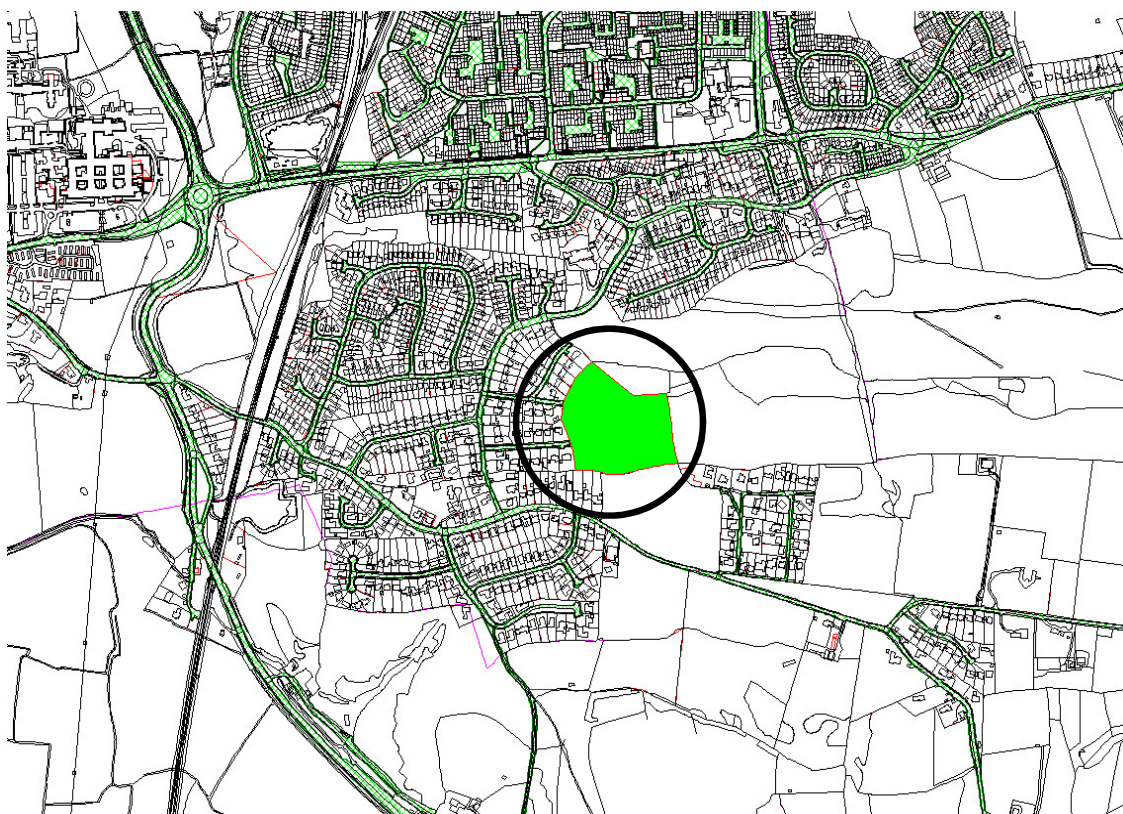


## Planning and Regulatory Committee 13.04.16

### SECTION 1

<b>APPLICATION NO:</b> 15/P/0983/O	<b>CASE OFFICER:</b> Neil Underhay
<b>APPLICANT:</b> Coldharbour Land Ltd	
<b>PARISH/WARD:</b> Bleadon/Weston-super-Mare Weston-super-Mare Uphill <b>WARD COUNCILLOR(S):</b>  Cllr A P Bryant Cllr J Ley-Morgan	<b>TARGET DATE:</b> 21 July 2015
<b>SITE ADDRESS:</b> Land at Wentwood Drive, Weston-super-Mare, BS24 9ND	

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



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6. **Section 1: 15/P/0983/O Outline planning application with all matters reserved except access for up to 50 dwellings with associated parking, hard/soft landscaping and open space, drainage and infrastructure.**

### **Summary of recommendation**

It is recommended that, subject to the completion of a legal agreement, the application be **APPROVED** subject to conditions. The full recommendation is set out at the end of this report.

### **The Site**

The application site is 2.6 hectares and comprises mostly an agricultural field. It adjoins housing in Wentwood Drive, Highfield Road and Brecon View respectively and is north of Bleadon Hill road. The 'Hillcote' estate is north-east of the site. The site is sloping with ground levels rising by approximately 18 metres from its west to east and south-east boundaries. The application site is on higher ground than the immediate adjoining houses in Wentwood Drive, Highfield Road and Brecon View. The northern site boundary is broadly parallel to 'Oldmixon Copse' which is part of a 'Wildlife Site'. The south and east boundaries adjoin other agricultural land which have hedgerows along their boundaries. Overhead power lines run parallel with the northern boundary with a small section cutting across the north-east of the site.

### **The Application**

This outline application initially sought planning permission for up to 60 residential dwellings with associated access and infrastructure. However, this was amended 'up to 50 dwellings' during the course of the application. All details are set aside for 'reserved matters' approval, except for vehicle access which is a continuation of Wentwood Drive.

### **Planning History**

Nothing relevant to this application.

### **Policy Framework**

The site adjoins, but falls outside, the Weston-Super-Mare Settlement Boundary. It is approximately 300 metres west of the Mendip Hills Area of Outstanding Natural Beauty.

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North Somerset Core Strategy (NSCS)

The North Somerset Core Strategy was adopted in 2012, but following a high court challenge in 2013, the housing requirement was remitted back to the Planning Inspectorate for re-examination. Following the re-examination of Policy CS13 the Secretary of State confirmed that the housing figure for the period 2006-2026 is 20,985 dwellings and this is now part of the adopted development plan. While only CS13 was found to be unlawful, the Judge recognised that the re-examination of the housing requirement may result in consequential amendments to other policies. On this basis, eight other policies were also remitted; Policies CS6, CS14, CS19, CS28, CS30, CS31, CS32 and CS33. However, the Judge emphasised that 'the policies can still be accorded appropriate weight in any decision making and housing can be brought forward through the development control process. The examination process is now considering these other remaining remitted policies. The Council has consulted on the proposed amendments to the other remitted policies prior to hearings taking place.

The following policies are relevant to this proposal

<b>Policy Ref</b>	<b>Policy heading</b>
CS1	Addressing climate change and carbon reduction
CS2	Delivering sustainable design and construction
CS3	Environmental impacts and flood risk management
CS4	Nature Conservation
CS5	Landscape and the historic environment
CS9	Green infrastructure
CS10	Transport and movement
CS11	Parking
CS12	Achieving high quality design and place making
CS13	Scale of new housing
CS14	Distribution of new housing
CS15	Mixed and balanced communities
CS16	Affordable housing
CS19	Strategic gaps
CS20	Supporting a successful economy
CS25	Children, young people and higher education
CS26	Supporting healthy living and the provision of health care facilities
CS27	Sport, recreation and community facilities
CS28	Weston super Mare
CS33	Smaller settlements and countryside

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CS34                      Infrastructure delivery and Development Contributions

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

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

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

**Other material policy guidance**

National Planning Policy Framework (NPPF) (March 2012)

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

<b>Section</b>	<b>Section heading</b>
4	Promoting sustainable transport

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

### **Other National Policy Guidance**

- National Planning Practice Guidance (March 2014)

The proposal does not exceed the relevant EIA thresholds and an EIA Screening Opinion is not required.

### **Emerging Development Plan**

The Sites and Policies Plan Part 1: Development Management Policies is awaiting the Inspector's Report following the examination hearings and the consultation on the proposed Main Modifications. The plan making is now in its final stages and close to adoption so policies within the plan carry significant weight in accordance with paragraph 216 of the NPPF and can be used to determine planning applications.

The following Policies are relevant to this application.

<b><u>Policy Ref</u></b>	<b><u>Policy Heading</u></b>
--------------------------	------------------------------

- |        |   |
|--------|---|
| • SP1  | Presumption in favour of Sustainable development  |
| • DM1  | Flooding and Drainage                             |
| • DM2  | Renewable and Low Carbon Energy                   |
| • DM6  | Archaeology                                       |
| • DM8  | Nature Conservation                               |
| • DM9  | Trees   |
| • DM10 | Landscape   |
| • DM11 | Mendip Hills Area of Outstanding Natural Beauty   |
| • DM24 | Safety, Traffic and Infrastructure                |
| • DM25 | Public rights of way, pedestrian and cycle access |
| • DM26 | Travel Plans                                      |
| • DM28 | Parking Standards                                 |
| • DM32 | High quality design and place making              |

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- DM34 Housing type and Mix
- DM36 Residential Densities
- DM37 Residential development in residential areas
- DM40 Retirement Housing and independent living
- DM42 Accessible and adaptable housing
- DM69 Location of sporting, cultural and community facilities
- DM70 Development Infrastructure
- DM71 Development Contributions

Part 2 of the Sites and Policies Plan (the 'Sites Allocation Plan') is less advanced, and is currently subject to consultation. It currently has limited weight as a material consideration.

### **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)
- Affordable Housing SPD (adopted November 2013)
- Travel Plans SPD (adopted November 2010)
- North Somerset Landscape Character Assessment SPD (adopted December 2005)
- Biodiversity and Trees SPD (adopted December 2005)
- Creating Sustainable Buildings and Places SPD (adopted March 2015)
- Development Contributions SPD (adopted January 2016)

### **Consultations**

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

**Third Parties:** At the time of drafting this report 188 objections have been received. This includes objections from 'Wentwood Drive / Bleadon Hill Action Group'. The principal planning points made are as follows:

- The local surrounding area and in particular the local road structure and network, is unsuitable for a large scale development. The top end of Totterdown Lane is only one way and without a footpath, making it extremely dangerous for pedestrians. The Totterdown Road/Wentworth Drive and Totterdown/ Highfield Road junctions have blind corners making it hazardous for movements to and from these junctions. Bleadon Hill Road is also

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dangerous for pedestrians as there is no footpath from Devil's Bridge to Bridgwater Road. Devil's Bridge is also unsuitable for heavy vehicles which would need access to the building site. The amount of extra traffic that 60 homes would generate would make an already bad situation much worse.

- Wentwood Drive and Totterdown Lane are steep and narrow roads which makes access (vehicle and pedestrian) very difficult and dangerous during icy / snowy weather.
- The application site is visible from the hillside and from lower ground. It is an attractive green space below Oldmixon Wood close to the ridge of the hill. The scale and nature of the development would harm the appearance of the site, the wider hillside and the setting of the Mendip Hills Area of Outstanding Natural Beauty.
- The site is not well served by public transport or local service and facilities, including schools, shops, health care facilities and other 'everyday' community facilities. Some local facilities such as the nearest primary school and GP surgery are already at full capacity and cannot accommodate for demand.
- The construction of the development and the upgrade of service pipes and other infrastructure would cause massive disturbance and inconvenience to near neighbours for a prolonged period.
- The existing sewer infrastructure in the area does not have sufficient capacity to cater for increased discharge that will be placed on it.
- The application has under-estimated the surface water run-off on to and from the site and this is a significant constraint to development. There is no evidence that ground percolation tests have been carried out or proof that the size or position of the balancing pond is appropriate. It is also considered that the steeply rising ground level within the site will exacerbate surface water run-off downhill and directly towards adjoining properties.
- The site has been used for informal recreation including those walking dogs for many years and this asset should not be taken away from people.
- The development is outside the Weston-Super-Mare Settlement Boundary and it is tantamount to urban sprawl in the countryside and it is not needed as there are other designated sites for housing elsewhere in Weston and other parts of North Somerset.
- Two-storey dwellings in particular would be too high and add to the prominence of the development. The type of development and its higher density when compared to surrounding housing would conflict with the

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character of the area in that adjoining dwellings are a lower density and some are single storey.

- The topography of the area and lack of pavements does not provide a safe or pedestrian or cycle friendly route. This would deter walking and cycling and make the site only really accessible by car thereby compounding the harmful effects of extra traffic on local roads. In addition the additional demand for school places is unlikely to be met locally.
- The development would devalue the ecology of the site and the adjoining Oldmixon woodland which is a haven for species of birds, insects and mammals and legally protected species including badgers, slow worms and many species of bats. The applicant has also failed to carry out sufficient protected species surveys, especially in respect of Bats. Insufficient ecological mitigation is provided in the draft layout plan and that which has been provided will become an unmaintained and potentially infested space.
- The site consists of high quality agricultural land which has been grazed for many years and it should be retained for agriculture.
- The archaeological importance of the site has been under-estimated and the impact arising from the development would have unacceptable consequences on this heritage asset.
- The application should have been the subject of an air quality assessment and daylight/sunlight assessment but this has not been done.
- There are too many 'affordable' housing units in this proposal and they are not suitable house types in this location.
- The development would reduce the privacy and amenity of nearby residents and it would have particular unacceptable impacts on the living conditions of those who live in Wentwood Drive, Highfield Road and Totterdown Lane.

**Weston-Super-Mare Town Council:** Object on the following grounds:

- Narrowing of the road access on Totterdown Lane would have an adverse impact on pedestrian and highway safety.
- There are numerous ecological matters in relation to wildlife preservation, flooding and drainage that require a longer period of consideration than has been set.
- The site is adjacent to Oldmixon Copse a site of nature conservation and where development of this size would adversely affect the visual amenity.



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- A development of this size would join up and damage separate identities of two settlements.
- The development is outside the 'development boundary' and therefore contrary to the Local Plan.

**Other Comments Received:**

Environment Agency:

No objections

Highways England:

No objections

Wessex Water:

There is currently available spare capacity within the existing public foul sewer network to accommodate predicted foul flows only from development; point(s) of connection to be agreed. The applicant has indicated surface water will be discharged of via soakaway arrangements which will require the approval of your Authority.

Wales & West Utilities:

No objections, however the developer should contact WWU during construction to ensure its apparatus is adequately protected.

Mendip Hills Area of Outstanding Natural Beauty Partnership:

Uncomfortable with development extending closer to AONB boundary and when viewed from Uphill the development will appear to high up the hillside. In addition consider density is too high relative to surrounding area.

Natural England:

Comments on various aspects of the proposal. Confirms that the proposed mitigation in the HRA is sufficiently precautionary to address impacts on bats. Subject to the full implementation of the proposed mitigation measures (as described in the HRA and the Landscape & Ecological Mitigation & Enhancement Parameter Plan) they are satisfied that the proposed development is not likely to result in significant effects on the North Somerset & Mendip Bat SAC or other European designated sites.

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**Planning Issues**

The principal planning issues in this case are (1) matters of principle; (2) sustainable development (overview); (3) housing & employment; (4) transport & highway impacts; (5) landscape and visual impacts; (6) biodiversity; (7) flood risk / drainage; (8) archaeology; (9) loss of agricultural land; (10) impact on residential amenity; (11) noise and air quality; (12) utilities; (13) planning obligations/section 106 requirements

**Issue 1: Matters of Principle**

Section 38 (6) of the Planning and Compulsory Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. This is consolidated in paragraphs 11 and 196 of the National Planning Policy Framework (NPPF). However paragraph 14 of the NPPF says that where the development plan is out-of-date, the presumption is to approve sustainable development provided it is not significantly and demonstrably outweighed by any adverse impacts. Paragraph 47 of the NPPF also requires local planning authorities to identify and update annually a supply of specific deliverable sites to provide five years' worth of housing against their housing target, plus an additional 5% buffer. Paragraph 49 of the NPPF says policies for the supply of housing should not be considered to be up to date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

**Development Plan and 5-year housing land supply**

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

In tandem with this, the Council must also demonstrate that it has a deliverable rolling 5-year supply of housing land when measured against the remaining Core Strategy housing figure. The Council, based on its most recent annual housing assessment (April 2015), did not have sufficient sites to meet the 5 year housing land supply. This was confirmed as common ground between the parties at the Brinsea Road, Congresbury appeal (14/P/1901/O) in October 2015 and this remains the current situation. In circumstances where the Council is unable to

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demonstrate a 5 year supply of deliverable housing sites, the housing policies of the Core Strategy and Local Plan are not considered up to date and paragraph 14 of the NPPF is engaged. This states that where the development plan is absent, silent or relevant policies are out of date, the presumption is to approve sustainable development unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits

Emerging Policy

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

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

It is recognised that given the circumstances, the Council cannot rely on the plan-making process alone to address the housing shortfall, and must also actively grant permissions in parallel with the plan making process. This is already in progress with, for example, the Committee resolving to approve housing developments at Pudding Pie Lane (141) and Says Lane (43) Churchill, at North End Yatton (370) and Venus Street, Congresbury (14) at recent meetings. It is anticipated that by granting planning permission for other similar sites in and around the main towns and service villages in accordance with the draft Site Allocations Plan the 5 year supply will be secured

**Issue 2: Sustainable Development (Overview)**

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

Weston-Super-Mare is identified in the Core Strategy as the strategic preference for most housing growth in North Somerset. This does not mean that all sites within and adjacent to Weston-Super-Mare are sustainable and appropriate for housing development. Indeed, this can only be determined by a site-specific assessment of a proposed site.

From an economic perspective, the site is evidently available and 79 houses would, if approved boost housing delivery, which is a significant material consideration. The inclusion of 'affordable' housing, together with construction

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jobs and increased spending from a rising population, new homes bonus are also important economic (and social) considerations although these benefits are not specific to this location alone. Social sustainability is however also concerned with directing growth to places where new residents can be part of communities and where public facilities and services are local and accessible. Even though Weston-super-Mare is the main strategic area for housing growth in North Somerset, it does not mean that any site that is adjacent to the built-up area is automatically suitable for housing development. Each site will require a more in-depth assessment of its suitability. The applicant argues that this site as a suitable extension of the built-up area. Moreover, as Weston-Super-Mare is the main focus for housing growth in North Somerset, it is said that this proposal is consistent with the Council's strategic housing policies.

These and other sustainable criteria is considered in detail the following 'Issues'.

### **Issue 3: Housing and Employment**

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

### **Issue 4: Transport and Highway Impact**

The NPPF says (Para. 29): *"Transport policies have an important role to play in facilitating sustainable development"* and giving *"people a real choice about how they travel."* Paragraph 32 adds that decisions should take account of whether, amongst other issues: safe and suitable access to the site can be achieved. Paragraph 35 says: *"development should be located and designed where practical to ... give priority to pedestrian and cycle movements, and have access to high quality public transport facilities"*.

Policy CS1 of the Core Strategy (Addressing climate change and carbon reduction) says: *"Opportunities for walking and cycling should be maximised through new development and in existing areas emphasising the aim to provide opportunities that encourage and facilitate modal shift towards more sustainable transport"*

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*modes*". These objectives are consolidated in Policy CS10 of the Core Strategy and Policy T/10 of the Replacement Local Plan. The latter adds that development will be permitted if it does not prejudice highway safety.

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

### Location and Accessibility

Measurements taken of the most direct footpath route shows that the walking distance from the centre of the site to the nearest local facilities which includes a convenience store and take-away, is approximately 1000 metres and the nearest primary School (Oldmixon Primary School) is about 1150 metres. According to '*Providing for Journeys on Foot*' (2000) produced by the Chartered Institute of Highways and Transportation (CIHT), "suggested acceptable walking distances" to local shops for instance should ideally be no more 800 metres, although the 'preferred maximum' walking distance is up to 1200 metres. Maximum acceptable walking distances to schools can be up to 2000 metres.

This document adds that the decision to walk may also depend on the attractiveness and practicality of routes. This is pertinent since about 700 metres of the walk to Broadway is hillside with some steep sections (1:6 to 1:8 in some areas). Whilst the footpaths links themselves are generally good, the gradient and distance is however likely to dissuade the less able or those carrying shopping or pushing buggies to undertake local trips on foot. The trip back up the hill may be off-putting to cyclists. However, hills are not uncommon in Weston and this in itself should not be a determining factor. The site is closer to local facilities when compared to some other residential roads on Bleadon Hill such as parts of Bleadon Hill, Purn Lane, Purn Road, parts of Brockley Crescent, Leighton Crescent and Southridge Heights. It is therefore better related to facilities than other residential areas which are located within the Weston-Super-Mare Settlement Boundary.

In terms of public transport, the site is accessible by bus. The closest bus stop to the application site are those used by the 4A Service which are located in Burnham Drive approximately 240m from the site. This is within a reasonable walking distance. The bus services vary. The 4A is hourly and only runs through Burnham Drive on the outbound from Weston-Super-Mare to Hutton, with the last bus departing the town centre (Regent Street) at 17:22pm. The 15:22 service from Regent St. does not run during school terms as the buses are required on school contracts. This service is clearly limited and it is unlikely, in its own right, to result in many residents using public transport. Some local residents also say that it

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currently has a very low patronage in Bleadon Hill, particularly during the middle of the day, and they doubt its continuation is viable.

Service 4, which runs from Hutton to Weston-Super Mare town centre and onto South Road, is located on Broadway and the nearest bus stop which is about located approximately 950m from the site. This service operates every 30 minutes with the first bus departing at 08:03 and reaching Regent St. at 08:17. Service 7 runs from Oldmixon to Weston-Super-Mare and on to Worle, with one bus running every 12 minutes in either direction (less frequently before 07:30 and after 18:00). The first bus leaves the Brompton Road Lay-by bus stop at 06:30 and arrives at Weston-Super-Mare (Regent St.) at 06:47. The last bus leaves Regent St. at 23:23 and arrives at Brompton Road at 23:35.

In order to improve accessibility, the applicant has been in discussion with a local bus operator (Crosville Motors) and this has led to the preparation of a draft route and timetable for a new bus service which would stop on Totterdown Lane near to the site. This would be hourly and would commence at 08:10 hours with the final return service reaching the site at 19:10 hours. The draft route would include Bleadon Village, Totterdown Lane, Broadway, Oldmixon, Bourneville, Drove Road, Station Road and Regent Street. This would not replace the existing 4A service but would complement it. The applicant is willing to enter in to a S106 legal agreement to fund the service for its first 3 years. The proposed operator (Crosville) has indicated in correspondence that it is confident the service will be sustainable to operate on a commercial basis thereafter. Any new service would need to be subject to comprehensive marketing which would also be agreed as part of a S106 Agreement.

Some objectors say that even with a new bus service, this will have a very limited benefit to occupants of the development or those who live close to the site. Furthermore, it would not reduce car use. Officers consider the proposed bus service would however give commuters or those going to school or wanting to visit the town centre an attractive alternative to the car.

Overall, the gradient will reduce the proportion of future residents from this development that will choose to walk to and from local facilities. In addition, some local facilities are outside the preferred walking distances. However the site would form part of the Weston urban area where there is a good range services and facilities. The proposed new bus service would also improve the regularity of public transport. Therefore, despite being on a hillside, the site is accessible other than by means of car and, on balance, is considered to be in a sustainable location for housing development. This is acceptable under paragraph 35 of the NPPF, Policies CS1 and CS10 of the North Somerset Core Strategy and Policy DM24 of the 'Sites and Policies Plan Part 1' (Development Management Policies) Publication Version.

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Additional Traffic Volume and Impacts

The TA presented with the application was based on the original proposal for up to 60 dwellings. It indicated that the development will add approximately 33 vehicle new movements on local roads in the AM peak hour (08:00 – 09:00 Hours) and 35 in the PM peak (17:00 – 18:00 Hours). All of these movements would be along Wentwood Drive and Totterdown Lane before they disperse to other roads. A number of residents say this is a substantial increase above current traffic and the roads (particularly Totterdown lane and Wentwood drive) due to their limited width in some sections and their steep gradients are unsuitable for such an increase.

The capacity of these roads is mainly determined by its width and the design of its junction. The width and alignment of Totterdown Lane is sufficient to cater for more traffic than would arise from this development as well as the additional traffic from a separate planning application (reference number 15/P/0167/O) for 79 dwellings on land off Bleadon Hill which is the subject of an appeal and is about 500 metres from this site. The cumulative impact (should both applications be approved) would be to add about 29% extra traffic in the morning peak and 38% in the PM peak on Totterdown Lane. As the existing traffic levels are relatively low the cumulative impact would still be well within the operational capacity of the local roads and it is highly unlikely to be prejudicial to road safety or convenience. This also includes consideration of the gradients and widths of Totterdown Lane and other approach roads.

In terms of Wentwood Drive, which is the sole means of vehicle access to the proposed development, its width varies from 4.85 metres to 4.9 metres. This is adequate to allow a Heavy Goods Vehicle, such as a refuse wagon or fire tender, to pass a car or light van and it is adequate to cater for the additional volume of traffic that would ensue from the development.

The road junction between Wentwood Drive and Totterdown Lane however is currently substandard in both directions in terms of visibility for motorists entering Totterdown Lane. To address those concerns the applicant submitted a programme of highway works. It is proposed that the existing Wentwood Drive/Totterdown Lane 'T' junction is moved slightly further in to Totterdown Lane. This would reduce the usable width of Totterdown Lane where it passes the Wentwood Drive junction from about 7.3 metres (as currently exists) down to 6 metres. The change would have only a minor impact on the appearance and character of Totterdown Lane and would maintain a safe two-way traffic flow for traffic passing the junction. For motorists waiting to enter Totterdown Lane the revised position of the 'T' junction would provide acceptable standards of visibility in both directions. The works would also allow a small section of footpath to be delivered on highway land on the east side of Totterdown Lane to the north of the Wentwood Drive junction. This would provide a safe crossing point of Totterdown Lane to the continuous section of footpath down the hill towards Broadway.

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To ensure that vehicle speeds on Totterdown Lane do not compromise the visibility splay design speed of 25mph for passing traffic, the applicant is also proposing a traffic calming scheme (likely to be two speed cushions in the one-way section and one speed cushion on Totterdown Lane in between Highfield Road and Wentwood Drive in positions to be agreed). This would also include improvement of the existing 'virtual' footway on this section of Totterdown Lane by the addition of coloured surfacing and pedestrian symbols on that surface. In the event however that further traffic calming is required following post-development monitoring of vehicle speeds, the highway works which would need to be secured through a S106 legal agreement, would also include provision for further funding from the development to implement other traffic calming if required. To ensure adequate highway safety is in place from the outset, the required highway works would need to be carried out before development can commence on the site.

The applicant has also provided other highway plans. This includes a 'swept path analysis' to demonstrate that a refuse vehicle can safely negotiate the revised 'T' junction

Officers consider the alterations to the junction and adjacent highway works are acceptable and the proposal would not prejudice road safety. This application is therefore acceptable and in accordance with Policy CS10 of the Core Strategy and T/10 of the Replacement Local Plan.

**Issue 5: Landscape and Visual Impact**

The site is not within any statutory landscape designations, but it is relatively close to the Mendip Hills Area of Outstanding Natural Beauty (AONB) and it is part of the '*Limestone Ridges and Combes*' Landscape Character Area as defined in North Somerset Landscape Character Assessment 2005. This area is notable for, amongst other issues:

- High limestone ridges with grazed pasture on lower slopes
- Open grassland plateaus on the ridges at Bleadon Hill
- 20<sup>th</sup> Century infill and ribbon development rising up Bleadon Hill which is highly visible from lower areas.

The landscape strategy for this area includes conservation of peaceful, rural landscapes and ancient woodlands and to guard against urbanisation.

The site is near the ridge of Bleadon Hill. From the site, the Bleadon levels are seen to the south and the Weston-Super-Mare built-up area is to the west. Uphill Church (St. Nicholas old Church) and the dis-used Windmill on the Uphill ridge stand out about 1500 metres to the west and Brean Down is seen further in the distance. Brent Knoll is a prominent to the south.



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Parts of the site are seen from close range, middle and longer distance viewpoints. The applicants 'Landscape and Visual Impact Assessment' (LVIA) examines the impact of the development from 16 different public viewpoints. It examines the sensitivity of the 'receptor' (the location where the view is taken from) and the overall degree or "magnitude" of impact on that view. The terminology used in the LVIA to assess impacts follows the: "Guidelines for Landscape and Visual Impact Assessment" 3rd Edition (2013).

### Close Range Views (within 1000 metres of the site)

The nearest public viewpoints of the site are from the pavements and the road at Wentwood Drive and Highfield Road respectively. From here the main change is that the narrow rural views in to the site at the end of each road will be replaced by a continuation of the urban character and the new dwellings will appear above the wooded horizon. The sensitivity of the views is 'medium' and the impact (referred to as the "magnitude of change") is "moderate".

The site is largely obscure from the public footpath through Oldmixon Copse to the north of the site. There are also trodden paths which lead from the footpath to the edge of the application site. There is however no formal (adopted) public right of way across the site and it is private agricultural land. A public footpath about 320 metres east of the site runs across fields between Roman Road and Oldmixon Copse and broadly along the AONB boundary. Views from this footpath include the Bleadon Levels and beyond, but the topography restricts views of the site. Views of the site from other parts of the AONB are similarly restricted.

A small part of the site is seen looking east from the junction of Bridgwater Road (A370) and Bleadon Hill, about 700 metres away. From here the adjoining houses below the site are prominent and views of the site are noticed for a short distance by motorists heading up Bleadon Hill. The development would be below Oldmixon Copse. Other close range public viewpoints include Bleadon Hill (from the road) and the permissive path along the ridge of Purn Hill. The former is about 380 metres south of the application site. The best views from Purn Hill are to the south and these are unaffected. A small section of the proposed development may be seen looking north and north-west between housing at Leighton Crescent/ Bleadon Hill and 'Hillcote'. Purn Hill is a moderate to highly sensitive receptor since it is an attractive space and close to a Site of Special Scientific Interest. Additional planting is proposed along the boundary and the impact of the development is likely to be minor/low. The impact from Bleadon Hill (the road) is also low due to the roadside hedgerows.

### Mid-Range Views (>1000m – 2000 metres from the site)

One of the most prominent viewpoints towards the site is from the hillside at Uphill. It is an attractive and accessible landscape which is well-used by the

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public. The range, diversity and quality of the views and the interest of St. Nicholas Church and the former Windmill are the main reasons people use it. Uphill (hillside) is also a 'Site of Special Scientific Interest', a 'Wildlife Site' and a 'Local Nature Reserve' and the northern slope up to the church is in the Uphill Conservation Area. The 'West Mendip Way' (long-distance public footpath) skirts the west and southern edge of the hillside which continues along the northern edge of the Bleadon Levels and beyond. The amenity and heritage value of Uphill makes it highly sensitive to change, including development which may affect outwards views.

Uphill is accessed from a number of directions. One route is from Uphill Way up to St Nicholas Church. It is a steep slope and its upper part is a similar height to the application site. Westward views overlook Weston Bay and Brean Down (mainly coastal views); northerly views are over Weston-Super-Mare (urban area) and eastward views are towards Bleadon Hill (largely rural views). From here the application site is seen as part of the wider rural scene and it appears as a horizontal green space below 'Oldmixon Copse'. Some objectors have included photographs of this particular view and they contend the development would spoil the landscape. This is noted although properties which adjoin the site in Wentwood Drive and Highfield Road are conspicuous in the same view.

The range of views from Uphill widen considerably along its ridge and on its eastern slopes. This includes 360 degree views including the Mendip Hills, Brent Knoll, Brean Down and the intervening landscapes. The former windmill has a viewing area at its top. The view towards the AONB is extensive and the site is seen quite close to its boundary. The adjoining housing on Bleadon Hill is seen in most easterly views, although the amount of housing varies from one position to another on the ridge of Uphill. The housing on Bleadon Hill follows a horizontal line which, depending on the particular view point, typically rises about two-thirds up the hillside. The site is seen from small sections on the 'West Mendip Way' lower down the hillside but these are very limited.

The Mendip Hills AONB Advisory Group say: *"the current settlement edge at Wentworth Drive is high enough; beyond this we consider that the proposals are likely to have an adverse effect on views into the AONB and weaken the character of the AONB as a relatively undeveloped range of hills."* This concern is understandable and the setting of the AONB is an important consideration. However those views are already influenced by housing, not least by the 'Hillcote' Estate, which is at a similar height to the application site but is much closer to the AONB boundary. While the proposal would add to the amount of development on the hillside, it is a modest increase overall. The development would not significantly change the character of the view from Uphill and it would only have a moderate to low impact on the setting of the AONB. When this one impact is taken in the context of the wide range of views from Uphill as a whole, the degree of impact is not significant.

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The site is also seen from the Uphill Conservation Area within the built-up area (in Uphill Way) looking east. From here Bleadon Hill is a backdrop to the buildings and vegetation in the foreground. The development will lessen the quality of the view from the Conservation Area, but the impact is no more than moderate.

Long Distance Viewpoints (more than 2KM from the site)

The site is seen from longer range viewpoints at numerous (mainly elevated) locations in Weston's built-up area. This includes views from Atlantic Road South (approximately 5.2km from the site), the promenade at Marine Lake (approximately 4.5km from the site), Hildesheim Bridge (3km from the site), Sunnyside Road/Brighton Road junction (2.5km from the site) and Devonshire Road Bridge (2.1 km from the site). From these locations the site is seen on the horizon and to the right of 'Oldmixon Copse'. At these distances there are many other more dominant features in the foreground and the degree of impact of the development on these viewpoints would be low.

The outlook from Brean Down is 360 degrees and there are many landmarks and features that draw attention. From its eastern ridge, which is 3 - 3.5 km from the site boundary, the exposed cliff face of Uphill and the Church / former Windmill is seen in the foreground and below Bleadon Hill. The AONB is seen as part of the longer distance backdrop above and to the right of the site. The proposed housing will appear as a small addition to the built-up area and no higher up the hill side than 'Hillcote'. The impact is minor/moderate but not significant.

Summary

The strategic objectives for this landscape character area is conserve the peaceful, rural landscapes, ancient woodlands and to guard against urbanisation. These objectives apply throughout this character area, including those parts which adjoins built-up areas.

The site does have a peaceful ambience and it is part of a wider transitional landscape up to the edge of the Mendip Hills AONB. It is however seen next to housing below and to the east of the site with woodland above and to the west. This frames views of the site and makes it appear quite contained. It appears separated from the open landscape further east which extends closer to the AONB boundary. The proposal would not harm the ancient woodland at Oldmixon Copse.

Overall, the scale of the development is relatively modest when seen in the wider context and the overall landscape and visual impact is considered to be "moderate". This is insufficient reason to refuse the application when weighed against the benefits of the additional contribution to the Council's housing supply.

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**Issue 6: Flood Risk / Drainage**

The Council Strategic Flood Risk Assessment shows the site is located in 'Flood Zone 1'. National Planning Policy Guidance (PPG) defines Flood Zone 1 as a 'Low Probability' flood zone, which has a less than 1 in 1000 annual probability of flooding. This is the least vulnerable flood risk classification and the PPG says the principle residential development is appropriate in Flood Zone 1. Applicants for housing development on land exceeding 1 hectare in area, which this is, are however still required to provide a site-specific flood risk assessment (FRA) as part of planning application. The key objectives of this are to establish:

- whether a proposed development is likely to be affected by current or future flooding from any source;
- whether it will increase flood risk elsewhere;
- whether the measures proposed to deal with these effects and risks are appropriate

The applicants have provided a FRA which is a preliminary assessment of existing ground conditions, flood risk, existing and proposed surface water drainage, maintenance and foul drainage. Objections from local residents say the FRA is inconclusive and it does not allay their concerns about increased flood risk and local drainage problems. These include concerns regarding ground conditions and its poor porosity and the likelihood that surface water soakaway systems will not prove successful and the additional volume of surface water run-off will increase the risk of flood to adjoining properties on lower ground levels. It is also contended that the local foul sewage pipes are not adequate to take the additional demand that will arise from this proposal. Objectors say further information should be provided by the applicant to prove the above matters can be satisfied before the application is decided.

The Council, as the lead local flood risk authority, has consider the FRA and the concerns from local residents. The local bedrock, which is mostly limestone, will allow for the conveyance of water and a SUDS system will be effective in managing surface water run-off from the development without increasing flood risk to nearby or downstream properties. 'British Geological Society' infiltration maps also indicate that soakaways should work on this site. The Environment Agency, who were consulted on the application confirm they have no objections to the application. Wessex Water separately confirmed that there is spare capacity within the existing public sewer network to accommodate predicted foul flows from the development.

There is no reason to suggest that an acceptable surface water drainage scheme, that provides for the proposed development and which does not increase flood risk to other land and properties, cannot be delivered. There is therefore no reason

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for the Council to require further flood risk or drainage information as part of an outline application. The details of the drainage scheme will however be required through a planning condition and these must be approved before development could begin. This will require:

- (i) Details of the design storm period and intensity, discharge rates and volumes (both pre and post development), temporary storage facilities (the size, capacity and location of any attenuation ponds), the means of access to all SuDS elements for maintenance, the methods employed to delay and control surface water discharged from the site and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters;
- (ii) Any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant);
- (iii) Flood water exceedance routes, both on and off site;
- (iv) A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by an appropriate public body or statutory undertaker, management company or maintenance by a Residents' Management Company and / or any other arrangements to secure the operation and maintenance to an approved standard and working condition throughout the lifetime of the development.

To satisfy this condition, full percolation tests and a geotechnical report into the geology across the site will be required. Detailed design on sloping sites also require exceedance routes to be shown. The illustrative site layout plan suggests that one attenuation pond will be required, but it may be that several smaller ponds might prove a better option. These factors are capable of being designed in to a successful drainage solution.

Subject to this, there is no flood risk or drainage objections to the principle of residential development on this site.

**Issue 7: Biodiversity**

The site adjoins the 'Oldmixon to Upper Canada Scarp Wildlife Site'. This is described as: 'Ancient semi-natural broadleaved woodland, with planted mixed and coniferous woodland, scrub, unimproved and semi-improved neutral grassland'. The wildlife site and adjoining areas, which include the application site, is also part of the key foraging zone for the nearby 'North Somerset and Mendip Bat Special Area of Conservation'.

The applicant's consultants undertook an Ecological Assessment and separate Bat Surveys. These have been considered by the Council's Ecologist and Natural

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England respectively. Both consider that bat surveys should have included surveys in May and June as well as those undertaken in July to October 2015. However despite these omissions the records of the surveys still provide sufficient information to demonstrate that the site is overflowed by several different species of bats including European Protected Species. The boundary hedgerows in particular are key foraging and feeding habitats for Bats as well as navigation routes to and from the nearby special area of conservation.

The applicants have provided a 'Landscape and Ecological Mitigation Plan' which shows that the perimeter hedgerows along the north, south and east boundaries are to be retained and an additional buffer zone is provided alongside the hedges. A separate 'Bat Mitigation Lighting Strategy' to minimise artificial lighting next to bat habitats is also provided. The Council's Ecologist considers these measures would mitigate any adverse impact on bats, but planning conditions would be required to agree protection measures during construction as well as the future management of these corridors thereafter.

Due to the presence of European Protected Bats a 'Habitats Regulation Assessment' has also been carried out by the Council which duplicates the bat mitigation measures set out above. Natural England has confirmed that the proposed mitigation in the HRA is sufficiently precautionary to address impacts on bats. They add that subject to the full implementation of the proposed mitigation measures (as described in the HRA and the Landscape & Ecological Mitigation & Enhancement Parameter Plan) they are satisfied that the proposed development is not likely to result in significant effects on the North Somerset & Mendip Bat SAC or other European designated sites.

The other main ecological issue is the botanical value of the site which comprises unimproved/semi improved grassland and a variety of grasses and plants. The presence of wild flowers such as 'greater knapweed' and 'yellow composite' suggests there is some potential for areas of grassland within the site to be restored and enhanced to a national priority habitat. These, including 'lowland calcareous grassland', could be retained or re-provided in the informal green space within the site. Any loss from the proposed developed part of the site could however be mitigated on other grasslands under the same ownership can be enhanced.

The applicant has identified land that they own which adjoins the north and east of the application site. They have confirmed, following discussions with the Council's Ecologist, that a grazing regime for these fields will be agreed. This would preclude grazing in parts of the field which adjoins the east boundary of the application during April to August inclusive each year. This would result in a significant area of tall grass cover being available over summer to support invertebrates and should also allow any wild flowers that may be present to flower and set seed. This management prescription will help to retain invertebrate abundance on site to

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support foraging bat species. This would enhance the biodiversity value of the land when compared to the current use and it is an acceptable form of ecological mitigation.

The Council's Ecologist has confirmed that the retention and protection of the perimeter hedgerows would retain a suitable habitats for dormice and that the Ecological Assessment did not identify reptiles and skylarks within the site.

There are no ecological objections to the application provided appropriate planning conditions are imposed in accordance with Policy CS4 of the Core Strategy and Policy DM8 of The Sites and Policies Plan Part 1: Development Management Policies (Publication version).

**Issue 8: Archaeology**

Lidar data and a geophysical survey from the applicant indicated the possible survival of a prehistoric field system. The Council's Archaeologist instructed that further archaeological evaluation through trial trenches should be carried out. This was undertaken under supervision of the Council's Archaeologist and the results of which are documented in a 'Trench Evaluation' report. This report, which is agreed by the Council's Archaeologist, indicated that post-medieval quarrying has truncated and destroyed archaeology over much of the application site. The south-east of the site does however still contain some Roman remains. The Council's Archaeologist confirmed that this does not prevent development but formal recording or archaeology in accordance with a scheme of investigation, together with controlled excavation and building techniques will need to be agreed before any development begins. This will be included in a planning condition. Subject to this, there are no archaeological objections to the application having regard to the NPPF and Policy CS5 of the North Somerset Core Strategy.

**Issue 9: Loss of Agricultural Land**

Grade 1, 2 and 3a agricultural land is defined as being best quality and most versatile and it is afforded greater protection under the NPPF. The application site is Grade 3B Agricultural Land having 'moderate' quality (based on best available estimate of agricultural land quality including DEFRA Agricultural land classification and National Soil Mapping). There are no planning grounds to resist development of 3B agricultural land.

**Issue 10: Impact on living conditions**

Some representations say that the proposal is unacceptable due to the proposed density of the development, the inclusion of some two-storey houses and because housing is on higher ground which will have an over-bearing impact and cause over-looking of neighbours. It is also argued that cross-sections should be

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provided before the application is determined to demonstrate the height between the proposed buildings and adjoining properties.

On the first point it is noted that most properties in Wentwood Drive, Highfield Road and Brecon Close are detached bungalows or chalet bungalows set in good sized plots. This results in a low density housing area (about 12-15 dwelling per hectare) with a strong design character. Other nearby roads on Bleadon Hill such as Burnham Drive, Brockley Crescent and Burrington Avenue have slightly higher densities (typically between 20 -25 dwellings per hectare) and they include a broader mix of house types including bungalows, chalet bungalows and two storey houses.

The proposed development has a gross density of 19 dwellings per hectare, which increases to a net density of about 25 dwellings per hectare if the green open space within the site is excluded. This is higher than in Wentwood Drive or Highfield Road, but this is still a relatively low density (the net average density at the new 'Weston Villages' for example will be 40 dwellings per hectare) and it is not out of character with other parts of Bleadon Hill as referred to. The housing parameter plan indicates that 35 of the dwellings would be detached. More than half of the dwellings would be chalet bungalows, including those around the perimeter of the site and those which adjoin Wentwood Drive and Highfield Road. This should provide a sensitive transition and the two storey houses in the centre of the site are unlikely to affect the setting of the properties in the adjoining roads or appear overbearing.

The fact the application site is on higher ground than adjoining properties is not a reason to refuse planning permission. Wentwood Drive itself rises quite steeply from west to east, such that some properties are noticeably higher than those they adjoin. This pattern is common in other roads on the hillside. It is noted from inspections of the site that some properties which adjoin the site are cut in to the rising ground, such that there is a noticeable step-up in ground levels at the site boundaries and ground levels continue to rise further in to the application site. This has been illustrated in photographs supplied by neighbours. It is accepted that cross-sections which show the height and spatial relationship of dwellings and ground levels within the site and those existing properties which adjoin the site will be crucial when judging the subsequent 'reserved matters' application. Furthermore final ground levels and building heights within the site will need to be carefully designed to ensure they do not appear over-bearing or create undue overlooking. There is no reason to suppose this cannot be addressed, but it is a design issue for a 'reserved matters' application and it is not necessary for cross section to be included as part of this application.

In terms of additional traffic, the additional numbers of vehicle movements travelling to and from the site, particularly along Wentwood Drive will lessen the quiet nature of this road, but the ensuing numbers of movements is not excessive or unusual for a 4.8 metre wide residential road.



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The development will inevitably have some adverse impacts on the living conditions of nearby residents during construction. A construction management plan will need to be agreed to set out working methods to reduce any adverse impacts as far as practical. This can be controlled through a planning condition

There are no grounds to object to the principle of this residential development in terms of impact on the living conditions of neighbouring and nearby residents.

**Issue 11: Noise and Air Quality**

Noise assessments are usually only required where: (1) the nature of the proposed development (normally the end use) is likely to give rise to clear and significant noise issues, or (2) where there are existing known noise sources near to a site that are likely to affect the amenity of the new development. A housing development is compatible with the surrounding area and there are no known existing noise sources in the local area that would prevent the principle of further residential development. In terms of air quality, there are no 'Air Quality Management Areas' in North Somerset and there is no justification for an air quality assessment to be provided as part of this application. Consequently, there are no noise or air quality objections to the application having regard to Policy CS3 of the North Somerset Core Strategy.

**Issue 12: Utilities**

Some representations say the existing local sewers serving are inadequate for the additional demand from the development and any replacement of these or other services would cause a significant disturbance to local people. Wessex Water confirmed that there is spare capacity within the existing public sewer network to accommodate predicted foul flows from development. For surface water there is a high likelihood that soakaways will be used. There is no indication that the proposal will require the replacement of sewers.

**Issue 13: Planning Obligations / Section 106 Requirements**

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

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

The detailed requirements for planning obligations are set out in the North Somerset Replacement Local Plan (NSRLP), North Somerset Core Strategy (CS) and Sites and Policies Plan Part 1 respectively. This includes Policy CF/1 of the NSRLP and Policies CS9, 10, 16, 20, 25, 26 and 27 of the North Somerset Core Strategy. These are further supported by the North Somerset Core Strategy Infrastructure Delivery Plan, which forms part of the evidence

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base for the Core Strategy and Development Contributions SPD. The scope of Section 106 requirements are set out below.

Affordable Housing

Policy CS16 of the Core Strategy follows Government Policy and it sets out the Council's Policy on Affordable Housing and says the trigger for on-site provision are schemes of 10 or more dwellings. There is no upper limit on affordable housing provision, but 30% of the total housing number provided as 'affordable housing' is the normal requirement. Policy CS30 of the Core Strategy reaffirms a target of 30%. The applicants have agreed that they would deliver 30% of the homes as 'affordable housing' units. There is no reason to conclude the introduction of 'affordable' homes within the area is harmful to its character.

Education

Policy CS25 'Children, young people and higher education' of the Core Strategy sets out the Council's Policy on education provision and seeks to ensure adequate school provision is made to meet demands of new development. A bespoke assessment has shown that this development would need to contribute to Primary (5-11), Special Needs and Youth Services. A sum to off-set the extra demand has been confirmed.

Libraries

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

Public Open Space and Built Sports facilities

Policy CS27 of the North Somerset Core Strategy deals with sport, recreation and community facilities. A schedule of financial contributions has been identified for maintenance of informal open space within the site, together with separate financial contributions for off-site built facilities, playing pitches and enhancement to an existing local equipped play area.

Highways / Transport

The application will require various works within the highway in terms of revisions to the position of the existing 'T' junction, improvements to footpaths, traffic calming and public transport (new bus service). These will be delivered through a S106 agreement.

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Employment in Weston-Super-Mare

As set out in Issue 3, the applicant has agreed to provide an employment contribution as required under Policy CS20 of the Core Strategy.

Health Care Facilities

The Council's Supplementary Planning Document of Development Contributions only requires contributions for strategic housing development of 500 or more houses. As this is up to 50 dwellings, no health care related development contributions are necessary.

The applicant has provisionally agreed to meet all of the required S106 requirements.

**Natural Environment and Rural Communities (NERC) Act 2006**

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

**The Crime and Disorder Act 1998**

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

**Local Financial Considerations**

The Localism Act 2011 amended section 70 of the Town and Country Planning Act 1990 so that local financial considerations are now a material consideration in the determination of planning applications. This development is expected to generate approximately £450,000 in New Homes Bonus contributions for the authority. However, it is considered that the development plan and other material considerations, as set out elsewhere in this report, continue to be the matters that carry greatest weight in the determination of this application

**Conclusion**

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

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

Social sustainability is concerned with providing homes for people in the right places so that they can feel part of a community and where facilities and services are available, local and accessible. From a strategic perspective the proposal accords with the Council's housing distribution strategy in remitted policy CS14 of the Core Strategy, in that Weston-Super-Mare is identified as the main area for housing growth. This does not however automatically mean that all sites beyond the built-up part of Weston-Super-Mare will be suitable for housing and a site-specific assessment is required. Being near the top of a hill, the site is likely to discourage some new residents from walking and cycling to reach local facilities. Hillside development, however, is not unprecedented in Weston and the site is within acceptable walking distance of the nearest 'local facilities'. The funding of a new bus service will also give residents an alternative mode of transport. The location of the site is therefore considered to be sustainable and complies with paragraphs 29 and 35 of the NPPF and Policies CS1, CS10 of the Core Strategy and T/10 of the Replacement Local Plan.

Environmental sustainability is relevant to this application in a number of respects. In terms of traffic impact, the individual and cumulative impact of additional vehicle movements from this application and those that are likely to arise from the separate current application for up to 79 houses at Bleadon Hill (planning application 15/P/0167/O – now subject to an appeal) which is relatively close to the site. If both applications were approved and they are implemented the resulting volume of traffic would still be well within the operational capacity of local roads and it would not be detrimental to road safety or convenience. Improvements are however required in respect of road and pedestrian safety and public transport. The applicant has demonstrated that these matters can be resolved and securing such works would be through a S106 legal agreement. Subject to this there are no traffic safety objections to the application and the proposal accords with Policy CS10 of the Core Strategy and T/10 of the Replacement Local Plan.

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In terms of Landscape and Visual Impact the strategic objectives for this area is to conserve the peaceful, rural landscapes, ancient woodlands and to guard against urbanisation. These objectives apply throughout this character area, including those parts which adjoins built-up areas. The site does have a peaceful ambience and it is part of a wider transitional landscape up to the edge of the Mendip Hills AONB. It is however seen next to housing below and to the east of the site with woodland above and to the west. This frames views of the site and it appears more contained and part of the urban edge and it would not harm the woodland. The scale of the development is relatively modest when seen in the wider landscape and its overall visual impact is “moderate”. This is not a strong enough reason to refuse planning permission, particularly when weighed against the need to find new housing sites.

There are no ecological, drainage, archaeology, noise, air quality or agriculture objections to the application, although planning conditions would be required to mitigated and / or control such matters. It is also considered that the principle of up to 50 dwellings housing can be accommodated in a sensitive way having regard to the design characteristics of local area, whilst protecting the privacy and amenity of nearby residents.

On balance the principle of residential development is considered to be a sustainable development.

### RECOMMENDATION:

Subject to the completion of a legal agreement securing financial contributions in respect of:

- (a) Education to include primary school, special educational needs and youth services in Weston-Super-Mare – particular locations are defined;
- (b) Employment to provide targeted business support in Weston-Super-Mare;
- (c) Library Services aimed at mobile and central library services in Weston-Super-Mare;
- (d) Built Sport and Leisure Facilities in Weston-Super-Mare – particular locations are defined;
- (e) Informal open space and financial contribution towards the enhancement of a local off-site equipped play area – the location of which is defined,
- (f) minimum of 30% on site Affordable Housing provision and
- (g) works within the highway to alter and improve visibility of the ‘T’ junction at Wentwood drive and Totterdown Lane together with improvements to footpaths and traffic calming in Totterdown Lane and funding including marketing of public transport (new bus service);

the application be **APPROVED** for the reasons stated in this report subject to the following conditions and any other additional or amended conditions as may be required:

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1. The application for approval of the reserved matters shall be made to the Local Planning Authority before the expiry of three years from the date of this permission.

Reason: In accordance with the provisions of Section 92 of the Town and Country Planning Act 1990.

Reason: The application was submitted as an outline application in accordance with the provisions of Article 3 of the Town and Country Planning (General Development Procedure) Order 1995 (as amended)

2. The development hereby permitted shall be begun either before the expiry of five years from the date of this permission, or before the expiry of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: In accordance with the provisions of section 92 of the Town and Country Planning Act 1990.

3. Approval of the details of the layout, scale and appearance of the buildings, and the landscaping of the site (hereinafter called 'the reserved matters') shall be obtained from the Local Planning Authority, in writing before any development is commenced unless otherwise agreed in writing by the Local Planning Authority.

Reason: The application was submitted as an outline application in accordance with the provisions of Article 3 of the Town and Country Planning (General Development Procedure) Order 1995 (as amended) and in accordance with Policy of the North Somerset Replacement Local Plan.

4. Details to be submitted in respect of condition 3 shall include cross sections and plans which state the existing and proposed ground levels on the site and the finished site slab levels, finished floor levels and ridge heights of the dwellings in relation to a fixed datum point (or datum points) and the finished ground levels, finished floor levels and ridge heights of all dwellings that physically adjoin the application site boundary

Reason: To ensure that the height and spatial relationship of dwellings can be thoroughly assessed in accordance with Policy CS12 of the North Somerset Core Strategy.

**Approved Details**

5. The development shall be carried out in accordance with the following details:

## Planning and Regulatory Committee 13.04.16

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#### Reports:

- Planning Supporting Statement, April 2015
- Design and Access Statement Rev A - March 2016
- Sustainability and Energy Statement, April 2015
- Affordable Housing Statement, April 2015
- Ecological Impact Assessment, December 2014
- Landscape and Visual Impact Assessment and Appendices – June 2015
- Supplementary Bat Activity Survey, December 2015
- Bat Lighting Mitigation Strategy Rev 'A' 22<sup>nd</sup> March 2016.
- Archaeological Desk Based Assessment 16/04/2015;
- Magnetometer Survey Report, November 2014
- Archaeological Written Scheme of Investigation 03/09/15;
- Archaeological Trench Evaluation Report by HPS 01/12/15;
- Transport Statement, March 2015 and further response to dated 26/06/15
- Transport, Traffic and Highways Update Note, February 2016, by IMA Transport Planning, submitted 18/02/16;
- Flood Risk Assessment 16/04/2015

#### Drawings:

- Site Location Plan (L(01)01) 16/04/15;
- Topographic Survey, 16/04/15;
- Illustrative Development Layout (SK05 Rev 05), submitted 01/02/16;
- Density Parameter Plan (110 Rev A), submitted 01/02/16;
- Scale Parameter Plan (111 Rev A), submitted 01/02/16;
- Housing Parameter Plan (112 Rev B), submitted 19/02/16;
- Landscape and Ecological Mitigation and Enhancement Parameter Plan (1196-01 Rev D), submitted 15/02/16;
- Supplementary Ecological Parameter Plan – Grazing Strategy
- IMA-14-094 002 Rev A – Site Access
- IMA-14-094 005 – Traffic Calming Scheme & Pedestrian Improvement Scheme
- IMA-14-094 007 Rev A - Refuse Vehicle Swept Path Analysis
- IMA-14-094 008 Rev A- Wentwood Drive Proposed Highway Improvements

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.

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**Construction Management**

6. No development, including site preparation works, shall take place on site until a Construction Method Statement and Management Plan has been submitted to, and approved in writing by, the local planning authority. The approved details shall be adhered to throughout the construction period. The Statement shall provide for:
- (i) the location of parking areas within the site for of site operatives and visitors
  - (ii) loading and unloading of plant and materials including the location and delivery times
  - (iii) storage of plant and materials used in constructing the development
  - (iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
  - (v) wheel washing facilities
  - (vi) measures to control the emission of dust and dirt during construction
  - (vii) a scheme for recycling/disposing of waste resulting from demolition and construction works
  - (viii) measures to control noise from works on the site.
  - (ix) The location of site cabins

Reason: In order to preserve the living conditions of nearby residents as required by Policy CS3 of the North Somerset Core Strategy 2012

**Flood Prevention / Drainage**

7. The development hereby permitted shall not commence until details of the design, implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the Local Planning Authority. Those details shall include the following information:
- (i) Details of the design storm period and intensity, discharge rates and volumes (both pre and post development), temporary and permanent surface water storage facilities (including the size, depth, capacity and location of any attenuation ponds and associated banking), the means of access to all SuDS elements for maintenance, the methods employed to delay and control surface water discharged from the site and the



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measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters;

(ii) Any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant);

(iii) Flood water exceedance routes, both on and off site;

(iv) A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by an appropriate public body or statutory undertaker, management company or maintenance by a Residents' Management Company and / or any other arrangements to secure the operation and maintenance to an approved standard and working condition throughout the lifetime of the development.

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

Reason: To secure a working drainage system to the approved details that shall thereafter be implemented, retained, managed and maintained in accordance with the approved details throughout the lifetime of the development, in accordance with paragraph 17 and 103 of the National Planning Policy Framework and the Technical Guidance to the National Planning Policy Framework (March 2015) and policy CS/3 of the North Somerset Core Strategy.

**Landscape**

8. All works comprised in the details of landscaping to be approved should be carried out during the months of October to March inclusive following occupation of the dwellings or completion of the development, whichever is the sooner.

Reason: To ensure that a satisfactory landscaping scheme is implemented in accordance with policy CS9 of the North Somerset Core Strategy and policy GDP/3 of the North Somerset Replacement Local Plan and policies DM10 and DM32 of the North Somerset Sites and Policies Plan Part 1.

9. For the duration of the development works existing trees and hedgerows which are to be retained shall be protected by a suitable barrier erected and maintained at a distance from the trunk or hedge specified, in writing, by the Local Planning Authority. The Authority shall be informed at least seven days before works start on site so that

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barrier position can be established. Within this protected area there shall be no excavation, tipping or stacking, nor compaction of the ground by any other means during the course of the construction of the development.

Reason: To ensure that no excavation, tipping, storing of materials or any other activity takes place within this protective zone and in accordance with policy GDP/3 of the North Somerset Replacement Local Plan and policy CS9 of the North Somerset Core Strategy and policies DM10 and DM32 of the North Somerset Sites and Policies Plan Part 1.

10. Trees, hedges and plants in any development phase shown in the landscaping scheme to be retained or planted, which during the development works or during a period of ten years following implementation of the landscaping scheme in that development parcel, 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.

Reason: To ensure as far as possible that the landscaping scheme is fully effective and in accordance with policy CS9 of the North Somerset Core Strategy and policy GDP/3 of the North Somerset Replacement Local Plan and policies DM10 and DM32 of the North Somerset Sites and Policies Plan Part 1.

**Biodiversity**

11. No development shall commence until a Landscape Ecological Management Plan (LEMP) has been submitted to and approved in writing by the Local Planning Authority. This shall include:
  - i) A detailed ecological management regime including its start date for the perimeter hedgerows and adjoining bat corridors and the grazing land outside of the red line but within the blue line of ownership. This shall build on the principles set out in the Ecological Impact Assessment, Supplementary Bat Activity Survey and Botanical enhancement and rotation regime and it will be expected to maintain and enhance the retained legally protected species habitats on site, notably the species rich grasslands, damp SUDS, hedgerows and grazing land mitigation within the fields to the east of the application Site.
  - ii) Contingency proposals to replace any failed or damaged mitigation provisions for a period of 5 years following the of the LEMP;

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iii) Provision of a site interpretation board to inform residents of the habitats retained as mitigation and the management that is required to maintain these habitats on site, to avoid deterioration in habitats through lack of understanding.

The LEMP shall be implemented and adhered to over the operational phase of the development and the agreed measures shall be adhered to thereafter. Any subsequent amendment shall not be carried out unless it is first submitted to and approved in writing by the Local Planning Authority.

Reason: To comply with Policy CS4 of the North Somerset Core Strategy Policy CS4 and policies DM8 and DM10 of the North Somerset Sites and Policies Plan Part 1.

12. No development shall begin until detailed measures to protect retained habitats on site including hedgerows and buffer areas as well legally protected species during construction has been submitted to and approved in writing by the Local Planning Authority. This shall include the following:

- i) ecological supervision of site vegetation clearance; protocols and timings for vegetation clearance and site preparation (to avoid bird nesting season); details of protective fencing to retained habitats; pre-vegetation clearance walk over surveys / checks for legally protected and Section 41 species by an ecologist; checks/measures to avoid trapping wildlife within open excavations (ramps/covers/daily checks);
- ii) any areas of scrub that need to be removed include precautionary or mitigation measures for dormouse or nesting birds;
- iii) provision of an ecological clerk of works.

The approved details shall be implemented and adhered to during site clearance/preparation and the construction phase.

Reason: To comply with Policy CS4 of the North Somerset Core Strategy, policies DM8 and DM10 of the North Somerset Sites and Policies Plan Part 1, the Wildlife and Countryside Act (1981) as amended and Section 5 of the Habitats Regulations Assessment screening undertaken for compliance with the Conservation of Habitats and Species Regulation 2010 (as amended).

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13. The landscaping scheme required by to be submitted under Condition 8 shall include:
- i) all of the landscaping mitigation provisions contained within submitted ecological reports and those within Section 5 of the Habitats Regulations Assessment;
  - ii) an annotated plan with details of type and locations of dormouse, bird and bat boxes;
  - iii) a timetable for the timing implementation of landscaping coordinated by, or in consultation with, the ecological consultant to ensure horseshoe bats commuting routes are retained during the construction phase;
  - iv) the use of locally appropriate native species for hedgerows and grasslands within the northern open space and in the creation of hedgerows.

Reason: To comply with Policy CS4 of the North Somerset Core Strategy Policy CS4 and policies DM8 and DM10 of the North Somerset Sites and Policies Plan Part 1.

**Building Materials**

14. No works shall be commenced until sample panels of the external building materials to be used in the construction of dwellings and surface materials to be used in the construction of the roads, pavements and parking areas, have been submitted to and approved, in writing, by the local planning authority. Construction shall be only in accordance with the approved materials unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the materials to be used are acceptable in accordance with policy GDP/3 of the North Somerset Replacement Local Plan and policy CS12 of the North Somerset Core Strategy and policy DM32 of the North Somerset Sites and Policies Plan Part 1.

**Sustainable Design and Energy**

15. The dwellings hereby approved shall not be occupied until measures to generate 15% of the on-going energy requirements of the use (unless a different standard is agreed) through micro renewable or low-carbon technologies have been installed and are fully operational in accordance with the approved details that have been first submitted to and approved in writing by the Local Planning Authority. Thereafter, the

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approved technologies shall be permanently retained unless otherwise first agreed in writing by the Local Planning Authority.

Reason: In order to secure a high level of energy saving by reducing carbon emissions generated by the use of the dwellings in accordance with policy GDP/3 of the North Somerset Replacement Local Plan and Policies CS1 and CS2 of the North Somerset Core Strategy and policy DM6 of the North Somerset Sites and Policies Plan Part 1.

**Waste / Recycling**

16. The dwellings hereby approved shall not be occupied until the space and facilities provided on site for the storage and collection of waste have been constructed and implemented in accordance with the approved plans. Thereafter the approved space and facilities for the storage and collection of waste shall be permanently retained unless otherwise agreed in writing with the local planning authority.

Reason: The local planning authority wishes to encourage sustainable waste collection initiatives in the interests of local amenity and sustainable waste management and in accordance with policies CS1 and CS7 of the North Somerset Core Strategy and policy DM32 of the North Somerset Sites and Policies Plan Part 1.

**Contamination**

17. In the event that ground contamination not previously identified is found to be present at the site during construction, then no further development shall, unless otherwise agreed in writing with the Local Planning Authority, be carried out until the developer has submitted a remediation strategy to the Local Planning Authority which details how the contamination will be dealt with and work on site shall, unless otherwise agreed with the Local Planning Authority, not proceed until written approval from the Local Planning Authority has been issued. The remediation strategy shall thereafter be implemented as approved.

Reason: To prevent pollution of the water environment and in accordance with policy CS3 of the North Somerset Core Strategy and policy DM8 of the North Somerset Sites and Policies Plan Part 1.

**Archaeology**

18. No development shall take place within the site until a programme of archaeological work in accordance with a written scheme of investigation has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme of investigation.

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Reason: The site is within an area of major archaeological interest and the Council will wish record and protect the archaeological remains in accordance with policy ECH/6 of the North Somerset Replacement Local Plan and policy DM6 of the North Somerset Sites and Policies Plan Part 1.

**Constraints**

19. No more than 50 dwellings shall be erected on the application site.

Reason: To avoid an overdevelopment of the site which would be likely to result in a form of development that is out of keeping with the character and appearance of the site and surrounding area and policy DM32 of the North Somerset Sites and Policies Plan Part 1.

**Road Safety, Access and Parking**

20. The off-site works that are proposed within the highway that are shown in drawing numbers IMA-14-094-005 and IMA-14-094-008 Rev B shall be completed in accordance with the approved details, unless otherwise agreed by the Local Planning Authority, before any development commences to implemented this planning permission including site clearance.

Reason: In the interests of highway safety and in accordance with Policy T/10 of the North Somerset Replacement Local Plan and Policy T10 of the North Somerset Core Strategy

21. No dwellings shall be occupied until vehicle access to that dwelling together with the car parking for that dwelling has been implemented in accordance with approved drawings. Car parking spaces including garages shall be retained for car parking at all times thereafter.

Reason: To ensure that sufficient car parking is provided and retained in accordance with Policy CS11 of the North Somerset Core Strategy, Policy T/6 of the North Somerset replacement Local Plan, the Council's SPD on Parking and Policy DM28 of the North Somerset Sites and Policies Plan Part 1.

**External Lighting**

22. The only external lighting to be installed shall accord with those details set out in the Bat Lighting Mitigation Strategy Rev 'A' 22<sup>nd</sup> March 2016. Should any other external lighting be proposed details of it in terms of its position, height, type of light and lighting levels (lux levels) shall be submitted to and approved by the Local Planning Authority before it is installed and in shall be maintained and replaced as such at all times thereafter.

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Reason: To ensure that the lighting levels are appropriate given the ecological sensitivity of the site and in accordance with Policy CS4 of the North Somerset Core Strategy Policy CS4 and policies DM8 and DM10 of the North Somerset Sites and Policies Plan Part 1.

Advice Notes

1. *The applicant/developer is advised that under section 184 (Highways Act 1980), any new works within the highway boundary must be to the Council's specification and prior to any works the developer must arrange with the Council's Streets & Open Spaces Highway Maintenance Team (01275 888802) for the approval of the works within the highway.*
2. *The applicant/developer is advised that the works within the highway in association with this development will require the developer to enter into a S278 Agreement (Highways Act 1980). The developer is advised to make early contact with the highways officer (Mr W Hole 01934 426707) so that the processing of the order does not impede the implementation of planning consent. The developer will be required to agree to the specification of the works, meet the Council's costs in the drawing up of the order, provide a bond or cash equivalent and meet the Council's inspection charges.*
3. *The applicant/developer is advised to discuss the 'Secured by Design New Homes 2014 Design Guide' with the Avon and Somerset Police.*
4. *The planning permission must be read in conjunction with the S106 Legal Agreement and the applicant will be required to meet the Council's Legal costs incurred in preparing / checking the S106 Agreement.*
5. *The applicant is advised that the Council's Car Parking Standards for residential development are set out in a Supplementary Planning Document (Parking Standards). Minimum standards will be expected to be met in a 'reserved matters' application.*