

DELEGATED REPORT

Application No:	20/P/2726/FUL	Target date:	26.01.2021
Case officer:	Judith Porter	Extended date:	30.04.2021
Proposal:	Erection of 5no. dwellings.		
Site address:	Land North To A370 And South Of, Bleadon Road, Bleadon,		

SUMMARY OF MAIN ISSUES AND RECOMMENDATION

Planning History/Background – most recent applications

Year: 2020

Reference: 20/P/2725/FUL

Proposal: Erection of 2 houses (on site to east, same applicant)

Decision: To be determined with current application. Recommended for refusal

Year: 2017

Reference: 17/P/5545/OUT

Proposal: Outline application for up to 200 houses

Decision: Refused and appeal dismissed

Monitoring Details (if applicable)

n/a refusal

Policy Framework

The site is affected by the following constraints:

- Outside the settlement boundary for Bleadon
- Landscape Character Area A5 Bleadon Moor
- Horseshoe Bats Consultation Zone C
- Adjoins Flood Zone (site boundary mirrors flood zone map)

The Development Plan

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

The following policies are particularly relevant to this proposal:

- 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
- 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
- CS32 Service Villages
- CS33 Smaller settlements and countryside
- CS34 Infrastructure delivery and Development Contributions

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

The following policies are particularly relevant to this proposal:

- DM1 Flooding and drainage
- DM6 Archaeology
- DM8 Nature Conservation
- DM10 Landscape
- DM11 Mendip Hills Area of Outstanding Natural Beauty
- DM24 Safety, traffic and provision of infrastructure etc associated with development
- DM28 Parking standards
- DM32 High quality design and place making
- DM37 Residential development in existing residential areas
- 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:

- SA2 Settlement boundaries and extension of residential curtilages

Other material policy guidance

National Planning Policy Framework (NPPF) (February 2019)

The following sections are particularly relevant to this proposal:

- 1 Introduction
- 2 Achieving Sustainable Development
- 3 Plan-making
- 4 Decision-taking
- 5 Delivering a sufficient supply of homes
- 12 Achieving well designed places
- 14 Meeting the challenge of climate change, flooding and coastal change
- 15 Conserving and enhancing the natural environment

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

- Residential Design Guide (RDG1) Section 1: Protecting living conditions of neighbours SPD (adopted January 2013)
- North Somerset Parking Standards SPD (adopted November 2013)
- North Somerset Landscape Character Assessment SPD (adopted September 2018)
- Biodiversity and Trees SPD (adopted December 2005)
- Creating sustainable buildings and places SPD (adopted March 2015)
- Development contributions SPD (adopted January 2016)
- Employment led delivery Weston-super-Mare SPD (adopted November 2014)
- North Somerset and Mendip Bats Special Area of Conservation (SAC) Guidance on Development: SPD (Adopted January 2018)
- Accessible Housing Needs Assessment SPD (Adopted April 2018)

Other policy documents

Landscape sensitivity assessment 2018

Consultation summary

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

Bleadon Parish Council

Comments on revised plans

Bleadon Parish Council has not in any way changed its opinions already submitted to North Somerset following the recent issuing of amended plans. The general consensus is that the developers and the applicants are still refusing to take recognition of the Inspector's report when the appeal was dismissed and these two applications should therefore also be refused.

Original comments

The Parish Council strongly object to this proposed planning application and request that it be refused.

Whilst we understand again as with application 20/P/2725/FUL it is not a valid planning reason to state creeping planning as a reason for refusal. It is quite clear with the advent of a similar application – 20/P/2756/FUL off Bridge Road at the other end of this field complex that should permission be granted the floodgates would be opened for further application (s) on a site that has only recently been refused by the Planning Inspectorate following an appeal – APP/D0121/W/18/3211789 in respect to 17/P/5545/OUT.

In the Inspector's Report emphasis was given to the Ecological and Environmental damage such a development would cause in respect to breeding birds water voles and bats. A local survey indicated the presence of four 'red list' species and seven 'amber' list species of which breeding was evident in both species. It was recognised that the presence of water voles was present in the local rhyne network. Likewise, the area is used by a range of more common bat species but also greater and lesser horseshoe bats. Such

a development would therefore have a disastrous ecological and environmental effect on these local habitats.

The proposed site is not appropriately located in matters such as landscape flooding and biodiversity and it is outside the village fence. It would further impact on the local traffic movement in the locality whereby the proposed development is of a nature whereby it would encourage daily migration for employment and would not be within the price attainment for young local residents to acquire an affordable home. Excess cars to the development would ultimately park on Bleadon Road thus causing a potential traffic hazard. From a local survey for the preparation of an emerging Neighbourhood Village Plan over 78% of the local residents indicated that they did not wish to see further development within the village other than that already provided by the Marshalls Quarry site

The proposed development would without doubt change the very nature of the village in terms impact character and appearance of the area the moorland landscape and of course the AONB. It would run contrary to the principle of "Brownfield" sites being developed in preference to "Greenfield" sites.

It would be detrimental to the "Rural Character" of the village as well as the surrounding area inclusive of the Mendip Area of Outstanding Beauty designated "Heritage Landscapes" and the West Mendip Way. Undoubtedly it would increase light pollution in an area which is recognised as being an integral part of the "Dark Skies" area of the village in lighting terms. The proposed location forms part of an important field buffer zone between the village and the A370. Flooding is not unknown in the area and the current capacity of the local sewerage system is far from adequate. Finally, it flies in the face of North Somerset Council's own development policies for such as a designated 'infill' village as Bleadon.

For all of the reasons stated hereto and by a unanimous decision of the Parish Council at its meeting of the 14th December 2020 it was resolved that the application be recommended to be refused.

Natural England

Comments on revised ecological proposals

Thank you for consulting Natural England on the revised proposals for applications 20/P/2725/FUL and 20/P/2726/FUL.

Natural England welcome the changes made to the proposals and are pleased to see the mitigation implemented which was suggested in our previous comments (01/02/2021). Namely the installation of a hedge to serve as a bat commuting corridor south of the development and the creation of bat foraging habitat in the form of long sward grassland with standard native trees. However, further information is needed to ensure there is no significant impact to bats associated with the North Somerset and Mendip Bats Special Area of Conservation.

Firstly, confirmation is needed of which area is to serve as the area of long sward grassland. The colours used in the revised Proposed Site Plans (Ercle, submitted April 2021) are unclear and as such it is difficult to be sure where this area will be placed. Information about the long-term management of all mitigation must also be submitted detailing what management will be undertaken, who is responsible for it and what the source of funding is. This would usually be through a Landscape Ecological Mitigation Plan. It should be noted that aspirational mitigation cannot be included in the planning

permission decision; certainty is needed of the mitigation to be delivered as part of the proposals.

Details of the proposed lighting are also required. Although the new bat flight line and foraging habitat are located away from the development, the houses are in close proximity to habitat found to be used by horseshoe bats during the static bat detector surveys (Ecological Impact Assessment, EcoLogic Consultant Ecologists LLP, December 2020). Namely the hedgerow on the western boundary of the application site and the rhyne to the east of the application site, both of which connect to the new bat flight line. This is needed to ensure the new flight line is accessible to horseshoe bats. As such a plan of external luminaries and light spill modelling on these boundaries is needed.

Finally, the revised proposals suggest the installation of post and rail fencing either side of the new bat flight line with the reason for this being to 'separate bat flight line from encounter' (Proposed Site Plan, Ercole, submitted April 2021). There is no need for this fence for ecological reasons as once the hedgerow is established people do not need to be excluded from it. Furthermore, if wire is used between fence posts there is a potential for bats to be injured by this fencing

Initial Natural England comments

SUMMARY OF NATURAL ENGLAND'S ADVICE FURTHER INFORMATION REQUIRED TO DETERMINE IMPACTS ON DESIGNATED SITES

As submitted, the application could have potential significant effects on North Somerset and Mendip Bats Special Area of Conservation. These sites are also notified at national level as Sites of Special Scientific Interest (SSSI). The nearest of these to the application site is Banwell Caves SSSI.

The application site is located within Band C of the North Somerset and Mendips Bat Special Area of Conservation (SAC) Supplementary Planning Guidance Consultation Zone. This reflects the likely importance of the area to bats associated with the North Somerset and Mendips Bats Special Area of Conservation due to its proximity to known horseshoe bat roosts.

The Ecological Impact Assessment identified consistent use of the site throughout the year by both Greater and Lesser Horseshoe bats. Manual transect surveys confirmed the use of hedgerow boundaries and rhyne for commuting and the use of hedgerow boundaries for feeding by Greater Horseshoe bats. This site is therefore important for maintaining the favourable conservation status of horseshoe bat species. Appropriate actions for the conservation and enhancement of important habitats as set out in the North Somerset and Mendips Bats Special Area of Conservation Guidance on Development: Supplementary Planning Document should be followed to ensure there is no negative impact on the favourable conservation status of horseshoe bat species associated with the SAC.

Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation. Further detail is set out below.

Without this information, Natural England may need to object to the proposal.

- Despite the proximity of the application to European Sites, the consultation documents provided do not include information to demonstrate that the requirements of regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended) have been considered by your authority, i.e. the consultation does not

include a Habitats Regulations Assessment. ▪ It is Natural England's advice that the proposal is not directly connected with or 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. Natural England must be consulted on any appropriate assessment your authority may decide to make.

- Natural England advises that there is currently not enough information provided in the application to determine whether the likelihood of significant effects can be ruled out.
- We recommend you obtain the following information to help you undertake a Habitats Regulations Assessment: ▪ Details on the nature, scale and location of the proposed development
- European sites potential affected by the development
- The potential effects from the development on qualifying features of the European sites
- The presence or absence of qualifying features outside of the site boundary where the qualifying features comprise mobile species which might also be reliant on areas of habitat outside of the site, and which may be affected by the proposals 'off-site
- Consideration and justification of potential effects to inform the competent authority's decision as to whether the project would be likely to have significant effects on the site's qualifying features, or whether a conclusion of no adverse effect on the integrity of the site can be ascertained
- A description of proposed mitigation measures (including avoidance measures as appropriate) to a sufficient level of detail and with sufficient supporting evidence to provide confidence in success
- A judgement regarding the quality, uncertainty, and risk associated with evidence provided and how this affects the conclusions reached.
- The consistent use of the site by Greater Horseshoe Bats provides a key opportunity for biodiversity net gain through habitat creation and enhancement. Natural England recommends that the proposed site plan includes a mitigation area south of the development in addition to the mitigation measures described in the Ecological Impact Assessment (EcoLogic, December 2020). Habitat calculations as set out in Annex 5 of the North Somerset and Mendips Bats special Area of Conservation Guidance on Development: Supplementary Planning Document should be used to determine the minimum area of replacement habitat necessary.
- A mitigation area should be created south of the proposed development. A native, species rich hedgerow should be created linking the commuting habitat of hedgerows running adjacent to Bridge Road to the existing hedgerow on the west boundary of the site. This hedgerow should span the entirety of the site from west to east and should be allowed to grow at least 3 meters high and 3 meters wide. This hedgerow should contain standard native trees and should be managed to grow tall and wide, providing perching opportunities for bats. The remaining land in the mitigation area, to the north of the newly planted hedge, should be native, wildflower grassland managed to maintain a long sward with a few standard trees of native species such as oak. This will provide a prey resource for horseshoe bats. Once established, this area could be accessed by residents on condition that the sensitive habitats are protected. This provision of greenspace could also reduce potential recreation pressures on other local sites such as Purn Hill SSSI. If these features are created then the bat flightpath proposed in the Ecological Mitigation Plan will not be required
- Greater clarification is required for the bat mitigation features detailed in the Ecological Mitigation Plan and the Ecological Mitigation and Compensation document submitted with planning application. Namely the area labelled as 'Bat Feeding Habitat' on the Ecological Mitigation Plan. There is no indication of the size of this

feature or what the habitat would consist of. If the mitigation strategy does not follow the recommendation set out above then further evidence will be required to support the rationale for the location of this feature on the site. This information will be required in order to ascertain if this feature would help maintain the favourable conservation status of the SAC bats using the site and if it is an appropriate mitigation strategy.

- Annex 6 of the North Somerset and Mendips Bats special Area of Conservation Guidance on Development: Supplementary Planning Document gives guidance on creation and management of habitats for the favourable conservation status of bats and can be used to guide the design of the mitigation area. A Landscape Ecological Mitigation Plan should be secured as a pre-commencement condition and should include the following:
 - a) Detailed planting schedules
 - b) Description and evaluation of features to be managed.
 - c) Ecological trends and constraints on site that might influence management.
 - d) Aims and objectives of management.
 - e) Appropriate management options for achieving aims and objectives.
 - f) Prescriptions for management actions.
 - g) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
 - h) Details of the body or organization responsible for implementation of the plan.
 - i) On-going monitoring and remedial measures
- The LEMP must also include a protocol for controlling and preventing spread non-native invasive Floating Pennywort which was found to be present in the rhine during the Ecological Impact Assessment (EcoLogic Consultants, December 2020).
- We also recommend that a pre-commencement condition the developer should be required to submit a sensitive lighting strategy to demonstrate that artificial light from the development will not affect both existing and newly created habitat features used by SAC bats. This strategy should:
 - Through a lux contour plan, show the location of external light sources to be installed in the development and demonstrate that these will not disturb or prevent SAC bats from using key features of the site for foraging and commuting
- Show the location of physical barriers installed to prevent light spill from the development

All external lighting should be installed and maintained in accordance with the plan set out above. No further external lighting should be installed without prior consent from the Local Planning Authority.

Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 28I (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, your authority has taken account of Natural England's advice. You must also allow a further period of 21 days before the operation can commence.

The comments also include the need to assess the impact on the Mendip Hills AONB and other protected species

Axe Brue Internal Drainage Board

The Board **objects** to the proposals for the following reasons:

The watercourse between the proposed dwellings and the road is one that is maintained by the Drainage Board on a regular basis. There must be a 9m buffer provided adjacent to this watercourse. The 9m is measured from the top of the bank of the watercourse and does not include the watercourse itself. The drawings do not adequately show the location of the watercourse. Access must be facilitated linearly along the watercourse and no fencing should prevent this. The land must not be given over for residential amenity use and should be left as a natural buffer. Buffer strips alongside watercourses are valuable for the following reasons

- Buffer strips can reduce run-off into watercourses and therefore reduce flooding.
- They are essential in allowing access for the maintenance and inspection of watercourses, and for dealing with pollution incidents.
- Vegetation stabilises banks and reduces soil erosion.
- They provide a habitat for plants and animals and can form part of a habitat network. This is essential with the population of water voles present in the area.
- They provide opportunities for access.
- They can help to improve water quality by filtering run-off before it enters the watercourse.
- They provide opportunities to undertake restoration or improvements of watercourses in the future.
- They improve the visual landscape of the area.

Recommend surface water condition and drainage advice note

OFFICER NOTE: THESE COMMENTS PREDATE AMENDED PLANS PROVIDING THE BUFFER AREA. THE IDB HAS BEEN RE-CONSULTED BUT HAS NOT RESPONDED

Mendip Hills AONB Unit

The Mendip Hills AONB Partnership appreciate that each development proposal should be judged on its own merits, however we consider that, and request that North Somerset planning authority consider this proposed application alongside that of 20/P/2725/FUL submitted by the same applicant, the consultation for which is running concurrently. We consider that the cumulative effects of both applications will have an impact on views out from the Mendip Hills AONB and will contribute towards light pollution in the area.

The Countryside and Rights of Way (CRoW) Act 2000 confirmed the significance of AONBs and Section 85 places a statutory duty on all relevant authorities to have regard to the purpose of conserving and enhancing natural beauty when discharging any function in relation to, or affecting land within an Area of Outstanding Natural Beauty. The Mendip Hills AONB Partnership produced the Mendip Hills AONB Management Plan 2019-2024 as required by the CRoW Act on behalf of the joint local authorities (adopted by North Somerset Council, Bath & North East Somerset Council, Somerset County Council, Sedgemoor District Council and Mendip District Council) and is a material consideration. The Management Plan under paragraph 1.4 sets out a Statement of Significance on the special qualities of the Mendip Hills AONB that create the Mendip Hills sense of place and identity and these include retaining dark skies and a sense of tranquillity, views from the Mendip Hills AONB and a landscape enjoyed by people for a range of quieter activities due to the tranquillity of the area. Paragraph 3.8.13 within the Management Plan highlights that:

'Noise and activity arising from developments together with lighting can have an adverse impact on the areas tranquillity and dark sky and protected species like bats. Mapping of

light pollution has shown that the area of dark skies in the Mendips is shrinking. The AONB Partnership Position Statement on Dark Skies seeks local authorities and others to minimise the impact of lighting.'

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

The National Planning Policy Framework 2018 (NPPF) highlights under paragraph 172 that '*Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues... The scale and extent of development within these designated areas should be limited. Planning permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest...*' Further considerations related to such applications are set out under paragraph 172 in full.

Paragraph 180 of the NPPF further sets out that '*Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should: ... c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation*'.

The recent DEFRA 25 Year Environment Plan sets out under paragraph 2.2.1 that '*Some of England's most beautiful landscapes and geodiversity are protected via a range of designations including National Parks and Areas of Outstanding Natural Beauty... Over the next 25 years we want to make sure they are not only conserved but enhanced.*'

We wish to highlight our Position Statement concerning Dark Night Skies and Lighting; https://www.mendiphillsaonb.org.uk/wp-content/uploads/2020/12/Dark-Skies-in-the-Mendip-Hills-AONB_statement-Final-Dec-2020.pdf

The adopted North Somerset Landscape Character Assessment Supplementary Planning Guidance (September 2018) A5: Bleadon Moors Landscape Character Area (LCA), states the character of LCA A5 as;

'Bleadon Moor character area has a strong character although in places, particularly at the west of the area this has weakened due to the large scale change in land use to arable farming plus the influence of urban fringe activities. Elsewhere, the area is more typical of its type with a strongly rural and peaceful pastoral character with intact hedgerows and drainage ditches.

The Mendip Hills AONB Partnership consider that the encroachment of the residential development and the urban edge into the rural landscape would impact on the views out from the AONB when descending down Bleadon Hill, and along the West Mendip Way from and to Bleadon Hill. Where much of the village is obscured by the topography of South Hill and Hellenge Hill to some degree, the view out from the AONB gives a clear

visual 'window' of a semi-rural landscape towards and onwards out from the site contiguous across the moors and levels.

We also consider that the encroachment of residential development into the rural landscape would impact on the dark skies of the Mendip Hills AONB and its setting, being contrary to NPPF (2019) paragraph 180 which states;

'Planning policies and decisions should ensure that new development is appropriate for its location ...In doing so they should: ... limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.'

And contrary to Policy DM11 which states;

"Any development will need to conserve and, where possible, enhance the landscape and scenic beauty of the AONB. Development which would have an adverse impact on the landscape, setting and scenic beauty of the Mendip Hills AONB, including views into and out of the AONB, will not be permitted unless in exceptional circumstances and where it can be demonstrated that it is in the public interest"

Council's Archaeology Officer

Known archaeological resource (Non-designated/designated assets)

There are no recorded designated or non-designated heritage assets within the proposed development area. However, within 150m to the east medieval building remains have been recovered and just slightly further east there is evidence of prehistoric occupation and burials.

The tithe map of 1840 records the field name as 'Wharf' which likely relates to its position close to the River Axe or the marshy ground at this time.

Previous investigations

As mentioned above, investigations in the vicinity have revealed evidence of activity in the late prehistoric, medieval and modern periods immediately to the north of this proposed development.

An evaluation in 1997 at Whitegate Farm revealed activity in the form of pits, ditches, postholes and burials all dating to the Bronze Age and Iron Age. Medieval agricultural activity and the use of a farmyard in the post-medieval and modern periods was represented by masonry foundations and pits and postholes. The prehistoric activity was of particular importance as it provides evidence for funerary traditions for a significant transition period.

An evaluation in 2002 (c.20m N of the proposed development) provided further significant evidence of medieval settlement activity, preserved c. 0.5 – 1m below the modern ground surface. Ditches and gully appear to define the boundaries of a series of small house tenements or enclosures.

A programme of archaeological monitoring and recording was undertaken in 2013 which revealed extensive deposits of well-preserved deposits of charcoal and other domestic debris, with occupation deposits within a timber structure of medieval date. Further structural remains and a possible boundary ditch were also identified.

Historic landscape impact

The proposed development is located in an area historically characterised as ‘post-medieval (18th-19th C) parliamentary enclosure or reclamation of inland peat moors’, which is adjacent to the northern extent to the historic core settlement of Bleadon. Historic core settlements consist of present settlements identifiable on late 18th or early 19th century maps. They generally still preserve medieval or even earlier outlines, with building fabric mainly originating from the 17th and 18th centuries.

Recommendations for further investigation/mitigation/impact

There is no reference in the documentation supporting this application to heritage or the historic environment.

The proposed development area has low to moderate potential for archaeological deposits and features relating to late prehistoric, medieval and post-medieval activity.

An historic environment desk-based assessment will be required to suitably evaluate the potential for archaeological remains within the proposed development area, as per paragraph 189 of the NPPF and Policy DM6 (Archaeology) of the North Somerset Sites and Policies Plan Part 1. This should be undertaken and submitted as soon as possible. It is likely, due to the potential for archaeological remains at this location, that a programme of trial trench evaluation will also be required to inform any necessary requirements for further investigation or mitigation.

Neighbours’ views

1 support comment citing need for houses

242 objection comments received

The principal planning points made are as follows:

- Harm to rural/ landscape character
- Houses too big and out of character
- Harm to AONB
- Light pollution
- Harm to protected species including bats, water voles, birds and other wildlife and their habitats. This site is critical to the water voles
- Outside settlement boundary and not infill
- Will set precedent to allow development of the rest of the fields
- Harm to setting of listed church
- Access to bus stop is dangerous across A370 (recent fatality)
- No pedestrian footways
- Highway safety
- Risk of flooding elsewhere
- Contrary to evolving Neighbourhood plan
- Lack of sewerage capacity
- Will increase noise
- Should use brown field sites
- No archaeological report

Comments on water voles from ecologist for Bleadon Acting together

The changes to the application have been noted and none mitigate the impact of the development on the Water Voles or other ecology in the area. My original objection still stands in this case. For example – the creation of an island for Water Voles is not a useful

mitigation for their loss of habitat. An island is not big enough to house one burrow let alone for the number of burrows that will be lost by building the houses.

Full comments are on the file

Conclusions

The principle of development

The site is outside the settlement boundary for Bleadon, which wraps around the houses across Bleadon Road to the north. Bleadon is defined as an infill village in the development plan. The application site is located outside its settlement boundary and is therefore in the open countryside. As such policy CS33 of the North Somerset Core Strategy applies. Whilst this policy permits small scale residential developments within the boundaries of infill villages (subject to certain criteria), it seeks to strictly control residential development elsewhere in order to protect the character of the rural area and prevent unsustainable development. New residential development will be restricted to replacement dwellings, residential subdivision, residential conversion of buildings where alternative economic use is inappropriate, or dwellings for essential rural workers. The development would not comply with these requirements and is therefore unacceptable in principle in respect of settlement policy

In terms of the locational sustainability, Bleadon has a limited range of services including a shop/ post office/ café, a church, a village hall and a public house. It has neither a primary nor a secondary school and lacks public transport to the village itself (apart from an infrequent community bus). Other bus services require the crossing of the busy A370. If development was to be approved in this location, a significant contribution to cover the costs of Home to school transport would be required, which is indicative of the poor locational sustainability. In the absence of such a contribution secured through a S106 obligation, this adds weight to the refusal of the application due to conflict with the locational policy and Policies CS 34 Infrastructure delivery and Development Contributions, DM71 Development contributions, Community Infrastructure Levy and viability and the Development contributions SPD (adopted January 2016)

Reference is made by the applicant to a recent appeal decision at and off Purn Way Bleadon (18/P/5035/OUT, Appeal reference APP/D0121/W/20/3259109), citing it as providing support for housing development in Bleadon. In fact, the appeal was dismissed. The inspector found that the development would conflict with the development plan in terms of location and that it would increase the need to travel by car, albeit giving this only limited weight. However, the conclusion was clear and relevant to the current applications (apart from the affordable housing):

Planning Balance / Overall Conclusion

31. Given my findings above regarding the absence of an adequate mechanism to secure the proposed affordable dwellings and necessary mitigation in respect of home to school transport, I conclude that the conflict with development plan policies for the location and distribution of housing, the likely effect upon the character and appearance of the area, the extent to which there would be an increase in the need to travel by car and the harm related to school transport services would significantly and demonstrably outweigh the 'secured' benefits. The appeal should not therefore succeed.

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

housing, the policies which are most important for determining the application are deemed to be out of date and the application should be considered favourably unless the proposal conflicts with specified NPPF policies or the adverse impacts would significantly and demonstrably outweigh the benefits (NPPF paragraph 11). This matter is considered in more detail in the 'Planning Balance and Conclusion' section of this report.

Landscape Character and Appearance including Mendip Hills AONB

Policy CS5 of the Core Strategy states that the character, distinctiveness, diversity and quality of North Somerset's landscape and townscape will be protected and enhanced by the careful, sensitive management and design of development. In addition, CS12 of the Core Strategy, and DM10 of the Sites and Policies Plan seek to protect the character, distinctiveness and quality of the landscape, and proposals are expected to demonstrate sensitivity to the existing local character.

The landscape character area is the A5 Bleadon Moors, where the overall character is considered to be strong but declining as set out in the NSC Landscape Character Assessment SPD. The landscape strategy is to **conserve** the rural pastoral landscape with its intact, species rich hedges and hedgerow trees, its network of ditches and rhynes and historic farmsteads.

The North Somerset Landscape sensitivity assessment identifies the application site and the surrounding fields as being of "**High sensitivity**".

6.4.14 The topography to the south-west of the village is flat, contrasting sharply with the steeply undulating topography elsewhere. There are large, flat fields to the south of the village, enclosed by the settlement edge and the A370. 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.

The recent appeal decision on this site for 200 houses states:

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.

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

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.

Clearly the 2 planning applications now being considered are of a much lesser scale than the recent appeal proposal. However, they would each intrude into the visually sensitive open landscape, which is almost entirely undeveloped (apart from one area of agricultural buildings). The sites would be prominent from the AONB, as confirmed by the AONB Unit, and add to the sense that the hillside is being surrounded by development. Once the principle of development is established, it would be very hard to resist additional development. Lighting would add to the visual impact and details have not been provided that would counter this.

The form of the development and the application sites have not been informed by analysis of the local character but follow entirely from the boundaries of the flood zone. This results in isolated enclaves of development that are unrelated in form or location to any natural or physical features on the site and detract from the existing strong field pattern divided by ditches and rhynes. They will be very prominent and will appear incongruous and separated from the village. The use of the flood zone to determine the boundaries only adds to the incongruity and the sites do not have significant natural screening from the land form or existing trees and hedgerows

The 2 storey houses are very substantial and will appear out of character with the relatively modest dwellings to the north, which are predominantly single storey or chalet style.

Overall, the projection of built development beyond the settlement boundary in this sensitive area would have an unacceptable impact on the landscape character and on the Mendip Hills AONB. This would be to the detriment of landscape character and the character of the area leading to conflict with policies CS5, CS12 and DM10, DM11 and DM32 and the Landscape Character SPD.

Ecology including Protected species

The choice of sites has not been informed by ecological constraints as houses are proposed in close proximity to the rhyne most used by water voles and routes most used by bats. The avoidance of the flood zone should not result in greater impacts on wildlife. Impacts to protected species have not been sufficiently taken into account in the site choice. Many of the surveys were undertaken a long time ago so are out of date. The submitted ecological information lacks details as to where the red and amber list bird species were identified as breeding

It is clear from Natural England's comments that the application lacks sufficient details to be able to conclude that there will not be likely significant effect on the North Somerset and Mendip Horseshoe Bats SPD.

The council's assessment, reinforced by the comments from an independent ecologist acting for a local amenity group, is that the impacts on water voles have not been adequately avoided and/or mitigated for.

The proposed development does not comply with the requirements of the Conservation of Habitats and Species Regulations 2017 and the Natural Environment and Rural Communities Act 2006, and policy CS4 of the North Somerset Core Strategy, policy DM8 of the Sites and Policies Plan (Part 1) and the council's Biodiversity and Trees SPD.

Archaeology

The application was not supported by a desk-based assessment and it therefore has not been shown that archaeological interests will not be harmed, contrary to Policies CS5 and DM6

Highway safety

Dwellings of this size in this location are likely to generate 30-40 vehicle movements a day. This level of additional traffic is unlikely to cause a significant effect on local highway conditions. Visibility splays have also been submitted as part of the 'Highways and Waste Collection Plan'. This demonstrates that 45m of visibility can be achieved from the proposed access which would meet the requirements set out in Manual for Streets.

Any vegetation within the visibility splays at both sides of the access would need to be maintained by the applicant ensuring that no vegetation exceeds a height of 600mm (for acceptable visibility). This could be conditioned.

The proposed parking plan set out in the 'Highways and Waste Collection Plan' also confirms that a suitable level of vehicle parking, in line with the standards set out in the North Somerset Parking Standards SPD, can be provided at each dwelling.

Impact on neighbours

The proposed development complies with the relevant tests contained within the Residential Design Guide (Section 1: Protecting living conditions of neighbours) and would not result in a significant adverse impact upon the living conditions of neighbouring residents. In this respect, the proposal complies with policy DM32 of the Sites and Policies Plan (Part 1).

Flood risk

As the site mirrors the boundary of the flood zone to lie outside it, no sequential of exceptions test is required. As advised by the IDB, surface water would need to be the subject of a condition in the event of an approval.

Setting of Listed Building

The proposal does not affect the setting of Church of St. Peter and St. Paul which is a grade I listed building due to distance and intervening development. 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).

EIA Screening

The proposed development falls within Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 – Column 1, Part 10 (Infrastructure Projects)] but does not meet the thresholds set out in Column 2, nor does it fall within a 'sensitive area' as defined in the Regulations. A formal EIA screening opinion is not, therefore, required

Planning Balance and Conclusion

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

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

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

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

the application should be considered favourably.

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

In this case, the harm arising from conflict with the adopted settlement strategy, involving provision of dwellings in a location with poor access to a range of day to day services and facilities is substantial – the development plan is fully adopted, NPPF compliant and a local expression of what constitutes sustainable development and the likely reliance on private car conflicts with core planning principles and the NPPF, which encourage developments that facilitate the use of sustainable and active travel. The payment of a Home to School transport contribution has not been secured via a S106 obligation, adding to weight of the locational concern. As set out above, the proposal will have an adverse impact on the landscape, character and the Mendip Hills AONB and this is afforded significant weight. It has not been shown that protected species including bat species and water voles will not be harmed and that there will not be significant effects on the North Somerset and Mendip Horseshoe Bats SAC. This is also given significant weight. The lack of an archaeological assessment is accorded moderate weight

As only 5 dwellings are proposed, the proposal will only make a small contribution to the housing supply and therefore this benefit carries only moderate weight. The creation of

local construction jobs is a temporary, generic benefit that would occur wherever a housing scheme was delivered and therefore carries limited weight.

It is therefore considered that in this case the harm identified significantly and demonstrably outweighs the benefits of the proposed scheme, and as such the application should be refused.

Recommendations

REFUSE (see draft decision for reasons)

Reason for Overriding Parish Council comments (if appropriate)

n/a

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

- Natural Environment and Rural Communities (NERC) Act 2006
- Crime and Disorder Act 1998
- Human Rights Act 1998
- Public Sector Equality Duty, Equality Act 2010

Signed: Judith Porter