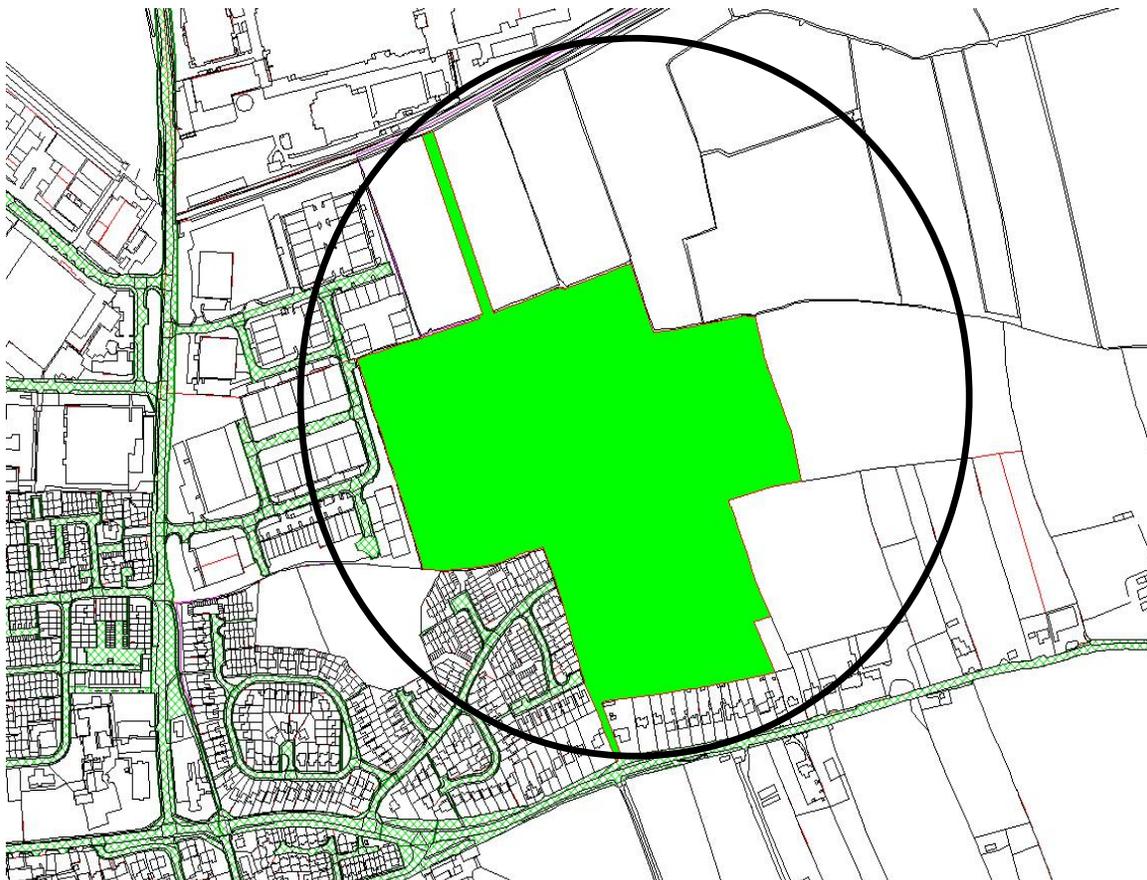


SECTION 1

APPLICATION NO: 16/P/0150/O	CASE OFFICER: Sally Evans
APPLICANT: SWSD, K Berkeley, S Gwynne-Jones & N Phippen	Extended expiry date:
PARISH/WARD: Hutton/Hutton and Locking WARD COUNCILLOR(S): Cllr E D Ap-Rees Cllr T Porter Cllr Mrs D K Payne Cllr S Codling	TARGET DATE: 14 April 2016
SITE ADDRESS: Land North of Oldmixon Road, Hutton, Weston-super-Mare, BS24	

LOCATION PLAN: The following plan shows the general location of the site only and is for illustrative purposes. The circle identifies the location of the site and is not a representation of the site boundaries. The site boundaries and other details submitted with the application can be viewed on the council's website at www.n-somerset.gov.uk. This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of the controller of Her Majesty's Stationery Office © Crown copyright and database rights 2016 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: 16/P/0150/O Outline application for proposed residential development of up to 150 dwellings public open space, allotments, football pitches, changing facilities and ancillary works. All matters reserved for subsequent approval at Land North of Oldmixon Road, Hutton, Weston-Super-Mare**

DEPARTURE FROM DEVELOPMENT PLAN POLICIES

Summary of recommendation

The applicants have appealed against non-determination and have requested the appeal follows the Local Inquiry procedure. A date has not yet been agreed. It is recommended that if the Council had been able to make a decision, the application would have been **REFUSED**. The full recommendation is set out at the end of this report.

The Site

The application site is located abutting the south eastern corner of Weston-super-Mare between the town and the village of Hutton which lies to the east. It incorporates a number of agricultural fields, and is identified in the Design and Access statement as the central, eastern, western, northern and south-eastern field areas. There are established hedges and drainage ditches along the majority of the field boundaries. The central and north eastern sections are generally level areas of improved grassland. The land at the south is undulating, and includes small grassed hillocks. South of the site boundary at the opposite side of Oldmixon Road the land rises steeply and is within the Mendip Hills AONB.

There is existing housing at the south western side which is accessed from Woodside Avenue, and at the southern boundary which is accessed from Oldmixon Road. Land identified as within the applicant's control but not proposed for development includes the western field, an area of open space which is surrounded by existing development at Woodside Avenue and the northern field which extends north to the Cross rhyne and the former Airfield, which forms part of the new Weston Villages as identified in the adopted SPD.

The Lynx Crescent industrial area adjoins the site to the west and includes adopted road access in close proximity but not adjacent to the site. The majority of the industrial estate boundary includes a wide grass verge and trees with gated field access into the application site.

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The Application

Outline permission with all matters reserved. The Design and Assess statement includes a masterplan and states the application is for:

- the erection of up to 150 dwellings on 6.26 ha's;
- public open space on 2.52 ha's, interspersed around the site, including a local area for play (LAP);
- allotments on 1.1 ha's at part of the north of the eastern field;
- community orchard on 0.58 ha's at the top of the south eastern hill;
- sports pitches and pavilion on 1.85 ha's at the western field;
- ancillary infrastructure works including roads and maintenance access to rhynes etc;
- vehicular access would be from Woodside Avenue only and not from Oldmixon Road;
- residential development is excluded from flood zones 2, 3a & 3b, being proposed in flood zone 1 which includes one of the hillocks;
- residential development would be a mix of 1 & 2 bed apartments and 2 – 4 bed houses.
- there would be 30% on site affordable housing provided via a s106;
- residential densities vary from 10 – 15 dwellings per hectare (dph) at the southern field near Oldmixon Road up to 30 dph in the central area;
- the hill in the eastern field would have lower medium density housing on it (approx 25 dph);
- building heights are generally 2 storey, potentially with 2.5 storey buildings in key areas and 1 - 1.5 storey buildings on land above 19m AOD, which comprises the southernmost portion of the south-eastern field adjacent to the Oldmixon Road properties;
- the site will be designed to comply with the principles in the 'Manual for Streets'; the Council's car parking standards; Sustainable drainage system principles, and 'Secure By Design' standards.

In relation to adopted settlement boundaries, the 'Central field' is within the settlement boundary for Weston-super-Mare and is allocated for employment uses, the remainder of the site is outside but abutting the settlement boundary. The total area within the red site outline is 12.79 ha's.

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Relevant Planning History

Year	Reference	Proposal	Decision
2015	15/P/1666/EIA1.	Request for Screening Opinion to determine whether an Environmental Impact Assessment is required for a proposed residential development.	EIA not required.
1984	1894/84	Residential development.	Refused.

Policy Framework

The site is affected by the following constraints:

- Part inside and part in open countryside outside the settlement boundary for Weston-super-Mare.
- Part flood zones 1, 2, 3a & 3b.
- Part employment allocated land.
- Part priority landscape improvement area.
- North Somerset and Mendip Bats Protection area.

The Development Plan

North Somerset Core Strategy (NSCS) (adopted April 2012)*

The following policies are particularly relevant to this proposal:

Policy Ref	Policy heading
CS1	Addressing climate change and carbon reduction
CS2	Delivering sustainable design and construction
CS3	Environmental impacts and flood risk management
CS4	Nature Conservation
CS5	Landscape and the historic environment
CS9	Green infrastructure
CS10	Transport and movement
CS11	Parking
CS12	Achieving high quality design and place making
CS13	Scale of new housing
CS14	Distribution of new housing

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

* Core Strategy - High Court Challenge

Following a legal challenge to the adopted Core Strategy, Policy CS13 (housing requirement) was remitted back to the Planning Inspectorate for re-examination. In addition, Policies CS6, CS14, CS19, CS28, CS30, CS31, CS32, CS33 were also remitted on the grounds that should the housing requirement be increased, and this may have consequences for one or more of these policies. All other policies remain adopted. Policy CS13 was approved by the Secretary of State on 18 September 2015 and forms part of the development plan. The examination hearings into the other remitted policies took place on 21st and 23rd June and the Inspector's report is awaited. Adoption is likely to be in the autumn 2016.

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

The following policies are particularly relevant to this proposal:

Policy Ref	Policy heading
ECH/1	Amenity areas and gateways to settlements
E/5	Safeguarded employment areas
H/7	Residential development within settlement boundaries

The Sites and Policies Plan Part 1: Development Management Policies (adopted 19 July 2016)

The following policies are particularly relevant to this proposal:

Policy	Policy heading
DM1	Flooding and drainage
DM2	Renewable and low carbon energy
DM6	Archaeology
DM8	Nature Conservation

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DM9	Trees
DM10	Landscape
DM19	Green infrastructure
DM20	Major Transport Schemes
DM24	Safety, traffic and provision of infrastructure etc associated with development
DM25	Public rights of way, pedestrian and cycle access
DM26	Travel plans
DM27	Bus accessibility criteria
DM28	Parking standards
DM32	High quality design and place making
DM34	Housing type and mix
DM36	Residential densities
DM37	Residential development in existing residential areas
DM38	Extensions to dwellings
DM42	Accessible and adaptable housing and housing space standards
DM47	Proposals for economic development within towns and defined settlements
DM69	Location of sporting, cultural and community facilities
DM70	Development infrastructure
DM71	Development contributions, Community Infrastructure Levy and viability

Other material policy guidance

National Planning Policy Framework (NPPF) (March 2012)

The following is particularly relevant to this proposal:

Section No	Section heading
1	Building a strong, competitive economy
3	Supporting a prosperous rural economy
4	Promoting sustainable transport
6	Delivering a wide choice of high quality homes
7	Requiring good design
8	Promoting healthy communities
10	Meeting the challenge of climate change, flooding and coastal change
11	Conserving and enhancing the natural environment

Other National Policy Guidance

- National Planning Practice Guidance (March 2014)

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

- Residential Design Guide (RDG1) Section 1: Protecting living conditions of neighbours SPD (adopted January 2013)
- North Somerset Parking Standards SPD (adopted November 2013)
- North Somerset Landscape Character Assessment SPD (adopted December 2005)
- Biodiversity and Trees SPD (adopted December 2005)
- Creating sustainable buildings and places SPD (adopted March 2015)
- Travel Plans SPD (adopted November 2010)
- Affordable Housing SPD (adopted November 2013)
- Development contributions SPD (adopted January 2016)
- Employment led delivery Weston-Super-Mare SPD (adopted November 2014)

Site Allocations Plan (Sites and Policies Plan Part 2)

Consultation on the Draft Site Allocations Plan ended on 28 April 2016. This identifies new residential allocations to meet the Core Strategy housing requirement as well as reviewing existing sites and designating others for employment and other uses. It also identifies local green space and strategic gaps.

The plan is at an early stage in the plan preparation process and therefore has limited weight. It is intended that a publication version is approved for a further round of consultation before submission to the Secretary of State at the end of 2016. This would be followed by examination in early 2017 and possible adoption in April 2017.

Joint Spatial Plan

The Joint Spatial Plan is a strategic plan being prepared jointly by the West of England authorities for the plan period 2016-2036. It will identify the overall housing requirement and district apportionment, strategic development locations and key infrastructure requirements. It will set the context for a new North Somerset Local Plan 2018-2036 which will review and roll-forward the existing plans. Consultation on the Issues and Options document closed on 29 January 2016. The intention is to agree a draft plan for consultation in autumn 2016.

Consultations

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

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Third Parties: 125 letters of objection have been received and a petition. The principal planning points made are as follows:

- Loss of the green open space and gap between built up areas;
- Additional unacceptable traffic hazards at Hutton village;
- Adverse impacts to protected bats foraging areas and flight paths;
- The access route through Woodside Avenue is narrow and unsafe and subject to heavy on street parking;
- Inadequate facilities at Hutton to support additional residents;
- Inadequate facilities and highway infrastructure at WsM to provide for the additional residents;
- Contrary to the Council's Core Strategy policies;
- Loss of wildlife area;
- Adverse impacts on the living conditions of existing residents;
- Additional flood risk from new built up areas;
- Insufficient job opportunities for new residents leading to out commuting;
- No support from the Parish Council nor local residents;
- Contrary to Parish Plan;
- Unacceptable impacts from construction traffic on the surrounding road network and neighbours living conditions.

Hutton Parish Council:

Detailed comments:

"A public meeting was held in Hutton Village Hall on Friday 19th February 2016 to discuss the outline planning applications for up to 150 new dwellings on the land to the North of Oldmixon Road. 122 members of the public attended the meeting. The majority (121) were in favour of objecting to the proposal with one abstention. Hutton Parish Council conducted a Vital Villages Survey in 2003/2004 to enable them to formulate a Parish Plan for submission to North Somerset Council. The results of this were published and submitted for consideration when formulating the strategic development plan for the future of North Somerset. In the resulting report, 90% of respondents indicated that retention of the greenfield areas with the parish was extremely important. 74% considered that the Parish needs no new housing. With regard to the inevitable rise in traffic using the one route through the village, 70% of respondents consider speeding to be a major problem in the village with 85% indicating that there are major concerns about danger spots in the village caused by increased traffic. It is quite clear from the results that a large majority of parishioners are strongly in favour of preventing development which would result in urbanisation of the parish or changes its rural atmosphere. It is the general policy of the Parish Council to oppose housing or industrial development on the green areas both outside the village settlement boundary and elsewhere within the Parish.

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It has been noted that currently, over 40 objections have been placed on the NSC planning portal. At the public meeting, the main points of concern were as follows:

- Increase in traffic
- Further flooding risk.
- Access to the site is limited to one route in and out through a populated area already stagnated with parked cars.
- Risk issues around access for emergency services vehicles.
- Hutton is designated as an infill village within the North Somerset Strategic Plan.
- Preservation of endangered and rare species of wildlife in the Parish.

Taking into consideration the depth of feeling towards this application, and the views of villages indicated in the Hutton Parish Plan, Hutton Parish Council OBJECT to the proposed outline planning application. A copy of the Parish Plan will be forwarded under separate cover.”

Initial comment

“Contained within the "statement of Community Involvement" document, on page 82 "NSC pre-application advice report" it shows the Parish as LOCKING when in fact the proposed development is in the Parish of HUTTON. Hutton Parish Council has, as yet, had no direct communication with the developers concerning this application. We did get the original leaflet put through the door of the PC office but no DIRECT communication. This will be discussed at the meeting of the Parish Council on Monday 1st Feb 2016. No communication has been received with regard to management and maintenance of allotments, football pitches, changing facilities or other recreation areas. As these are areas that could have financial implication for Hutton Parish Council, it is surprising that no consultation has taken place.”

Weston-super-Mare Town Council: “No objections.”

Other Comments Received:

Environment Agency

Provided the Local Planning Authority is satisfied that the requirements of the Sequential Test as required under the NPPF are met, there are no objections subject to conditions requiring (i) minimum floor levels in the tidal FZ3 areas; (ii) no residential development or surface water attenuation to be sited within fluvial FZ3 areas; (iii) no raising of ground levels in fluvial FZ3 areas; and advice notes.

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Natural England

The site is close to three European Designated sites and has the potential to affect their features of interest. They are protected under the Conservation of Habitats and Species Regulations 2010 (as amended). As the competent authority, the Council must assess what, if any, potential impacts the application could have under the European Regulations and complete a Habitats Regulations Assessment. The site is located over a kilometre from the nearest European site and direct impacts are not expected but the assessment should address potential impacts on horseshoe bats. A number of surveys have been completed and the application protected flight paths and feeding sites by retaining many existing hedgerows and some semi-improved grassland. Further bird overwintering surveys have been carried out. Additional information relating to lighting levels and monitoring is required to complete the assessment and any necessary planning conditions. We are satisfied that the development will not significantly impact on the purposes for the designation of the Mendip Hills AONB. The LPA is expected to assess impacts on local biodiversity and geodiversity sites, landscape character and local or national biodiversity priority habitats and species.

Historic England

The application should be determined in accordance with National and Local policies and specialist conservation advice.

Bristol Water

Strategic operational water mains cross the site. There are 5m easement strips on both sides of all pipes which must be protected.

Avon and Somerset Crime Prevention Officer.

The Design and Access Statement includes proposals for Crime prevention which will be satisfactory with some amendments are a later stage.

Principal Planning Issues

The principal planning issues in this case are (1) Principle of development, (2) Sustainable Development objectives; (3) Employment provision; (4) Highways, Transportation and public rights of way; (5) Landscape and visual Impact; (6) Flood risk and drainage; (7) Biodiversity; (8) Archaeology and the historic environment; (9) Loss of Agricultural land; (10) Impacts to and from neighbouring residents and activities; (11) Urban design and layout; (12) Planning obligations, S106 including community infrastructure and affordable housing; (13) Crime and Disorder Act; and (14) Local financial considerations.

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Issue 1: Principle of development

Section 38 (6) of the Planning and Compulsory Act 2004 and section 70(2) of the Town and Country Planning Act 1990 require planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. This is set out in paragraphs 11 and 196 of the National Planning Policy Framework (NPPF), which also states that the NPPF itself is a material consideration in planning decisions.

Following a legal challenge to the Core Strategy regarding the housing numbers, policy CS13 (scale of new housing) was remitted back to the Planning Inspectorate for re-examination, along with 8 other related policies. On 18 September 2015 the Secretary of State confirmed that he had reviewed the Core Strategy Inspector's conclusions and was satisfied that the recommended housing requirement of 20,985 dwellings over the period 2006-2026 was appropriate. The approval of the new housing requirement means that policy CS13 is now an adopted as part of the Development Plan.

Paragraphs 47 and 49 of the NPPF require 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, and a 20% buffer where there is a persistent under delivery of housing. It has recently been confirmed by the Core Strategy re-examination Inspector that North Somerset is not under providing housing development and does not have to provide the 20% buffer.

The Council is following a plan led approach to the delivery of housing land, in accordance with para 17 of the NPPF. Most policies in the Core Strategy are adopted with the exception of the remaining 'remitted' policies (CS6, CS14, CS19, CS28, CS30, CS31, CS32 and CS33). Following the examination hearings proposed main modifications to the remaining remitted policies are the subject of public consultation until 5th September 2016. The housing requirement arising from the Core Strategy housing requirement is being allocated through the Site Allocations Plan.

In order to comply with para 47 of the NPPF the Council must demonstrate that it has a deliverable rolling 5-year supply of housing land when measured against the remaining Core Strategy housing figure. The April 2016 Housing Land Supply Assessment of 5 year supply was published on 18 May 2016. This confirms that the Council can demonstrate a five year supply of deliverable sites (with an additional 5% buffer). The main Core Strategy policies applicable to the proposal are CS28 (because part of the site is within Weston-super-Mare) and CS33 as the remainder is in the countryside, where there is a more restrictive approach to new development.

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At the June Core Strategy re-examination hearings, it was concluded that the Strategy's spatial strategy is sound and capable of exceeding the housing requirement. It was also recommended by the Inspector that more flexibility to the policies is required. In relation to development proposals at Weston-super-Mare, this means that development outside but abutting the settlement boundary could be considered to be acceptable subject to compliance with specifically worded planning and sustainable development criteria. At the time of writing the precise wording is currently the subject of consultation as proposed main modifications and remains to be agreed with the Inspector.

It is considered that this proposal is in conflict with the development plan housing land supply policies. The Council's five year land supply requirements are being fulfilled and the majority of the proposed development site is outside the settlement boundaries of Weston-super-Mare and Hutton and is in excess of the scale of development at Weston-super-Mare which the proposed main modifications suggests could come forward outside the plan-led process. In the case of this application, the other impacts of the proposal outweigh any benefit to the Council's housing supply which the development might provide.

Issue 2: Sustainable Development objectives.

The NPPF sets out the principles of sustainable development. It sets out that there are three mutually dependent dimensions to sustainable development, economic, social and environmental and the Governments view that that the planning system should ensure that development:

- (i) contributes to building a strong, responsive and competitive economy by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth;
- (ii) supports strong, vibrant and healthy communities by providing the supply of high quality housing required to meet the needs of present and future generations and
- (iii) contributes to protecting and enhancing the natural, built and historic environment.

An analysis of sustainable travel distances to local services and facilities has shown the site to be within the maximum acceptable walking distances of all facilities as identified in the Chartered Institute of Highways and Transportation (CIHT) publication 'providing for Journeys on Foot', apart from the local hospital and gym, although there is acceptable cycleway access as an alternative.

The site is located within 300m walk distance of existing bus stops which is well within the 400m desired maximum walking distance specified in the NSC Highways Development Design Guide. The times and frequency of bus services require improvement and negotiations are taking place with the developer to ensure the provision of additional services. The application proposed new

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foot/cycleway routes to Oldmixon Road and Winterstoke Road, via the Cross Rhyne which will enable sustainable travel and more direct connections to the strategic cycleway network, to Winterstoke Road and the Haywood development and should be delivered.

Weston-super-Mare is identified in CS28 of the Core Strategy as the primary focus for development and housing growth in North Somerset. The development would provide an economic benefit in terms of construction jobs although these benefits would derive from any development of a similar scale. Social benefits from the development would arise from the increased availability of new houses including 30% on site affordable homes, and wages from the jobs provided. The site is sustainably located in terms of close proximity to community facilities, including schools, hospital and the further education college as well as to retail and social hubs. However it is considered that the development does not comply with part (iii) due to the adverse environmental impact of the development on the landscape quality (see below).

Issue 3: Employment provision

The area of this site that is within the Weston-super-Mare boundary (the central field) is currently allocated as a safeguarded employment site (ref no E9) under the saved North Somerset Replacement Local Plan policy E/5. The new draft Sites and Policies Sites Allocations Plan, which will supersede this Plan, proposes to remove this allocation and exclude this land from the Weston-super-Mare settlement boundary. Policy E/5 allows alternative uses for such allocated employment land provided the proposals will not harm the range and quality of land and premises available for business use in existing employment areas or as identified in the Local Plan or the site is no longer capable of accommodating business uses or the alternative development would contribute to a more sustainable pattern of development that would outweigh the loss. It has been concluded that as the Council has agreed in principle to the removal of the employment allocation for this land through the draft Sites Allocation Plan it would not be appropriate to object to its loss for employment purposes through this application.

Core Strategy Policy CS20 requires that residential sites at Weston-super-Mare proposing more than 10 units should provide 1.5 jobs per house or, if the site is not suitable for on-site employment provision, then financial contributions may be sought towards local economic development initiatives to support the delivery of employment elsewhere in town through the use of planning obligations via a S106 agreement. The alternatives available for delivery are supported and explained further in the adopted SPD 'Employment Led Development at Weston-super-Mare'. Given the proposed removal of the NSRLP employment allocation, it is not considered that this site need be retained for on-site employment

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provision. The provision of a financial contribution for the Council to support employment opportunities elsewhere in town is under consideration and will be addressed through the S106 negotiations.

Issue 4: Highways, Transportation and public rights of way

Paragraph 34 of NPPF advises that plans and decisions should ensure that developments generating significant travel movements are located where the need to travel will be minimised and the use of sustainable travel modes can be maximised. Paragraph 32 adds that decisions should take account of whether, amongst other issues: safe and suitable access to the site can be achieved for all people. Paragraph 35 includes that “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”. These objectives are supported 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 draft ‘Sites and Policies Plan Part 1’ (Development Management Policies) is now adopted and carries significant weight as a result. It states that “Development giving rise to a significant number of travel movements will only be refused on transport grounds if it is likely to have severe residual cumulative impact on traffic congestion or on the character and function of the surrounding area, or if it not accessible by non-car modes or it cannot readily be integrated with public transport, cycleway and footpath links and bridleway where appropriate.” It further states that development giving rise to a significant detrimental impact on travel patterns or which exacerbates existing transport problems, will only be permitted where acceptable counter measures or mitigation is possible and deliverable using a legal agreement where necessary.

Traffic generated by the development is considered to be unlikely to have adverse impacts on the operation of the Woodside, Broadway, Oldmixon road junction but the Broadway/Winterstoke Road junction would require some mitigation. A financial contribution secured through a S106 agreement would be required to secure this (see below)

Although all matters are reserved the submitted documents state that the only vehicular site access will be from Woodside Avenue and the application is assessed on this basis. A significant number of residents of Woodside Avenue are objecting due to increased traffic movements along this road. However an assessment has shown that the majority of houses fronting the road have private off street parking facilities within plot and the road dimensions comply with adopted standards in the North Somerset Highways Development Design Guide for the existing and proposed development. There are footpaths on both sides of the road and although some on-street parking will occur it will not have a detrimental impact on traffic flows. An analysis of neighbourhood traffic accidents

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has taken place and confirms that the existing highway layout does not give rise to any substantive road safety concerns.

The traffic trips and movements estimated to be generated by the development have been assessed and found the morning and evening peak hour flows are likely to be 84 and 86 movements respectively. It is concluded that this is unlikely to have an adverse effect on the operation of the Woodside Road /Broadway/Oldmixon Road junction and no improvements are sought at this junction. However assessment of impacts on the Broadway/Winterstoke Road junction have identified relatively modest adverse effects on queuing and delays in both the morning and evening peak times and a mitigation package is being negotiated.

In order to make the development acceptable a S106 agreement should deliver:

- i) an extended no 4 bus service providing early morning and late evening services at journey to and from work times.
- ii) improvements to the Broadway/Winterstoke Road mini-roundabout based on the WSP/ Parsons Brinkerhoff's preliminary design for improvement at the junction shown in Drawing SK-001 Rev A.
- iii) a contribution of £50,000 for delivery of improvements to the Cross Rhyne foot/cycle link to Winterstoke Road.

Subject to the applicant's agreement and delivery of these requirements and conditions, the proposals are concluded to be able to achieve safe and adequate access to the highway and not result in unacceptable wider ranging highways impacts and therefore accord with policies CS10 of the Core Strategy and DM24 of the draft plan and are acceptable.

Issue 5: Landscape and Visual Impact

The NPPF in paras 109 – 116 requires that Local Authorities conserve and enhance the natural environment. Core strategy policies, particular CS5 support this, requiring that the character, diversity and quality of the landscape will be protected and enhanced by management and design of development. The Mendip Hills AONB should also be protected by ensuring that development proposals conserve and enhance its natural beauty and respect its character.

The landscape retains a strong rural character and forms a green edge to Weston-super-Mare and the new Haywood Village and green space separating the town of Weston-super-Mare from the village of Hutton, which is designated an 'Infill village' under policy CS33 of the Core Strategy. The majority of the application is outside any settlement boundary and is on land which forms part of the rural setting to the settlement. Policy CS33 states that development in such rural areas will be strictly controlled to protect the character of villages and prevent unsustainable development.

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The site is close (0.06km distant) to the Mendip Hills Area of Outstanding Natural Beauty (AONB) which lies at the opposite, southern side of Oldmixon Road to the site. The site is defined within the National Character Area as type no 142: Somerset Moors and Levels. At the local level, the majority of the site is defined in the North Somerset Landscape Character Assessment SPD as Character Area no J2: River Yeo Rolling Valley Farmland. The strategy is to conserve the peaceful, rural nature of this landscape and strengthen any weaker areas. The northern part of this site is in Character Area no A4: Locking and Banwell Moors where the strategy is to conserve the remote pastoral nature of the area and enhance areas in decline.

The site has a distinctive and attractive nature, formed from low lying, open agricultural fields at the north and undulating, rounded hills at the south, which create green foothills to the steeper slopes of the Mendip Hills AONB beyond. The site is highly visible in views from a wide number of sensitive locations. There is a proposed strategic cycle/footpath being created along the northern site boundary adjacent to the Cross Rhyne as part of the new Haywood Village at the former Weston Airfield (replacing the current 'permissive' path). This site is very prominent from this route, as well as from the new housing development currently being constructed and forms a green setting to the Mendip Hills in slightly more distant views. It is also prominent in views from the residential areas to the west and the industrial park at Lynx Crescent, and from the higher viewpoints in the neighbourhood.

The development will result in the loss of 6 ha's of countryside to built development, and the resulting visual impact will be a major loss of green open space between the town of Weston-super-Mare and Hutton village. The built development spreads over the hills (apart from a community orchard proposed on the top of the highest hill) and the more elevated parts of the land, because the northern lower areas are at high risk of flooding. This results in the built development being proposed on the most prominent and characteristic parts of the site. The development is contrary to policies CS5 and 33 of the Core Strategy, and policy DM10 of the draft Sites and Policies Plan Part 1, Development Management policies.

Issue 6: Flood risk and drainage

The Council Strategic Flood Risk Assessment shows the area of the site proposed for residential development in the submitted site masterplan is located within 'Flood Zone 1'. The National Planning Policy Guidance (NPPG) 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 NPPG advises that the principle residential development is appropriate in Flood Zone 1 and therefore complies with the Sequential test requirements.

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Applications for housing development on land exceeding 1 hectare in area, which this is, are still required to include a site-specific flood risk assessment (FRA). The submitted flood risk assessment is based on the development proposed in the Masterplan, in accordance with the NPPF (mainly para's 100 – 104), policy CS3 of the Core Strategy and policy DM1 of the draft Development Management plan part 1, and is required to demonstrate that new developments are secure from flooding and do not result in worsening flood risk to third party land.

The Council as lead local flood risk authority and the Environment Agency have assessed the application and do not object to the development in principle based on the indicative plans. These include a SuDs scheme with attenuation ponds to accommodate the increased water runoff from impermeable areas until it can safely be discharged to the Cross Rhyne. Full details will be required with any reserved matters application to demonstrate functionality, including:

- Information about the design storm return period and intensity, discharge rates and volumes (both pre and post development), temporary storage facilities, means of access for maintenance (9 metres minimum), 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;
- 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);
- Flood water exceedance routes, both on and off site;
- 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.

Additional conditions controlling floor levels and other relevant requirements would also be imposed. This will demonstrate compliance with flood risk protection policy including paragraph 17 and sections 10 and 11 of the National Planning Policy Framework, Paragraph 103 of the National Planning Policy Framework and policy CS/3 of the North Somerset Core Strategy and on this basis there are no objections.

Issue 7: Biodiversity

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In accordance with the NERC Act, NPPF paragraph 118 and plan policies DM8, DM9 and DM10 and CS4, the potential impacts of this development on biodiversity including protected species have been assessed through a detailed ecological survey and assessment. In accordance with Natural England advice an additional survey and assessment of potential impacts wintering birds has been completed. It has been concluded that no overriding harm to biodiversity will result from the proposals and there are no objections to the development in principle provided the conditions set out in the Council's Habitat Regulations Assessment of potential impacts on the Mendip Horseshoe Bats SAC, and other standard biodiversity protection and enhancement conditions are imposed, should the application be approved.

The majority of wildlife habitats within the application site are of low ecological value (mainly intensively managed arable fields and poor quality hedgerows). The Cross Rhyne at the northern boundary is of local value and should be protected, which is possible as no development is proposed in close proximity to it apart from the local plan allocated foot/cycleway. The proposals incorporate biodiversity enhancements including 5m buffers along hedgerows and a bat flight path corridor, required because horseshoe bats were found to fly over the site, which are acceptable. The survey found no evidence of protected species including Great Crested Newts, dormice, reptiles, otters and water voles and was agreed to be unsuitable for their habitats. The proposals including SuDs scheme and other enhancements will improve the biodiversity of the site.

Issue 8: Archaeology and the historic environment.

Policies CS5 of the Core Strategy, and policy DM6 of the draft DMP and part 12 of the NPPF, require Local Authorities to ensure that when considering development proposals, the potential significance of archaeological remains is established and understood and conserved where necessary. The application includes a detailed Archaeological desk based assessment and walkover survey and geophysics survey of the site. There are no statutory or local designated heritage assets within the site; there is a listed building and Conservation Area within 450m of it. Records indicate it has been in agricultural use since at least the 18th century and there are no records of any buildings on site. The geophysical survey identified a feature in one field that requires further investigation works, which will be conditioned should the application be approved.

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 paras 109 - 112. The application site is Grade 3B Agricultural Land having 'moderate' quality (based on best available estimate of agricultural land quality including DEFRA Agricultural

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land classification and National Soil Mapping) and therefore is sequential the best option for development as it is the lowest grade of agricultural land.

Issue 10: Impacts to and from neighbouring residents and activities.

The concerns expressed by neighbouring residents have mainly been addressed through the other issues in this report. Should the application be approved efforts would be made to secure a temporary access for construction traffic through the adjacent Industrial Park via Lynx Crescent. A layout would be sought which protected the existing residents from direct impacts including overlooking, loss of privacy and loss of light. The community contributions sought from a S106 agreement would address some of the concerns provided it can be agreed.

Issue 11: Design and Layout

This application is submitted for consideration in outline with all matters reserved for subsequent approval. However such are the site constraints e.g. areas of flood zone 3b, that the applicants have submitted a draft Masterplan to demonstrate how the site could be developed. The application has been assessed on that basis. The draft Masterplan addresses many of the planning issues arising from the development of this site, but conflicts with landscape protection policies remain a major concern.

If the application is approved conditions will be required to ensure a high quality development is delivered in compliance with adopted policies, particularly CS12, that the desirable features of the Masterplan are retained including no residential development outside flood zone 1; the retention of hedges and ecological buffers zones etc. The development would also be required to comply with sustainable construction and energy standards as encompassed by Core strategy policies CS1 and CS2.

The proposed residential development at the western part of the site is close to industrial uses at Lynx crescent. If the application is approved a condition will be required to ensure the submission, approval and implementation of an acoustic assessment with mitigation if necessary, to comply with policy CS12 in particular.

Issue 12: Planning obligations, S106 including community infrastructure and affordable housing

To comply with plan policies CS9, CS10, CS16, CS20, CS25, CS26, CS27 and CS34 of the Core Strategy, DM70 and 71 of the draft DMP and the Council's adopted Development Contributions SPD, if the application is approved, it should ensure that there are sufficient community facilities to ensure adequate education, healthy living, and affordable housing infrastructure, through a S106 agreement. The application would also be required to mitigate for any direct impacts arising

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from the development such as on the transportation infrastructure. The NPPF summarises the Regulations in paragraphs 203-206, stating that planning obligations should only be applied to make acceptable development that would otherwise be unacceptable and must be:

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

Therefore, in summary, the requirements would be as follows, based on the maximum numbers of houses proposed (150):

- i) the provision of an on-site equipped play area with a commuted sum for a 15 year management by the Council;
- ii) the sum of £124,200 for the provision and improvement of off-site sports and leisure facilities at Hutton Moor Leisure Centre;
- iii) the delivery, management and maintenance of the playing pitches in lieu of off-site provision;
- iv) £625,107 for the provision of 51 new primary school places;
- v) £554,070 for the provision of 30 new secondary school places;
- vi) £59,160 for the provision of slightly less than one special needs school place;
- vii) £7,200 towards youth facilities.
- viii) £100 per dwelling for sustainable travel initiatives;
- ix) £18,622 for improvements to the library facilities at the Bournville Healthy Living Centre
- x) in order to comply with Core Strategy Policy CS16 and the associated SPD, the development should provide a minimum of 30% on-site affordable housing with a tenure split of 82% social rent and 18% shared ownership, which would deliver up to 45 affordable homes. The applicant has agreed to these requirements.
- xi) an extended no 4 bus service providing early morning and late evening services at journey to and from work times. This would cost £31,200 per annum and is required for a minimum of 3 years to establish it;

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xii) improvements to the Broadway/Winterstoke Road mini-roundabout based on the WSP/ Parsons Brinkerhoff's preliminary design for improvement at the junction shown in Drawing SK-001 Rev A. This would widen the roundabout junction roads and would be within the existing highways land, at an estimated cost of £50,000.

xiii) a contribution of £50,000 for delivery of improvements to the Cross Rhyne foot/cycle link to Winterstoke Road.

xiv) potentially a contribution for off-site employment provision in accordance with Core strategy policy CS20 and the associated SPD.

The applicant has expressed intentions to agree a S106 agreement with the Council prior to the Appeal being heard. Given the current absence of such an agreement the application it is recommended that this would have formed a refusal reason.

Issue 13: The Crime and Disorder Act 1998

The Crime and Disorder Act places a duty on Local authorities to have regard to crime and disorder issues. Should the development be permitted at Appeal, provided the comments of the Police Crime Prevention Officer are taken into account in the reserved matters application, the proposals will not result in a material detrimental impact on crime and disorder. There are no objections in principle.

Issue 14: 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 would be expected to generate New Homes Bonus contributions of approximately £1.1m 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

The proposals would result in harm to, and would not conserve or enhance natural environment by the loss of, an important and attractive green open space between the town of Weston-super-Mare and the village of Hutton. The development is therefore contrary to policies CS5 and 33 of the Core Strategy, and policy DM10 of the draft Sites and Policies Plan Part 1, Development Management policies.

Unless a S106 agreement is delivered which provides for the delivery of affordable housing and the necessary community facilities to support the new

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residents of this development the application will be contrary to policies CF/1 for the North Somerset Replacement Local Plan; policies CS9, CS10, CS16, CS20, CS25, CS26, CS27 and CS34 of the Core Strategy, policies DM70 and 71 of the draft DMP and the Council's adopted Development Contributions SPD.

It is therefore recommended that had the Council been in a position to determine this application it would have refused the application.

RECOMMENDATION: Had the Council been in a position to determine the application it would have been **REFUSED** for the following reasons:

1. The proposal is for residential development on land outside the settlement boundaries for Weston-super-Mare and Hutton and is contrary to policies CS28 and CS33 of the North Somerset Core Strategy and is therefore contrary to paragraph 14 of the NPPF and harmful to the implementation of the Council's Plan Led approach.
2. The development will be harmful to the rural landscape character and quality of the area and will result in a large urban extension in an important green open area separating the town of Weston-super-Mare from the village of Hutton that will harm to the rural setting of the Mendip Hills Area of Outstanding Natural Beauty, contrary to policies CS5, CS12, CS14 and CS33 of the North Somerset Core Strategy, policies DM10, DM11 and DM 32 of the draft Sites and Policies Plan Part 1 Development Management Policies and the objectives of the NPPF paragraphs 64 and 66.
3. In the absence of a S106 agreement that will mitigate the impacts of the proposed development the proposals are contrary to policies CS9, CS10, CS16, CS20, CS25, CS26, CS27 and CS34 of the Core Strategy, policies DM70 and 71 of the draft Development Management Sites and Policies Plan Part 1 and the Council's adopted Development Contributions SPD.