuation of one of the hedgerows through to the River Axe emphasises the contiguity of the landscape here. Despite these containing elements, this would be a substantial and unwelcome addition to these views.
34. To conclude on character and appearance, this is a rural village, mostly set back and away from the primary road network and associated with the slopes of the AONB. The proposal would result in the erosion of the transitional landscape and direct loss of the moorland landscape. It would introduce an urban character resulting from its scale and ancillary commercial and retail elements, that would be out of character with the village and the AONB fringe; it would harm the setting of the village and the AONB. It would introduce a

dominant and imposing addition within the key views from public land that would harm the special qualities of the AONB.

35. DMP Policy DM11 deals specifically with the AONB and states that development which will have an impact on the setting of the AONB, including views into and out, will not be permitted unless in exceptional circumstances and where it can be demonstrated that it is in the public interest. The appellant argued that this extends beyond the guidance set out in the Framework and is therefore not consistent with it. While the appellant accepts the Framework gives great weight to the protection of the AONB, it seeks that major development within (*my emphasis*) the AONB requires exceptional circumstances and be in the public interest. There is some difference in the approach between the Framework and the policy. However, the policy was examined and adopted after the publication of the Framework's approach to AONBs. There is a special relationship here between the moorland and the high ground of the AONB that is one of the defining features of its significance and it is not unreasonable that this is reflected in the development plan approach.
36. The proposal would therefore conflict with CS Policy CS5 and DMP Policy DM10. These policies seek to protect and enhance the quality of the landscape with special regard being placed on the LCA. It would further conflict with Policy DM11.

Flood Risk

37. The majority of the site is accepted by the main parties to currently be located in Flood Zone 2 (FZ2), an area which the Framework and accompanying Planning Practice Guidance (PPG) defines as being at medium risk of flooding. It is also accepted that when the recognised additional affects of climate change are applied, in accordance with that guidance, the site would lie within FZ3, defined as at high-risk of flooding.
38. There have been a number of flood risk assessments (FRA) and updates provided, which have included updated sequential tests. The appellant's proof on this matter referred to agreement with the findings of the July 2018 update, which identified the 0.5% tidal flood level as 6.3 mAOD⁴ which, with climate change factors applied would be 7.365 mAOD. This needs to be set in the context of site levels reported to be between 6.4 and 6.6 mAOD.
39. The revised Framework addresses flood risk and sets out the planning aim to steer development away from areas at highest risk of flooding, whether existing or future risk. Development should not be permitted if there are reasonable available sites appropriate for the proposed development in areas at a lower risk of flooding. Thus, a sequential approach is promoted for areas known to be at risk now or in the future.
40. The appellant argues that the Environment Agency (EA) and Internal Drainage Board (IDB) both had no objections to the proposal, and that the sequential test showed there are no other reasonably available sites for this development across North Somerset. I accept that the IDB had no objection to the scheme but had sought further details regarding the surface water drainage and effect on the rhyme network, which is their focus. I note also the EA position was contingent on the results of the sequential test. It is important to note that a

⁴ mAOD – metres Above Ordnance Datum

lack of objection from the EA is not a defining matter; it is not their role to consider the extent to which the sequential test is satisfied in relation to locating housing in a flood risk area. Consequently, it is necessary to consider the sequential test, which was initially found to be effectively absent by the Council at the time of their decision. I agree that the original FRA was lacking in many areas and the sequential test, focussed mainly on the Council's acceptance that they could not demonstrate a 5-year Housing Land Supply (HLS), was not robust.

41. Later iterations of the sequential test were submitted post decision and produced in May 2019, with a further update in July 2019⁵ and finally a note to the Inquiry⁶ following the Council's comments set out in their appendices to their planning proof of evidence. While the Council had accepted the principle of the search area and the 5-hectare size, it had identified allocations and emerging sites that were missing from the assessment and questioned the approach taken to the non-housing element of the proposal.
42. Turning to housing, CS Policy CS3 sets out some criteria for the approach needed for a sequential test, including consideration of whether an alternative site can be 'reasonably available'. More recent guidance and advice would suggest such alternative sites should be drawn from known allocations and from documents informing Local Plan development, for example the Strategic Housing Land Availability Assessment (SHLAA). In my view, it is entirely reasonable that allocated sites, sites that have gained planning permission or sites that are being considered as future allocations for housing should be robustly assessed as alternatives for a proposal in a flood risk area, particularly one of the scale of the scheme before me.
43. The appellant suggests that they did not carry out a full review of allocations as '*these sites are required to meet the 5-year HLS*'. The 5-year HLS is not a substitute for a robust sequential test. While the appellant also suggests that such references were to point out the 'systematic failure' of the Council to bring forward sites that they have allocated and that it shows that the Council are not delivering enough houses, these matters are relevant to the weight that should be given to the proposal in a planning balance and in consideration of the Framework's presumption, not to define acceptability of introducing housing that, irrespective of proposed mitigation, will be potentially subject to flooding.
44. The Appellant's Inquiry note assumes that as allocations have not come forward then it must be questionable that the appellant could do so. This is, in my view, considerably short of the robust evidence needed to justify the circumstances required for developing in a flood risk area and a full appraisal of allocations should have been carried out.
45. I accept that the extent of FZ2 and FZ3 are constraints across large parts of the district, and that much of the land currently in FZ2 will become FZ3 under accepted climate change impacts. I also accept that all sites currently in FZ3 should be excluded as less preferable in any sequential test. However, while a sequential test should use the broad definition of flood zones as a starting point, the need for a robust assessment for a scheme of this scale would

⁵ CD 3.1

⁶ ID6

⁷ ID6

- necessitate a further review of potential alternative sites within FZ2, for example considering where actual risks are lower, the effect of climate change less significant or areas where the management of long-term residual risk and flood defence standards are assured.
46. This site is at risk when the embanked defences along the River Axe are overtopped, although I have had limited information on the standard of these defences and any future commitment to maintenance of those standards. The site is currently only just above the level defining FZ2 from FZ3 and only a relatively small change in the anticipated climate change impacts would result in the proposal lying within the area at high-risk of flooding.
47. Within this context, the appellant provided their Inquiry note which further sought to address the sites the Council identified and those of similar flood risk.
48. The two sites the Council identified as missing, HE18174 and HE18200, would appear to have been initially discounted because they had 'limited planning merits' and were not, in the view of the appellant, reasonably available. The Claverham site is excluded as it is not identified in the recently adopted neighbourhood plan. However, HE18174, despite the suggestion in the SHLAA that it was within FZ2, was reviewed by the Council as having no flood zone constraints in their evidence to this appeal; this was not challenged by the appellant. I consider that it should be fully assessed, although the appellant suggests that it is 'landlocked' with two adjoining allocations now progressing. While the appellant further indicates that a developer will build out these permissions, it is not clear to me why the site, identified as being adjacent to the settlement boundary of Congresbury, a service village and preferable in terms of the settlement hierarchy, is consequently not available, subject to resolving access.
49. The Council further raised the site at Park Farm, Congresbury, HE18307, and clarified that it was mostly outside of FZ2, despite the reference in the SHLAA; again, this was not challenged by the appellant. It was discounted because of key constraints, although similar arguments could equally be applied to the appeal site. The appellant further suggests that a phone call to the landowner indicated no interest in selling. I accept that this may well indicate the site is not reasonably available, but a robust assessment should have detailed this and provided full evidence.
50. The remaining sites identified in the sequential test as being in FZ2, including HE183 and HE18125 are now suggested by the appellant to lie within FZ3, although again full evidence is not provided to confirm this position. HE18295 is then discounted because of its current business use. I accept that this, at present, is not reasonably available.
51. This is a significant scale of development in this district, approaching or exceeding many of the allocations recently assessed and confirmed through the SAP process. To propose such development in a flood risk area, especially one where climate change impacts will be significant, required a robust and comprehensive assessment of alternatives. Furthermore, in a district where developments of this scale are limited, I also consider that full recognition of the opportunities presented in meeting the quantum of development on more than one large site should also have been considered in further detail. Without such, there is a risk that large sites will preferentially be directed towards

higher risk of flooding, simply because opportunities for such scale of development are limited, meaning alternatives are limited.

52. The appellant promoted a plan of unconstrained areas within 5 kms of the railway station to suggest that such land is limited. The Council provided a map of unconstrained land across the district and indicated that a large number of potential housing allocations will be considered as part of the eJSP process. In all cases these are far too broad-brush to give them material weight. However, on the assessment of the evidence before me, I find that the sequential test has not been carried out in a robust way but has been reactive and limited in its explanation and detail such that I do not consider it sufficient to confirm that the sequential test is passed for a development of this scale and level of risk.
53. In such circumstances it is not necessary for me to consider the exception test, albeit I note that the appellant argued one was not required in strict accordance with national guidance, but mitigation proposals and sustainability benefits were put forward.
54. In relation to this main issue, I concur with the Council's findings that insufficient evidence has been submitted, despite the extent of the revisions made, to support that there are no alternatives at a lower risk of flooding now or in the future. The proposal conflicts with Policy CS3 and guidance in the Framework in this regard.

Protected Species

55. From my assessment of the evidence submitted with the original planning application it was not supported by sufficient ecological surveys. This was accepted by the appellant in their statement of case. The surveys were subsequently provided as part of the development of proofs for the appeal and were mostly dated to June 2019.
56. These were reviewed by both the Council and an ecologist supporting Bleadon Acting Together (BAT), a co-ordinating group of local residents. There are three principle species of concern, although I accept that local residents' concerns extend to other species that potentially use the site. My focus for this appeal is on breeding birds, water voles and bats.
57. The breeding birds survey was reported to have been undertaken in April and May 2019. Although the outcomes are recorded in the appellant's proof, no detail of this survey was provided to the Council or the Inquiry. Finding the presence of four 'red-list' species, two confirmed to be breeding on the site, and seven 'amber-list' species of which three were considered to be breeding on the site, strongly suggested that such information should have been made available.
58. When questioned on this matter, the appellant's witness, who was not the author of the proof or the survey, accepted he too had not seen the survey. While I note that the Council accepted in evidence that mitigation may be possible, this is a material oversight, and, in absence of the data, it is my view that the simplistic assessment of mitigation through managing remaining grasslands is insufficient to confirm whether harm would arise. This is clearly in conflict with the principles set out in Circular 06/2005⁸ and with CS Policy

⁸ Biodiversity and Geological Conservation – Statutory Obligations and Their Impact Within the Planning System

CS4 and DMP Policy DM8. These policies seek to conserve the local natural environment and set out that any development that may impact on protected or notable species or habitats would need to be accompanied by up to date ecological survey assessments.

59. Turning to water voles, survey data was provided from July 2017 and May 2019, while suggesting the presence of water voles was limited, the appellant's second survey showed clear signs of water vole activity. The Water Vole Mitigation Handbook⁹ (WVMH) referred to by both parties, recommends two surveys be carried out within two months at either end of the breeding season, furthermore, I can find little within the survey to confirm the circumstances and conditions on the days of the surveys or the experience of the surveyor. In such circumstances, I have given greater weight to the evidence of the ecologist supporting BAT, whose survey was included within the Council's appendices, and the Council's ecologist, who clearly set out concerns regarding the timing, extent and methodology of the appellant's survey.
60. I conclude that water voles are a species likely to be present in an important population at the site, predominantly associated with the rhyme network, but likely to utilise grassland areas associated with it. The appellant accepted the likelihood of water voles being present and the need for a licence from Natural England (NE). Their approach to mitigation has been set out in an evolving series of illustrative ecological or landscape masterplans, as referred to in my Procedural Matters above.
61. The initial proposal included two substantially widened central rhyme features running north-south and a buffer to the norther rhyme. The later iteration included a wider buffer to the north with a pair of ponds with islands. The thinking behind these approaches and their response to provide mitigation for both water voles and bats are understood, but this is nonetheless indicative of matters that should have been informed by robust surveys and assessment and addressed prior to the appeal.
62. While I noted the significant concerns raised by the prospect of land raising leading to compaction and direct impact on burrows, it would appear that landscaping activities would only be to provide for drainage from the edges of the site and there would be no necessity to raise land adjacent to the rhynes. With careful control of construction methodology, I consider that this could be accommodated without direct physical impacts. Nonetheless, a full appraisal of this matter would require a robust survey and full mitigation to be confirmed as deliverable for this site.
63. In these terms, the appellant's witness suggested that the proposed refuge islands, presumably in either illustrative scheme, would provide for suitable habitat and represented an appropriate response, in accordance with the WVMH. However, that document would appear to also require a full appraisal of potential predation, both by mink and by feral or domestic cats, an issue which the witness appeared to discount. While I do not consider that the survey data provided was sufficiently robust to properly inform appropriate mitigation, this is an outline application and proposals to provide suitable habitat, mitigation and adequate protection from predation were developed through the Inquiry. Any work would have to be subject to licensing by NE and

⁹ Dean et al 2016

I must therefore consider, without prejudice, whether there is a realistic prospect of a licence being granted.

64. This involves a consideration of the relevant tests. Assuming permission has been granted, the key element is confirmation that the actions taken would not be detrimental to maintain the population of the species concerned at a favourable conservation status in a natural range.
65. It strikes me that the site is of sufficient scale, and the quantum of development is not fixed, such that, with proper and full assessment based on the acknowledged presence of this highly important species, sufficient mitigation in terms of buffer zones, pond refuges and strict controls on construction could result in a licence being granted. This though, may have significant implications for the scale and nature of the development, one of which, the revised layout and introduction of large ponds features, I have already addressed under my first main issue. Nonetheless, my concerns regarding the quality and competence of the initial surveys remain. This is an important population of a nationally endangered species, and a comprehensive evidence base is required to properly plan for development of this scale in such close association. On this matter, therefore, I also find conflict with the Circular guidance and Policies CS4 and DM8.
66. Turning to bats; following submission of survey data, it was clear that not only was the site used by a range of more common bat species, but also greater and lesser horseshoe bats. These are directly associated with the nearby North Somerset and Mendips Special Area of Conservation (SAC), the site lying within its identified consultation zone, as well as the Mendip Grassland SAC. In addition, potential recreation pressures on the Mendip Grassland SAC and the Severn Estuary SAC¹⁰ were identified by the Council and accepted by the appellant in terms of the necessary screening requirements for likely significant effects.
67. As a consequence, the Council identified the need for a formal Habitat Regulations Assessment (HRA), which I supported, evidence for which was not provided by the appellant either at application stage or prior to the Inquiry. During the adjournment of the Inquiry the appellant provided such evidence by way of an Ecology Position Note¹¹.
68. Such an assessment under the Habitats Regulations¹² involves screening for likely significant effects, either alone or in combination with other plans or projects, and where these cannot be excluded, an appropriate assessment to determine whether adverse effects on the integrity of the European Site would arise, taking into account proposed mitigation. If adverse effects cannot be ruled out, alternative approaches or consideration of overriding public interest must be addressed. A requirement of this process is the referral to the Statutory Nature Conservation Body, in this case NE, as part of the appropriate assessment. However, appropriate assessment by the Competent Authority, and consequently consultation with NE, are only required where circumstances that could lead to planning permission being granted are present. In light of my overall findings on this case, consultation was not required, albeit I do note

¹⁰ Which is also a Special Protection Area (SPA) and Ramsar site

¹¹ ID27.

¹² Article 6 of the EC Directive 92/43/EEC, transposed by the Conservation of Habitats and Species 2017

NEs earlier response¹³, which questioned the initial masterplan approach to greater and lesser horseshoe bat mitigation. Nonetheless, it remains necessary to review the evidence to consider implications for the overall planning balance.

69. The Ecology Position Note confirms that there is potential for likely significant effects on the three SAC/SPAs, albeit it purports to show that when considered with mitigation, adverse effects on the European Sites can be avoided. It accepts that the proposal would result in the loss of approximately 7.42 Hectares of predominantly the interiors of the arable fields, and also the loss of about 1.3% of the site's hedgerows, and it promotes a number of mitigation approaches.
70. The assessments within it are based on the original illustrative masterplan layout and the mitigation includes the retention and strengthening of existing hedgerows and associated trees and ditches, the retention of the rhynes to the northern and eastern boundaries and the widening of the central wet ditch and rhyne with the provision of varying width buffer strips to these features. Critically, it also proposed a lighting strategy to ensure retention of dark corridors associated with these features, limiting any light spill to 0.5 lux or less. Further mitigation measures are suggested to be secured through Landscape and Ecological Management Plans.
71. The provision of replacement habitat suitable for the greater and lesser horseshoe bats was assessed by reference to the Habitat Evaluation Procedure (HEP) set out in a Council Supplementary Planning Document¹⁴ (SPD). This concluded that the equivalent hectares of replacement and mitigation post development habitat would exceed the requirements of the SPD. The potential effect on bat commuting across the site was addressed through the review of lighting and maintenance of dark corridors. At the Inquiry, the appellant's witness accepted that greater and lesser horseshoe bats were very light sensitive. The note confirmed that there would be an additional access along the southern boundary and pedestrian accesses along the northern boundary, along with internal roads and houses, which would all contribute to the introduction of artificial lighting. However, the note and accompanying Lighting Impacts Review, which reviewed the later illustrative scheme, concluded that light levels could be managed across the site so that commuting routes would not be disrupted.
72. There were a number of concerns raised in relation to these matters, principally that lighting would compromise areas of habitat included in the proposed mitigation and overall lighting associated with roads, houses and commercial operations would act as a barrier to the north south commuting of the horseshoe species. This included the southern boundary where a large road junction would, by necessity be required were the scheme to go ahead. Some divergent positions were presented to the Inquiry on this junction. That from the Highway Authority suggested extensive lighting requirements along the visibility splays and bell mouth, while that from the appellant suggested that such lighting requirements were excessive. Nonetheless, the highways witness for the appellant accepted that street lighting would be required at the junction and to the proposed pedestrian crossings to facilitate access to the bus stop.

¹³ ID3

¹⁴ North Somerset and Mendip Bats Special Area of Conservation (SAC) Guidance on Development: Supplementary Planning Document – adopted 2018,

Lighting is also suggested by the Council to be required for vehicular and pedestrian routes across the northern boundary.

73. The main roosting areas for these bat species are to the north of the appeal site, it is likely that important foraging areas are found across the moorland and levels to the south and the area south of Bleadon may also be part of migration routes. The existing circumstances are that there is some street lighting in the estate roads away from the Bleadon Road itself and no substantive lighting along the site frontage to the A370. Consequently, the Bleadon Road is a dark area, particularly along the northern rhine, while the substantial hedgerow along the southern boundary is affected only by car headlights. The bat surveys, which were generally accepted to have been carried out to a good standard, suggest that the use of the site by greater and lesser horseshoe bats is for commuting. I can therefore understand the considerable concerns of the Council and local residents.
74. However, the HEP calculations indicate a reasonable margin beyond the SPD requirements, so that even were some of the habitat to be effected by additional lighting elements, this should not, on the evidence before me, lead to overall unacceptable habitat loss, while the lighting schemes that could be employed here could, following detailed appraisal and potential compromises on the scheme, its road layout and its housing delivery, address the maintenance of dark corridors. Commuting is unlikely to utilise the central field areas and with dark corridors maintained to the north-south routes and minimised on the northern and southern boundaries, coupled with the retention of the large field between the appeal site and the car salesroom, the conclusion that commuting routes would not be adversely affected would appear achievable. I make these conclusions, noting still that a full assessment should be clearer on in-combination effects and should fully address the practical maintenance and management of the grassland areas, taking account of the additional management associated with the drainage requirements of the rhines, to ensure that these would, in reality, be appropriate habitat for protected species.
75. To conclude on the effect on the natural environment and protected species, it is clear there were poor initial ecological appraisals of the site, and the submission of surveys as part of the Inquiry process has shown that it is a highly sensitive site for biodiversity, with a range of protected species utilising in particular, the site margins; its rhines, wet ditches and hedgerows. While I have found that with considerable further assessment and investment in advanced layout and lighting design, all of which may have implications for the scheme as a whole, the effect of the proposal on the SAC bats may potentially be addressed, the failure to submit surveys for breeding birds and particularly the significant questions over the water vole evidence, lead me to conclude that, on the evidence before me, the scheme would not comply with CS Policy CS4 and DMP Policy DM8.

Whether the appeal site represents an appropriate location for housing having regard to national and local policies

76. In considering whether the site is appropriately located, in addition to the matters of landscape, flooding and biodiversity I have dealt with above, the Council argued that the scheme fails to accord with the strategic hierarchy for the delivery of housing and is in an unsustainable location, providing an

unacceptable level of housing for the scale and location of the village it would adjoin and an unwanted and unneeded provision of non-housing uses.

77. Notwithstanding my acceptance that the emerging policy situation is somewhat fluid following the recent comments by Inspectors in relation to the eJSP, the district planning policies are relatively recent and establish a clear hierarchy to housing delivery, the quantum of which was set out in Policy CS13 at 20,985 to 2026, albeit that policy addressed the need for the level of new homes to be reviewed in 2018. The need for this review was directly associated with very clear statements in the Examining Inspector's Report¹⁵ and reflected also in the Inspector's Report on the SAP¹⁶, that a developing shortfall in delivery during the Plan period needed to be remedied, with the expectation that the eJSP would be the vehicle for that review; as set out above, this is now potentially delayed.
78. Nonetheless, the development plan's hierarchical approach was found sound, and is a logical approach to delivery of housing to be closely associated with employment, retail, services and facilities while having the best opportunities for access utilising sustainable travel. Set out in Policy CS14, Weston-super-Mare is identified as the principal town and focus for development, with the three towns of Clevedon, Nailsea and Portishead taking the majority of the additional required housing. A smaller scale of growth is identified for nine Service Villages, while the Infill Villages, of which Bleadon is one, are identified for strict control of development in order to protect the character of the rural area and prevent unsustainable development; less than 1,000 dwellings are identified for these Infill Villages and countryside areas, identified in the Plan as the other settlements. The settlement boundaries were established in the previous Replacement Local Plan and were intended for review as part of any future local plan or Neighbourhood Development Plan.
79. The SAP, taking account of completions and the need to identify further sites, set a housing requirement of 1,438 for these other settlements. Other policies are specific in addressing development within or adjacent (*my emphasis*) to the settlement boundaries of the larger settlements, responding to concerns over the restrictive approach to development specifically within the settlement boundaries¹⁷. However, Policy CS33 deals specifically with development within the settlement boundary of the Infill Villages, unless for exception sites for affordable housing, and imposing even stricter controls on residential development elsewhere. The policy further states that new small-scale employment development will only be permitted within settlement boundaries provided it is appropriate in scale and character.
80. It must follow that the proposal, being located outside of the settlement boundary conflicts directly with Policy CS33 and is of such a scale as to clearly conflict with the hierarchy established in Policy CS14. However, it is evident that there has been accumulating pressure on delivery of housing in the district and the finding of soundness of the CS and the SAP was within an understanding of the need for review, with the Plans viewed as being for the short-term. Furthermore, the Council accepted at the Inquiry that, on the basis of their latest position statement, from April 2018, and on findings of previous appeal decisions, they had a 4.4-year HLS. The appellant contends

¹⁵ CD 1.4

¹⁶ CD 1.7

¹⁷ CD 1.4 p35

that the shortfall is considerably greater. Nonetheless, the acknowledged need for an early review of the housing requirements and the acceptance that currently the Council cannot demonstrate a 5-year HLS, all lead to the conclusion that full weight cannot be given to the policies when considering the need for housing in the district.

81. It is in this context that the appellant argues that these policies are contributing to the significant shortfalls experienced against housing targets over the previous 10 years¹⁸, and the Council's accepted failure to demonstrate a 5-year HLS. This, it is argued, renders these policies of limited weight and engages the 'tilted balance', set out in Paragraph 11 of the Framework.
82. To address this matter, I will deal with the nature and accessibility of the village first and then, in light of my overall findings on the case, address a pragmatic assessment of the nature of the shortfall to determine the appropriate weight to give to the strategic policies and to the benefits arising from housing in this scheme when considered in my planning balance below.
83. Infill Villages are identified because of their scale, the lack of services they currently provide and their more remote locations. While Bleadon has a limited range of services, there are acknowledged to be well-used community facilities, a small shop and Post Office and three public houses, albeit two are close to the A370 and the holiday parks rather than the central core of the village. It could be argued that the inclusion of a health centre/doctor's surgery, retail outlets and office/ employment space, as proposed within this scheme, would raise the level of services and represent a positive addition to the area. However, I have very limited justification for the provision of these elements, indeed the response of the Council, the Parish Council and many local residents was that they are either not needed, or not supported by relevant services such that their delivery could be in doubt. These non-housing uses are not well explained and the position that they are included in response to local comments, insufficiently substantiated by evidence to the appeal. In fact, I have particular concerns regarding the delivery of the health centre and doctor's surgery with limited evidence provided indicating support from the health service for such a facility in this location. Consequently, I do not consider that this element of the scheme lifts the village into being a higher order settlement.
84. The site is located sufficiently far from the principle services and facilities associated with Weston-super-Mare that they should not be considered accessible on foot. Bus services are commented on by the Council and local residents as being limited, but the appellant has provided a review that accepts that while the start and finish times are not conducive currently to commuting, they have agreed a funding process to secure earlier start and finish times. This, coupled with improvements that could be provided through the scheme to improve pedestrian crossing of the A370 would, the appellant argues make the scheme more accessible, which I accept.
85. However, in terms of accessibility, the Framework supports that significant development, of which this is one, should be focussed on locations which are or can be made sustainable, including avoiding the adverse effects and environmental impacts of traffic and transport infrastructure. An Infill Village does not provide the necessary level of services or facilities to provide for a

¹⁸ CD4.3 - North Somerset Residential Land Survey April 2018 Headline Findings

fully sustainable location. While the proposed improvements to the bus service would represent a better opportunity for current and future residents to utilise public transport, the development would still place a larger reliance on the use of the private car than introducing such a scale of development within a higher order settlement. So overall, the proposal could introduce some positive benefits in terms of accessibility, but cannot be considered fully sustainable in transport terms; these matters need be taken into account in the planning balance.

86. Turning to the housing shortfall, which the appellant promotes as meaning the policies are out of date and the settlement hierarchy should be set aside, the Council acknowledge that they cannot currently demonstrate a 5-year HLS. Shortfalls in previous years and the assessment of performance against the Housing Delivery Test, as set out in the transitional arrangements in the Framework, mean that the Council need to demonstrate sufficient land to meet their 5-year requirement plus a 20% buffer and produce an Action Plan¹⁹.
87. The appellant considers that the Council are overstating the delivery from sites and that changes in the revised Framework, particularly to the definition of deliverable, had also fundamentally changed the assessment the Council should now make. Put simply, the Council suggest 4.4-years, the appellant promotes a figure of 2.4-years²⁰.
88. The Council argued that despite the revision, the up to date PPG²¹ requires that authorities demonstrate a 5-year HLS either through the latest evidence, such as a SHLAA, or through a recently adopted plan or annual position statement. Thus, the Council rely on their 2018 Annual Monitoring Report (AMR), noting that the appellant's approach of an ad-hoc assessment of deleting sites from the supply without full assessment, absent the full involvement of landowners and developers and without addressing any additions such as sites where delivery may have increased, as being non-compliant with this approach. The Council referred to a number of planning appeals where their position of a 4.4-year supply has been accepted, including that at Sandford²², which they note was considered after the change introduced in the Framework.
89. The change to the Framework is important. It now requires the Council to provide clear evidence that sites with outline permission, permission in principle, allocations in the development plan and sites on the brownfield register will provide completions within the 5 years. However, I accept that this cannot be considered an exact science and the Council are mostly reliant on the actions of others to actually deliver the housing. Consequently, it is important that the first part of the definition has not changed, and I consider that the clear evidence required goes towards showing that there is a reasonable prospect of delivery.
90. I do have some sympathy for the Council's wish to rely on their 2018 AMR, but reliance on other appeals where the HLS position was not challenged is less tenable. Nonetheless, this does require, even if only for this transitional period, further assessment of the sites taking account of this change. In this context, the appellant challenged some 36 sites initially, conceding on 3

¹⁹ ID28

²⁰ ID16

²¹ ID 68-004-20190722

²² APP/D0121/W/18/3206217

following the submission of further Council evidence. These included sites that the appellant considered would be delayed and others where they questioned delivery. The positions were summarised in ID15 and ID17.

91. In light of my overall conclusion, I have sought to understand the broad magnitude of this shortfall and have considered the comments made by parties in full, finding that in a number of cases the concerns raised by the appellant were legitimate, while in others may only result in a delay to schemes programmed to deliver earlier in the trajectory. In other cases, I found the Council's more up to date evidence on landowner/developer engagement or progress on planning permissions was sufficient. A very significant component of the HLS relates to the Weston Villages and significant concerns were raised by the appellant in relation to these and their expected delivery of some 875 dwellings per annum (dpa) in the final part of the trajectory.
92. There is no question that this is a very ambitious target, but it is clear that these developments are spread across two large and relatively dispersed sites. Furthermore, it is apparent that they are being progressed by a range of developers offering a range of products. The Council have confirmed delivery rates from a single developer in excess of 200 dpa and the very need for housing on which the appellant is relying in this case is an indication of very significant demand in this market.
93. The Council has provided evidence of the planning permissions in place and proposals for how further permissions will come on-line to support this trajectory, along with developer support for delivery. Therefore, on the evidence before me, I am satisfied that this at present, demonstrates a reasonable prospect of delivery, albeit such a substantial commitment to these strategic sites will require careful monitoring going forward.
94. My assessment is based solely on the evidence presented to me at the time of this Inquiry and taking into account my considerations of the Framework change I have set out above. In this context, I have found that the Council were unable to demonstrate a realistic prospect of delivery from the identified sites in contention of between 600 and 800 units. Applied to the supply calculations presented to me, this would bring the broad magnitude of supply to around 4 years.
95. I therefore conclude that the appeal site does not represent an appropriate location for the scale of development proposed. While I have accepted that some improvements can be made to the public transport offer of the village, the proposal would still conflict with the requirements of CS Policies CS14 and CS33, which seek to direct residential development to higher order settlements. This hierarchy has been considered relatively recently and found sound, however, I have identified that there is significant pressure on housing delivery in the area and therefore the weight that can be given to these policies must be considered in the planning balance.

Other Matters

96. While there was a wide range of concern raised by local residents and interested parties in relation to this proposal, many of these matters have been addressed in my main issues and the focus for other matters is, in my view, on that of highway impacts and dark skies.

97. The introduction of up to 200 houses would increase the number of cars on the local road network. Many residents pointed out the risk at existing accesses to Bridge Road and Bleadon Road used by the village residents to and from the A370, as well as the poor accident record, including a fatality. However, the proposal would require a new access to the A370 that would be designed to modern highway safety standards. While the scheme is only in outline at present, further vehicular and pedestrian accesses are proposed onto Bleadon Road, but I do not consider that a significant amount of the traffic associated with the scheme would use this route to access the A370. As a result, there should be no substantive increase in highway safety risk to the existing accesses, although the suggestion that benefits would arise for existing drivers who may choose to use the new access cannot be substantiated in light of the outline nature of the scheme.
98. I note the concern that occasionally drivers may use Bridge Road and Celtic Way or Shiplate Road as an alternative route to and from the A370, but my own journeys in the area did not support that such a route would be preferable other than in exceptional conditions of severe delays on the A370. Overall, I consider that the traffic assessment and the proposed delivery of a new access onto the A370 demonstrate that the proposal would not result in a material impact on highways safety and the overall residual impacts on the road network would not be severe.
99. Turning to dark skies, I have noted the importance of the dark outlook over these fields for many residents. I have addressed the effect of this scale of development on the character and appearance of the village generally but note that these concerns extend to lighting resulting in effects on the wider area in terms of dark skies. I can understand this concern, as development historically, particularly street lighting and security lighting has led to considerable levels of uplighting, light glow and reflection having a detrimental impact on dark skies.
100. However, as the Inquiry progressed, more evidence was introduced on the necessity for a highly sensitive lighting regime to be incorporated. The full extent of the lighting approaches and resulting light spill could not be set out because the scheme is in outline, but nonetheless, I am satisfied that if the scheme were to go ahead, conditions could impose very strict controls and require the application of a lighting strategy such that effects beyond the site and its immediate surroundings would be limited. This does not suggest that the site would retain the level of darkness it currently has; the number of houses and the requirements of road network would result in significant alteration. This would include making the site more obvious when viewed from higher ground, and this has contributed to my concerns about its visibility from the AONB for example.

Other appeal decisions

101. A large number of appeal decisions were submitted, principally by the Council setting out their assessment of how previous Inspectors had viewed the settlement hierarchy and other matters. I would reiterate the position set out the Sandford appeal, that such decisions, while potentially material considerations, cannot generally carry significant weight and must be considered on the particular circumstances prevalent at the time and at the specific location of that development.

102. Nonetheless, both the appellant and the Council submitted very recent decisions after the closure of the Inquiry. The first, in Kewstoke²³, was forwarded by the Council who suggested that this represented a smaller scheme being found to be in conflict with Policy CS33, similarly located outside of an Infill Village. While there are clearly some similarities, the appellant points out that they are not in the same location and would have different levels of accessibility. Furthermore, they argue that the appeal, a Hearing, would not appear to have considered the matter of housing deficit and the requirements of the flood risk sequential test were materially different. The schemes are of very dissimilar scales, nonetheless, in contrast to the appeal before me, no harm was found to the character and appearance of the area and yet significant weight was given to the conflict with the settlement hierarchy.
103. The second concerned a large development at Nailsea²⁴, which the appellant suggested considered the lack of HLS, the status of the emerging plans and found a scheme of this scale acceptable in a consultation area for the SAC. However, I note that this scheme comprised in part an allocation adjacent to a town, identified in the settlement hierarchy as being suitable for development outside of settlement boundaries and with a very high level of accessibility. I also note that the Council in that case did not pursue any objection on character and appearance, and indeed this was supported by the Inspector. This represents very different circumstances to the case before me.

Planning Balance and Conclusions

104. The statutory duty placed on a decision maker is to determine a proposal in accordance with the development plan unless material considerations indicate otherwise. I have identified conflict with a wide range of policies in the development plan, including the settlement hierarchy, CS14 and CS33, harm to the character and appearance of the area and the AONB, CS5, DM10 and DM11, failure to properly address the sequential test, CS3 and insufficient assessment of the highly sensitive ecology of the site to address potential harm, CS4 and DM8.
105. However, I have also noted that there is a significant pressure on the need for new housing and affordable housing in the area. This is not a case where a detailed analysis of the 5-year HLS is necessary to establish whether one is demonstrated or not, the Council accept that they can demonstrate at best a 4.4-year HLS. Consequently, the presumption in favour of sustainable development is engaged. For decision taking this means that even where policies are out of date as a consequence of the lack of a 5-year HLS, specific application of policies within the Framework must be considered in accordance with footnote 6 to Paragraph 11, including habitats sites and areas at risk of flooding.
106. I have found significant deficiencies in relation to the provision of ecological surveys. However, in relation to European Sites, on the evidence before me and notwithstanding the implications it may have for the development of the site, I have found that the provision of alternative habitats and a suitable lighting strategy could be addressed, and this would not be a reason for refusal on its own. Nonetheless, the footnote also refers to policies pertaining to areas

²³ ID36 APP/D0121/W/18/3215597

²⁴ ID37 APP/D0121/W/18/3212682

at risk of flooding, with regard to which I have found the sequential approach has not been satisfied in this case, and this provides a clear reason for refusal of the scheme.

107. My findings on flood risk must be tempered by an acknowledgement that there is a severe pressure on the delivery of housing in North Somerset, and I have noted that the Council, on the evidence before me, has overstated its 5-year HLS. This pressure is likely to result in the need to assess sites that may be subject to some risk, and the inclusion of sites within FZ2 and even FZ3 in the SHLAA confirms this. The appellant repeatedly stated that the Council's strategic approach had failed to deliver the level of housing needed and implied that it will continue to do so unless decisions are taken on developments outside of that strict approach. I have some sympathy for this, as there can be no doubt that the Council has continually undershot its targets for a number of years. Nonetheless, the strategic approach is now delivering housing on sites such as the Weston Villages and at and around the larger order settlements.
108. This may represent a significant uplift in delivery going forward but it is clearly not enough, as the findings of the Inspectors in the recent CS and SAP examinations highlighted. I have therefore carried out the assessment to address the broad magnitude of any shortfall in delivery, and whether, as argued by the appellant, the acceptability of this site is contingent on the weight that can be given to the strategic and housing policies and the benefits of the housing delivery.
109. To assess that, it is necessary to consider the extent of the shortfall and whether this scheme would assist in addressing that shortfall. On questioning, the appellant could not identify a developer or housebuilder, referring only to there having been contact, but still considered that the scheme would deliver 35-50 houses per year. However, it is at outline stage and even were it to be approved, there would be a considerable period necessary to resolve the issues I have identified, which include, but are not limited to, those in relation to layout, quantum, road provision, ecological habitat creation and maintenance, lighting and flood risk. Subsequently development would then have to start, and completions achieved to influence the 5-year HLS. I have significant doubts on the evidence put to me that this would be of any significant quantum and the consequential benefits are somewhat tempered by this.
110. However, up to 200 houses would represent a significant benefit and the appellant has confirmed that no less than 30% would be affordable. I give significant weight to the open market housing. I also give significant weight to the affordable housing. Although the Council suggest that their completions against targets are high on affordable housing, it cannot be denied that there is significant demand for such housing across the district.
111. In terms of other benefits, I accept that there would be some economic benefits, short term in the case of construction, but longer term in the case of investment in local services and facilities; I give this moderate weight. The appellant suggests that there would be benefit to the wider community from the proposed public transport provision, which I have accepted and give some weight to, other contributions or improvements set out in the s106 address impacts of the scheme and are neutral in this balance.
112. I give full weight to the development plan policies on flood risk, ecology and the character and appearance of the area and the AONB. While the Council's

significant shortfall in the provision of housing land reduces the weight that can be given to Policy CS14 and CS33. When applying the Framework's presumption in favour of sustainable development, the flood risk matters are decisive, yet even were I to accept the appellant's argument that the housing need in North Somerset is so severe that the tilted balance should be applied, the harms I have identified to this highly sensitive site in terms of both the character and the appearance of the moorland landscape, the village and the AONB, coupled with the unresolved issue of harm to the high value ecology of the site, would significantly and demonstrably outweigh the benefits that I have identified.

113. There are therefore no material considerations that would lead me to a decision other than in accordance with the development plan. For the reasons given above, and having regard to all other matters raised, I dismiss the appeal.

Mike Robins

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Peter Goatley of Counsel	Instructed by Sutherland Property and Legal Services Ltd
He called	
Carl Tonks BSc MSc FCILT MCIHT FIHE	Highways – Carl Tonks Consulting
Dean Frosoni BSc CEng MICE MCIWEM	Flood Risk – Cole Easdon Consultants Ltd
Angela Watts CMLI	Landscape - Amalgam Landscape
Christopher Burton MPlan MRTPI	Planning – Sutherland Property and Legal Services
Tom Wigglesworth	Ecology – EDP
Bonnie Brooks MSc CEng MCIBSE MSL MILP	Lighting Consultant – Illume design Ltd

FOR THE LOCAL PLANNING AUTHORITY:

Peter Wadsley of Counsel	Instructed by North Somerset District Council Solicitor
He called	
Kevin Carlton BA DipLA Glos.	Landscape – s106 Project Officer North Somerset District Council
Susan Stangroom BSc	Principal Ecologist - North Somerset District Council
Mr Muston BA(Hons) MPhil MRTPI	Planning Consultant - Muston Planning

INTERESTED PERSONS:

Mr House	Local resident
Mr Boyce	Local resident
Mr Quinn	Ecological Consultant - BAT
Mrs Richardson	Local resident
Cllr Williams	Bleadon Parish Council
Mr Baines	Local resident
Mrs Jones	Local resident
Mr Masters	Local resident
Mrs Benjamin	Local resident
Mr Sharman	Local resident
Mr Blezard	Local resident
Mrs Hemmingway	Local resident

DOCUMENTS

- 1 Mendip Hills AONB Management Plan
- 2 Email – AONB Landscape Planning Officer -19 July 2019
- 3 Email – Natural England – 22 July 2019
- 4 North Somerset Supplementary Proof – Ecology
- 5 Ecological Constraints Plan
- 6 Appellant's Note – Sequential test
- 7 Opening Statement – Appellant
- 8 Opening Statement – Council
- 9 Bleadon Parish Council Statement and survey results
- 10 Bleadon Acting Together Statement
- 11 North Somerset Supplementary statement – ecology
- 12 Ecology Statement of Common Ground
- 13 Officer report – Yatton 16/P/0888/F
- 14 Hallam Land Management Ltd v SoS for Communities and Local Government and Eastleigh Borough Council [2018] EWCA Civ 1808
- 15 Appellant's Land Supply Table
- 16 Appellant's 5-year HLS trajectory
- 17 Council's Weston Villages Delivery
- 18 Housing Land Supply Position Statement
- 19 Statement – Mr Bains – Social Cohesion
- 20 Statement – Mrs J Jones
- 21 Statement – Mrs R Benjamin
- 22 Statement – Mr D Sharman
- 23 Statement – Mr R Blezard
- 24 Proposed conditions
- 25 CIL Compliance Statement
- 26 Weston Villages masterplan
- 27 Ecology Position Statement
- 28 Housing delivery Test Action Plan
- 29 Revised layout drainage scheme
- 30 S106 Agreement
- 31 Council response to Position Statement
- 32 eJSP Inspectors' letter dated 11 September 2019
- 33 BAT response to Position Statement – Ecology
- 34 BAT response to Position Statement – Lighting

35 Council Closing Statement

Submitted after the close of the Inquiry:

36 Appeal Decision APP/D0121/W/18/3215597

37 Appeal Decision APP/D0121/W/18/3212682