The Planning Inspectorate

Appeal Decision

Hearing held on 8 November 2016

Site visit made on 9 November 2016

by Michael Boniface MSc MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 02 December 2016

Appeal Ref: APP/D0121/W/16/3151660
Land off Wentwood Drive, Weston-super-Mare, North Somerset, BS24 9ND

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Coldharbour Land Ltd against the decision of North Somerset Council.
- The application Ref 15/P/0983/O, dated 17 April 2015, was refused by notice dated 13 May 2016.
- The development proposed is up to 50 dwellings with associated parking, hard/soft landscaping and open space, drainage and infrastructure.

Decision

1. The appeal is allowed and planning permission is granted for up to 50 dwellings with associated parking, hard/soft landscaping and open space, drainage and infrastructure at Land off Wentwood Drive, Weston-super-Mare, North Somerset, BS24 9ND in accordance with the terms of the application, Ref 15/P/0983/O, dated 17 April 2015, subject to the conditions contained in the attached Schedule.

Preliminary Matters

2. The application is submitted in outline form with details of the proposed access to be considered. Matters of appearance, landscaping, layout and scale are reserved for subsequent consideration.

3. The original planning application referred to a scheme of 60 dwellings but this was reduced during the course of the application process and the description of development was changed accordingly. I have used the updated description above and considered the appeal on this basis.

4. Following adoption of the Core Strategy (2012) (CS) a legal challenge meant that the housing requirement was remitted back to the Planning Inspectorate for re-examination. This resulted in a higher housing requirement being confirmed. Policy CS13 of the CS was amended to reflect the higher requirement and was subsequently adopted so as to form part of the development plan. This had the potential for requiring consequential amendments to a further 8 policies of the CS (CS6, CS14, CS19, CS28, CS30, CS31, CS32 and CS33) which were also remitted for re-examination. These policies are yet to be adopted in their amended form but have reached an advanced stage in the examination process, having been found sound by the

Examining Inspector. Under these circumstances, the parties agree that they can be attributed significant weight.

5. Since the Council issued its decision, the Development Management Policies, Sites and Policies Plan Part 1 (July 2016) (DMP) has been adopted. It replaced a number of policies in the North Somerset Replacement Local Plan (2007) (LP). The Council confirmed that Policies GDP/3 and T/10, previously relied upon, were no longer relevant. Policies DM10, DM11, DM24 and DM32 of the DMP now form part of the development plan and replace the previous LP policies.

6. It is common ground between the parties that the Council cannot demonstrate a deliverable five year housing land supply in accordance with the National Planning Policy Framework (the Framework)[1]. In such circumstances its relevant policies for the supply of housing should not be considered up-to-date[2] and the presumption in favour of sustainable development applies. For decision taking, this means granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole; or specific policies of the Framework indicate that development should be restricted[3]. I have considered the appeal on this basis.

Main Issues

7. The main issues are the effect on the character and appearance of the area, including views towards the Mendip Hills Area of Outstanding Natural Beauty (AONB); and whether future occupants would be unduly reliant on private vehicles for accessing day to day services and facilities.

Reasons

Character and appearance

8. The site is an undeveloped field currently used for grazing which adjoins the settlement boundary for Weston-super-Mare. The land slopes steeply upwards to the East given its hillside location. Established residential development adjoins the West boundary at Wentwood Drive and Highfield Road, as well as part of the Southern boundary along Bleadon Hill. A further group of residential properties known as the Hillcote estate stands separate to the main body of development, to the South East of the site. An area of woodland is located to the North and North East. The site is not subject to any statutory landscape designations but is located approximately 350m to the west of the Mendip Hills AONB.

9. The application is accompanied by a Landscape and Visual Impact Assessment (June 2015) (LVIA) prepared in accordance with the Guidelines for Landscape and Visual Impact Assessment[4]. This LVIA considers the site context and the likely impacts of the development in landscape and visual terms, having regard to a prescribed methodology. The Council does not dispute either the methodology or findings of the LVIA, notwithstanding that it considers the identified effects to be unacceptable.

[1] Paragraph 47 of the Framework
[2] Paragraph 49 of the Framework
[3] Paragraph 14 of the Framework
[4] Third Edition, Landscape Institute and Institute of Environmental Management and Assessment (April 2013)

10. It is agreed between the parties that the site and surroundings generally accord with the character outlined in the various national and local landscape character assessments for the area. The LVIA concludes that the landscape as a receptor is of medium sensitivity, having some value but being undesignated, has some scope for a limited scale of change. The landscape effect of the development is found to be low given proposals to retain the existing field pattern and maintain and enhance hedgerows on the boundaries. Given the limited scale of the development, the limited range of views and the close relationship with existing residential development, it is concluded that the proposal would not be uncharacteristic to the area and the overall significance of effect is found to be slight/moderate.

11. The development would extend the built-up area into countryside and bring it closer to more isolated development at the Hillcote estate. However, this would be clearly seen in the context of the existing buildings and residential development in the area, albeit that the development would be at a higher level on the hillside than much of the existing development. Significant boundary landscaping is proposed, albeit indicatively at this stage, and large amounts of undeveloped countryside would remain around and above the development, as well as the existing woodland area. The development would not appear uncharacteristic in this context, rather it would extend the built form slightly. The Hillcote estate would remain separate and the sporadic development on the peripheries of the town towards the AONB would remain apparent. I do not consider that the development would harm the wider peace and tranquillity of the landscape, which is heavily influenced by residential development, or the distant AONB.

12. In visual terms, the effects are considered from a range of viewpoints which were agreed by the Council during the course of the application. The main views of the site are considered to be short distance views from local roads, footpaths and residential properties close to the site; as well as mid-distance views from the West, primarily at Uphill Down. Of the public viewpoints considered, the greatest significance of effect is found to be from the public right of way at Uphill (viewpoint 13) considered to be moderate by completion of the development. A moderate/substantial effect would occur during construction but this would be temporary in nature.

13. The site is readily visible from the public right of way and surrounding landscape, over which the public have access. Views from the hillside at Uphill are sensitive given the likely purpose of visits by receptors for recreation, given the scenic views available in all directions and the presence of the historic St Nicholas' Church and windmill site. I was also made aware that the area is designated as a Site of Special Scientific Interest, a wildlife site, a local nature reserve and a conservation area, all of which are likely to encourage visits.

14. Although the site is visible from this location, this is at a distance of around 1.5km. At this distance, the site is not a prominent component of views, rather part of the hillside landscape which is seen in the context of the significant amount of residential development surrounding it. It is also pertinent that whilst the site and its surroundings offer a pleasant view, the elevated hillside at Uphill provides panoramic views of the coastline and wider landscape and so visitors would not be focussed on the appeal site necessarily. The proposed scheme would be well related to the existing development on the hillside and

large areas of undeveloped countryside would remain apparent, including above the development towards the ridge of the hill.

15. The indicative layout and various parameter plans provided by the appellant demonstrate that a relatively low density could be provided, reflecting that of the surrounding area. In addition, an undeveloped landscape buffer would be provided with significant landscaping and boundary enhancement and the scale of buildings is shown to include a large proportion of 1.5 storey dwellings, particularly on the peripheries of the site close to existing properties of a similar scale.

16. The site is attractive rural landscape that contributes to the wider landscape setting and I recognise that it is seen as an asset by local people, notwithstanding that there is no authorised public access to it at present. Whilst this is so, it is not subject to any landscape designation and I was not made aware of any specific feature or attribute that elevated it above any other piece of countryside on the edge of the town. In this context, I was not persuaded by arguments that the site should be considered a valued landscape in the terms of paragraph 109 of the Framework. That is not to say that it has no value, but there is nothing to indicate that it deserves any greater level of protection than other similar sites on the edge of the town.

17. Clearly, replacement of an undeveloped piece of land with residential properties will have an impact on the landscape but I concur with the findings of the LVIA that this would be no more than moderate once the development is completed, and particularly so once any landscaping proposals have a chance to mature. Similar views of the site are available from various other locations identified by the Council but these would be viewed in passing during day to day activities and as such, they are less sensitive than those from Uphill. Whilst views up Wentwood Drive and Highfield Road would change from the currently open aspect of the undeveloped field to a residential development, these views are relatively narrow between the existing houses and future development would be seen in the context of the surrounding built form, limiting the harmful effect.

18. Whilst accepting that the proposed development would not be visible from the nearby AONB, it was highlighted that it might be possible to view parts of the proposed buildings, such as roof tops and gables, in the same panoramic view from some locations, such as Uphill. Whilst this is so, the fact that it might be possible to do so does not translate into a harmful effect. I have determined the landscape effect from Uphill and this is not altered by the potential to view parts of the AONB at the same time, rather, it highlights the wide ranging scenic views available from the viewpoint. The development would not harm the scenic beauty of the AONB.

19. Short range views of the development would be possible from a number of residential properties that adjoin the site or are located in proximity. Residential receptors are likely to be highly sensitive to changes on the site but the effects would be limited to a relatively small number of residents. There is no protection for private views through the planning system and whilst I recognise a harmful effect, I attribute this only limited weight.

20. It is clear that some landscape and visual harm would result from the development but this must be weighed against the benefits of the development, which I shall do later in this decision. So far as the policies relied

upon by the Council are concerned, I find no material conflict with Policies CS5 and CS12 of the CS, which seek to protect and enhance the character, distinctiveness, diversity and quality of landscapes through the careful, sensitive management and design of development, to conserve and enhance the natural beauty and character of the AONB and to ensure high quality design that respects its context; Policies DM10 and DM11 of the DMP, which set a range of criteria for protecting landscape character and require landscape mitigation where harm is unavoidable but a development is otherwise deemed beneficial, as well as the conservation and enhancement of the landscape and scenic beauty of the Mendip Hills AONB.

Accessibility

21. The site is located on the edge of Weston-super-Mare, just beyond the settlement boundary. The main modifications to Policy CS28 of the CS identifies the town as a primary focus for new development, including some flexibility for schemes up to 75 dwellings adjacent the settlement boundary, recognising the relative sustainability of the settlement. The policy is accompanied by a range of objectives for such development, including to improve public accessibility within Weston-super-Mare by walking, cycling and public transport, particularly where they enhance connectivity with, for example, local facilities, service centres, the town centre and sea front. Policies CS1 and CS10 seek to address the impacts of climate change and promote sustainable modes of travel.

22. In seeking to assess the relative accessibility of the appeal site, the Council refers to *Proving for Journeys on Foot*[5] (IHT Guidance). This identifies a range of walking distances that are generally seen as desirable, acceptable and preferred maxima when considering the opportunities for walking to various services and facilities. A convenience store and take-away would fall within the preferred maximum walking distance of 1200m set out within the guidance, located at Broadway. I noted that a children's play area, Chidren's centre/nursery, public house and parade of shops including a post office all stood on the opposite side of Broadway. Old Mixon Primary School was also located in proximity to these facilities, well within the preferred maximum walking distance of 2km and only slightly above the 1km 'acceptable' distance. Beyond this, along Winterstoke Road stands a large commercial area with potential for employment opportunities.

23. These distances are relatively modest for walking, the closest of which being within an approximate 13 minute walk according to the appellant. Whilst this is so, the IHT guidance is clear that the decision to walk may depend on the attractiveness and practicality of the route. The route from the appeal site to the identified services and facilities involves some very steep sections commensurate with its hillside location and the Council suggest that the route, in part, would exceed the desirable maximum gradient of 1 in 20 specified in the IHT Guidance and Manual for Streets 2. Whilst this is so, this can only be used as guidance and not an absolute limit. In hilly locations there will be instances where it cannot be fully met.

24. I have no doubt that the steep gradient of the route would dissuade many from undertaking journeys on foot or cycle and I acknowledge that the combined distance to facilities and steepness of the route would discount walking as a

[5] Providing for Journeys on Foot, Institution of Highways and Transportation, 2000

viable, practical or desirable route for a number of people, particularly those less mobile, disabled or for those carrying heavy items such as large amounts of shopping. Whilst this is so, I equally consider it likely that a great proportion of future occupants could readily walk the distance involved despite the gradient of the route, which is otherwise attractive with good pavements and street lighting available. Overall, I consider that reasonable opportunities would be available for walking and cycling to a range of services and facilities and that this would represent an alternative to use of the private car for a good proportion of future residents.

25. In addition to these opportunities, there are a number of bus stops in close proximity (around 240m away) to the appeal site on Totterdown Lane and Burnham Drive. The existing 4A service provides a roughly hourly service during the day providing access to the greater offering of services and facilities within the town. I heard that the service ran via Hutton and was considered to be slow but Hutton is only a short distance away and the stop over between buses only around 7 mins. This need not necessarily dissuade potential users. I also note that a more direct service (4) is available from Broadway to the town and so those wishing to avoid the journey to Hutton could utilise this service, albeit requiring a longer walk to the bus stop. This service also commences earlier (08:03) so as to arrive in Weston-super-Mare by 08:17, allowing opportunities for commuting.

26. The fact that the closest service (4A) does not currently operate so as to arrive in the town before 09:00 or depart after 17:22 is likely to significantly reduce its uptake for commuting purposes. Notwithstanding the existence of other bus services that would offer these opportunities, the appellant recognises this issue and has sought to subsidise an improved service following discussions with both the Council and a local operator (Crossville). Although the final details of the new service would need to be agreed, current indications are that an hourly service would be introduced between the existing hourly service, in effect creating a half hourly service via alternating routes. It is also envisaged that this service would commence earlier and run for longer so as to facilitate commuting for employment. Such a service would be subsidised, via a planning obligation, for a period of 3 years. After which, it is expected that the service would be self-funding.

27. Local people raised concerns that the existing service was not well used and that any additional service was unlikely to be viable without subsidisation. However, the increased service would improve the bus service for existing residents as well as future occupants of the appeal scheme. It is likely that a greater uptake would result as people found the service more convenient and new residents moving to the area would be able to use the service early on, influencing their future travel habits.

28. I attach only limited weight to the improved bus service as its final form is not established or secured and given the uncertainty over its longevity given the 3 year subsidy period. However, when considered in conjunction with the existing services there are some real opportunities for accessing Weston-super-Mare, which contains a great range of services and facilities, by public transport.

29. Whilst it is not realistic to suggest that all journeys could or would be undertaken by sustainable means, given the opportunities available, I do not consider that future residents need be unduly reliant on private vehicles for

accessing day to day needs. As such, I find no conflict with Policies CS1 and CS10 of the CS; or Policies DM24 and DM32 of the DMP which, amongst other things, seek to resist development that is not accessible by non-car modes or cannot readily be integrated with public transport, cycleway, footpath links and the existing public realm.

30. I have had regard to a recent appeal decision in Congresbury[6] where walking distances and the nature of the route were a consideration, as in this case. There is no dispute that this is a material planning consideration where a judgement is necessary but this appeal is a different site in an entirely different context. It is not directly comparable to this appeal and it does not alter my conclusions on this matter.

Other Matters

Transport and Highways

31. Concerns are raised by local people regarding highway safety and capacity, having regard to steep gradients, poor junction visibility and road widths in the area. The application is accompanied by a Transport Statement (March 2015) and a number of supplementary documents[7]. These reports calculate the likely trip generation resulting from the development, the route likely to be taken and the highway design and capacity in the corresponding roads. Totterdown Lane is relatively wide and is determined to have sufficient capacity to accommodate the proposed scheme. Wentwood Drive itself can again accommodate the levels of traffic anticipated but the junction between Wentwood Drive and Totterdown Lane is found to be substandard and I noted that visibility is currently poor.

32. A scheme of highway improvements is therefore proposed, to extend the junction outwards on to Totterdown Lane and improve the visibility, also facilitating a section of footpath (where there is currently none), improving the crossing facility for pedestrians. Totterdown Lane has sufficient width to accommodate these works without compromising two-way traffic flows and a series of traffic calming measures would be used to reduce vehicles speeds in the vicinity of the junction. These measures would have a slightly urbanising effect on Totterdown Lane but the road is distinctly sub-urban in character and the visual impact would be minimal. The Council is satisfied that the development can be accommodated without harm to highway safety or capacity and, based on the evidence before me, I have no reason to reach a different conclusion.

Flood Risk and Drainage

33. The site is located in Flood Zone 1 (lowest risk) as defined by the Environment Agency. A detailed Flood Risk Assessment and Surface Water Drainage Strategy (21 April 2015 V3) accompanies the application, concluding that neither the site nor the surrounding area is at risk of flooding and providing broad details of the proposed drainage strategy.

34. I have had regard to the concerns raised by local people but the submitted information demonstrates that a SuDS system is feasible and that soakaways

[6] Appeal ref. APP/D0121/W/15/3004788
[7] Response to highways comments dated 26th June (August 2015) and Transport, Traffic and Highways Update Note (February 2016)

are likely to be effective in this predominantly limestone area. Wessex Water has also confirmed that sufficient capacity exists in the foul sewerage network to accommodate the proposed development. No objection is raised by the Environment Agency and the Council, as Lead Local Flood Authority are satisfied. Full details of the proposed drainage scheme would need to be secured by condition, but I am satisfied that sufficient information has been provided at this outline stage to demonstrate that flooding and drainage would not present an insurmountable issue.

Ecology

35. The site is adjacent to the 'Oldmixon to Upper Canada Scarp Wildlife Site' and close to the North Somerset and Mendip Bat Special Area of Conservation (SAC). The submitted Ecological Impact Assessment (December 2014) and Supplementary Bat Activity Survey (October 2015) demonstrate that the site is currently overflown by bat species and that the hedgerow boundaries in particular are used for foraging and navigation. A 'Landscape and Ecological Mitigation and Enhancement Parameter Plan' demonstrates retention and enhancement of these hedgerows, along with a buffer zone. The Bat Lighting Mitigation Strategy (22 March 2016) details how the effect of lighting on bat species would be mitigated.

36. The Council has undertaken a Habitat Regulations Assessment given the presence of European Protected Species and confirm, having consulted with Natural England, that the development would not be likely to have significant effects on the SAC or any protected bat species. This is subject to the various mitigation measures proposed being secured by condition. I have no reason to reach a different conclusion and adopt this position.

37. The report identifies potential to mitigate the ecological impacts of the development and provide enhancements, including through improvements to the adjoining land which is also within the ownership of the appellant.

Living conditions

38. The proposed development would be entirely compatible with the existing residential character of the area. Whilst the introduction of a further 50 dwellings would increase activity, including traffic movements along Wentwood Drive and the surrounding area, the additional activity would not be so significant as to materially harm the living conditions of neighbouring occupants.

39. Some noise and disturbance would occur during the construction period from the building operations on site and the large vehicles likely to be attracted. These impacts would, however, be temporary for the duration of the works and could be minimised by securing a Construction Management Plan, avoiding any material harm to long term living conditions.

40. A number of residents have expressed concerns about overbearing impacts, loss of light and overshadowing. The topography of the area and the hillside location mean that development would stand above the level of existing residential properties. However, the layout and scale of the buildings are reserved matters to be considered as part of the subsequent reserved matters applications. The indicative layout plans demonstrate that the site can comfortably accommodate the 50 dwellings proposed and there is no reason to

believe that the scheme could not be designed without harming neighbouring living conditions.

Archaeology

41. The submitted Archaeological Desk-Based Assessment (2014), Written Scheme of Investigation (September 2015) and Report Archaeological Trench Evaluation identify the potential for a pre-historic field system in the vicinity but that any remains have been truncated and destroyed by post-medieval quarrying. Some Roman remains are still thought to exist in the South East part of the site but the Council's Archaeologist in satisfied that conditions could be used to secure recording of archaeology and minimise damage and I am minded to agree.

Agricultural Land

42. The development would result in the modest loss of agricultural land but the appeal site is identified as Grade 3B agricultural land, being of moderate quality. Therefore, it is not the best and most versatile land that the Framework seeks to protect. Poorer quality agricultural land should be used as a preference to that of a higher quality.

Land stability

43. Concern was raised that the site might become unstable and result in mud slips. This is a matter for the developer to consider but there is no evidence before me to give any indication that such problems are likely to arise.

Planning Obligations

44. A completed S106 agreement has been provided to secure a number of planning obligations in the event that planning permission is granted. 30% of the proposed dwellings would be secured as affordable housing in accordance with Policy CS16 of the CS. There is an evidenced lack of capacity for primary education, special needs and youth services and a contribution is secured to mitigate the impacts of the development in accordance with Policy CS25 of the CS. The development will introduce a significant increase in population and Policy CS27 seeks to ensure that sufficient open space and play equipment is available to meet needs. A contribution towards local facilities is secured in lieu of on-site provision and details of management provisions for the on-site open space are included. The need for various highway improvements, traffic calming measures and a bus subsidy are discussed above and these would be secured.

45. Further contributions are sought towards the provision of book stock for the mobile library serving the area and the library in the town, both of which are likely to be used by local residents. However, the evidence supporting this[8] notes that a number of such requests have been made in respect of other development in the area. It does not quantify the number of obligations that have been pooled for these purposes in the past and no evidence is provided to assist with this matter. Although I heard that different types of books were sought in other obligations and that this amounted to a different project in the

[8] Contained within the Planning Obligations Scope and Statement of CIL Compliance

terms of the CIL Regulations[9], there is no evidence before me to support this stance.

46. Similarly, no evidence was provided in respect of pooling for the employment contribution and the Council was unable to confirm that no more than five obligations would be pooled towards this project. Regulation 123 of the CIL Regulations prevents me from taking obligations into account where more than five contributions would be pooled. In the absence of evidence to demonstrate that five or less obligations would be pooled towards library and employment projects, I have not taken them into account.

Planning Balance

47. A number of benefits would arise from the proposed development and these are recognised in the Council's report to the Planning and Regulatory Committee dated 13 April 2016 . These benefits include the provision of up to 50 new dwellings, including 30% affordable housing that would contribute to the identified need for such accommodation. In the context of the Framework's objective to boost significantly the supply of housing and the Council's recognised shortfall in housing land supply, this is a matter that I attribute significant weight.

48. A range of financial benefits would arise from the increased population in the area, including jobs during construction and receipts for the Council from the New Homes Bonus. There would also be benefits in terms of ecological enhancements and improvements to the existing bus service that might encourage more local people to travel by sustainable means.

49. A range of economic, social and environmental benefits meeting a number of the Framework's objectives would arise from the development. Whilst I have noted that some harm would result to the character and appearance of the area and that some reliance on private vehicles may result, the overall harm arising in these respects is relatively limited. It cannot be said that the harmful impacts of the development would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole. As a result, the proposal constitutes sustainable development to which the presumption in favour applies and planning permission should be granted.

Conclusion

50. In light of the above, and having considered all other matters, the appeal is allowed.

Conditions

51. The parties have agreed a number of conditions in the event that planning permission is granted. I have attached conditions to identify the reserved matters, the timings for their submission and the period in which commencement of development must occur. I have also specified the maximum number of dwellings allowed and the reports and plans with which the development must accord to ensure certainty.

52. Details of the existing and proposed ground levels are necessary to assess the relationship between existing and proposed buildings given the sloping nature

[9] Community Infrastructure Levy Regulations 2010

of the site in the interests of character and appearance and to protect neighbours living conditions. A Construction Method Statement and Management Plan are also necessary to protect living conditions.

53. Full details of the proposed sustainable drainage system are required, including management and maintenance to ensure that the site is effectively drained and to avoid flooding. A condition is necessary to ensure the protection of trees and hedgerows to be retained within the development during construction in the interests of ecology and character. However, I do not consider it necessary to impose conditions dealing with the implementation of landscaping or the replacement of failures at this outline stage as these would be more appropriately dealt with as part of the landscaping reserved matters approvals.

54. It is necessary to require an Ecological Management Plan, details of measures to protect retained habitats and species and to clarify the ecological measures to be included within the landscaping details to be submitted at reserved matters stage to protect and enhance biodiversity and to ensure the avoidance of significant adverse effects. Any external lighting must also accord with the submitted Bat Lighting Mitigation Strategy so as to minimise impacts.

55. Details of the external materials to be used are required to ensure an appropriate appearance for the development. Details of energy generation and waste and recycling provisions are secured to reduce carbon emissions and encourage sustainable waste management.

56. A precautionary approach is taken to land contamination and a requirement for notification and remediation is necessary if unexpected contamination is identified. A programme of archaeological works is secured given the potential for some interest on the site. Finally, the off-site highway works discussed above are secured to ensure highway safety.

57. I have altered the wording of the proposed conditions as necessary to improve their precision and to ensure compliance with the tests contained in Planning Practice Guidance.

Michael Boniface

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Kit Stokes	Planning Consultant (Agent)
Rebecca Morgan	Planning Consultant (Agent)
Ian Monachino-Ayres	Transport Planner
Simon Fitton (BA) (Hons) MRTPI	Planning Consultant
Alex Madden	Solicitor

FOR THE LOCAL PLANNING AUTHORITY:

Neil Underhay	Principal Planner
Natalie Richards	Policy and Research
Hayley Morrish	Planning Assistant
Kevin Carlton BA Dip LA	S106 and Landscape

INTERESTED PERSONS:

Michael Roe	Local resident (Wentwood Drive Action Group)
John Ley-Morgan	Local resident (Wentwood Drive Action Group)
Michael Ripley FRICS	Local resident (Wentwood Drive Action Group)
Pat White	Local resident (Wentwood Drive Action Group)
Kevin Hambley	Local resident
Martin Harryman	Local resident
Terrence Ferren	Local resident
Roy Schubert	Local resident
Gerry Butcher	Land owner
Richard Hazzard	Local resident
Linda Hazzard	Local resident
Roger Pocklington	Local resident
Cllr Peter Fox	Local Councillor
Cllr Terry Porter	Local Councillor
Valerie Minett	Local resident
Dennis Usher	Local resident
Sue Strouther	Local resident
Janice Horrigan	Local resident
Cllr Tony Falkner	Local resident

DOCUMENTS SUMITTED DURING THE HEARING

1 E-mail dated 7 November 2016 referring to conditions and viewpoints

2 Completed S106 agreement

3 Statement by Michael Ripley FRICS

4 Ariel photograph and viewpoint extract from LVIA

5 North Somerset Council Report titled 'Assessing the sustainability and settlement hierarchy of rural settlements in North Somerset, Final Report, February 2016

6 Statement by John Ley-Morgan

7 Schedule of Main Modifications to the Council's Sites and Policies Part 1

8 E-mail dated 28 January 2016 referring to potential bus service improvements and bus timetable

Schedule of Conditions

1) Details of the appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.

2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.

3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.

4) The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

- 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' 22nd 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
- 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 B – Site Access
- IMA-14-094 005 Rev B– Traffic Calming Scheme & Pedestrian Improvement Scheme
- IMA-14-094 007 Rev A - Refuse Vehicle Swept Path Analysis
- IMA-14-094 008 Rev E- Wentwood Drive Proposed Highway Improvements
- IMA-14-094-009 Rev A – Additional Speed Bumps
- IMA-14-094-011 – Footway Works
- IMA-14-094-012A – Consolidated Highways Proposals

5) Details to be submitted in respect of condition 1 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.

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.

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 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.

8) 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 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.

9) 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;

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.

10) 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.

11) The landscaping scheme required by to be submitted under Condition 1 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.

12) 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.

13) The dwellings hereby approved shall not be occupied until measures to generate 15% of the on-going energy requirements of the use 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 approved technologies shall be permanently retained.

14) 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.

15) 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.

16) 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.

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

18) The off-site works that are proposed within the highway that are shown in drawing numbers IMA-14-094-005 Rev B and IMA-14-094-008 Rev E shall be completed in accordance with the approved details, before any development commences to implement this planning permission, including site clearance.

19) 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.

20) The only external lighting to be installed shall accord with those details set out in the Bat Lighting Mitigation Strategy Rev 'A' 22nd 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 it shall be maintained and replaced as such at all times thereafter.