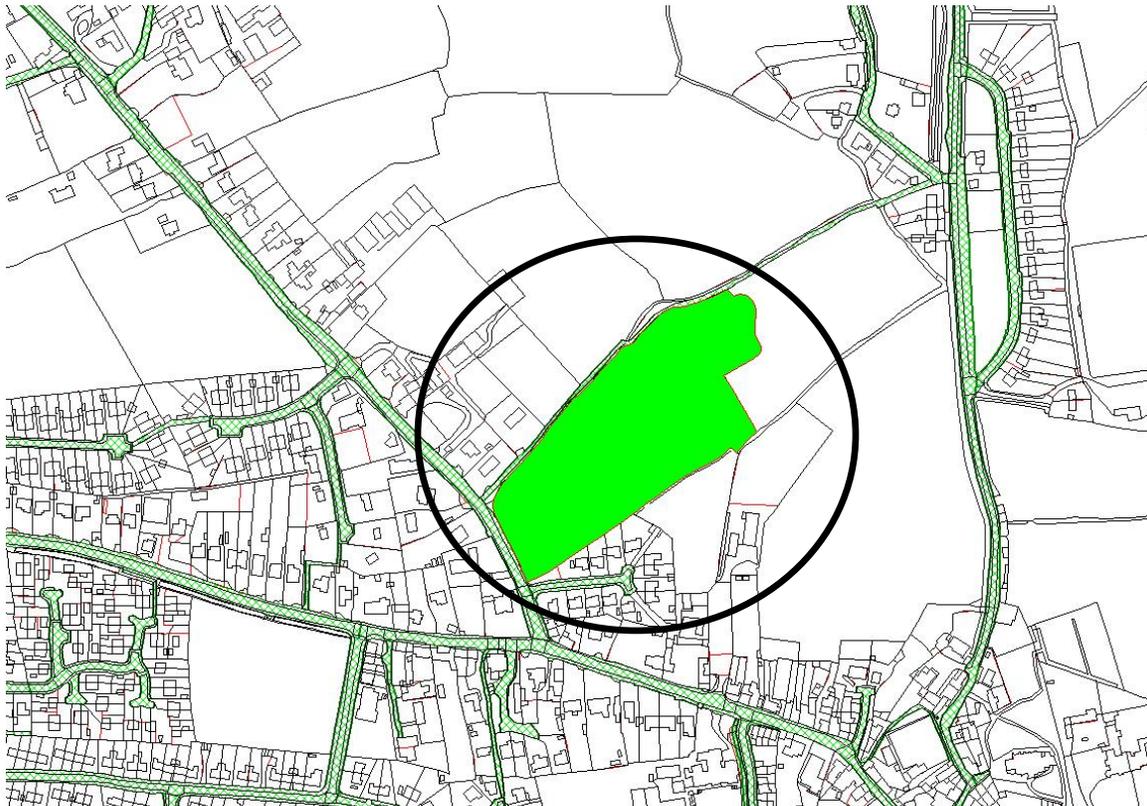


Planning and Regulatory Committee 9.11.16

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<b>APPLICATION NO:</b> 16/P/2094/O and 15/P/2752/O.	<b>CASE OFFICER:</b> Sally Evans
<b>APPLICANT:</b> Strongvox Homes and SM & BR Worth	
<b>PARISH/WARD:</b> Banwell/Banwell and Winscombe <b>WARD COUNCILLOR(S):</b> Cllr J O'Brien Cllr Mrs A F Harley	<b>TARGET DATE:</b> 18 Nov 2016 (16/P/2094/O)
<b>SITE ADDRESS:</b> Land East of Wolvershill Road, between Orchard Close and Golling Lane, Banwell	

LOCATION PLAN: The following plan shows the general location of the site only and is for illustrative purposes. The circle identifies the location of the site and is not a representation of the site boundaries. The site boundaries and other details submitted with the application can be viewed on the council's website at [www.n-somerset.gov.uk](http://www.n-somerset.gov.uk). This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of the controller of Her Majesty's Stationery Office © Crown copyright and database rights 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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10. **Section 1: 16/P/2094/O and 15/P/2752/O. Outline planning applications for the erection of up to 44 no. dwellings (including 13no. affordable housing units, 30%), along with the provision of informal public open space and associated works with vehicular access from Wolvershill Road with all other matters reserved for subsequent approval at Land East of Wolvershill Road, between Orchard Close and Golling Lane, Banwell.**

**DEPARTURE FROM DEVELOPMENT PLAN POLICIES**

This report relates to two duplicate applications. Application 15/P/2752/O is the subject of an appeal. Application 16/P/2094/O has yet to be determined.

**Summary of recommendation**

It is recommended that:

**A:** That application 16/P/2094/O be **APPROVED** subject to the completion of a legal agreement and conditions. The full recommendation is set out at the end of this report.

**B:** Had an Appeal against the non-determination of application 15/P/2752/O not been submitted, the application would have been **APPROVED** subject to the completion of a legal agreement and conditions. The full recommendation is set out at the end of this report.

**Background**

Application 15/P/2752/O was submitted in November 2015. A formal decision was not made on it and the applicants appealed against non-determination in July 2016. The Council therefore cannot make a decision on it. The Planning Inspectorate decided the appeal should be decided by a Public Inquiry, the date has not yet been agreed. A Committee site inspection took place on 12 April.

Application ref no 16/P/2094/O is a resubmission of 15/P/2752/O. The proposals are the same, and supporting documents have been updated.

The Council's Executive committee on 18 October resolved to support the allocation of this site for the development of 44 homes, in the publication version of the Sites Allocations Plan.

**The Site**

The site is 2.31 ha in area and is located at the eastern side of Wolvershill Road, a class 2 road. It is approximately 40m north of the junction with West Street;

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150m from the Primary school, and 200m from the local Village centre shops and Post Office. At the northern boundary is Golling Lane (a public footpath/bridleway also called Goding Lane) and a small adjacent stream. At the south is Orchard Close a cul-de-sac of bungalows and open fields lie to the east. It is low grade Agricultural Land (Grade 4) and is undeveloped, excluding the Bristol Water mains that cross it, which are proposed to be retained in situ.

The site fills an indent into the settlement boundary and is adjacent to it at the western side, and part of the north and south sides. The developed part of the village extends to the north, south and west of the site.

At the south east is a scheduled monument (the Banwell Romano British villa), separated from the site by a field. The Banwell Conservation Area adjoins the site boundary at the west (part of Wolvershill Road) and a small section of the southern boundary.

There is an existing field vehicular access onto Wolvershill Road adjacent to the properties at Orchard Close. The site boundaries have dense hedges, except at the east which has gaps and trees. Apart from the bungalows at Orchard Close nearby properties are mainly two storey houses. The two large properties at the north are slightly elevated above the level of the site and are set back and separated from it by a bridle path and hedges.

**The Applications**

The applications are for outline planning permission for up to 44 dwellings with all matters reserved. The indicative proposals include:

- the erection of up to 44 units, those at the south eastern side would be single storey bungalows ( the illustrative parameters plan identifies 6 units) the remainder are proposed to be two storey;
- a new 5.5m wide vehicular access with 2m wide footpaths on both sides, located off Wolvershill Road.
- the construction of a floodwater storage attenuation pond with biodiversity enhancements at the eastern side of the site;
- a landscaping scheme which includes the retention of the existing hedges at the northern, southern and eastern boundaries with a 5m ecological buffer clear of development and the retention of most boundary trees and new tree planting at the east (subject to water main protection restrictions);
- a central linear green public open space along the line of the water main;
- new pedestrian crossing points in Wolvershill Road and Knightcott Park for access to local shops.

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**Relevant Planning History**

None.

**Policy Framework**

The site is affected by the following constraints:

- Outside the settlement boundary but adjacent to it at the western boundary and adjacent to part of it at the northern and southern boundaries.
- Adjacent to a Scheduled Ancient Monument
- Adjacent to the Banwell Conservation Area at the south east and south west corners
- Within the Horseshoe Bat (Greater and Lesser) SPA.
- The area proposed for development is within flood zone 1, the pond is proposed within flood zone 3a.

**The Development Plan**

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

The following policies are particularly relevant to this proposal:

<b>Policy Ref</b>	<b>Policy heading</b>
CS1	Addressing climate change and carbon reduction
CS2	Delivering sustainable design and construction
CS3	Environmental impacts and flood risk management
CS4	Nature Conservation
CS5	Landscape and the historic environment
CS9	Green infrastructure
CS10	Transport and movement
CS11	Parking
CS12	Achieving high quality design and place making
CS13	Scale of new housing
CS14	Distribution of new housing
CS15	Mixed and balanced communities
CS16	Affordable housing
CS25	Children, young people and higher education
CS26	Supporting healthy living and the provision of health care facilities
CS27	Sport, recreation and community facilities
CS32	Service Villages
CS34	Infrastructure delivery and Development Contributions

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\* 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 has taken place and the Inspector's Report is expected shortly.

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

The following policies are relevant to this proposal:

<b>Policy Ref:</b>	<b>Policy heading</b>
DM1	Flooding and drainage
DM2	Renewable and low carbon energy
DM3	Conservation Areas
DM4	Listed Buildings
DM6	Archaeology
DM8	Nature Conservation
DM9	Trees
DM10	Landscape
DM11	Mendip Hills Area of Outstanding Natural Beauty
DM24	Safety, traffic and provision of infrastructure etc associated with development
DM25	Public rights of way, pedestrian and cycle access
DM26	Travel plans
DM28	Parking standards
DM32	High quality design and place making
DM34	Housing type and mix
DM36	Residential densities
DM70	Development infrastructure
DM71	Development contributions, Community Infrastructure Levy and viability

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**Other material policy guidance**

The Sites and Policies Plan Part 2: Site Allocations Plan

Policy SA1: This identifies the site in Schedule 1 as a new residential allocation to meet the Core Strategy housing requirement.

The publication version was approved in October for a further round of consultation before submission to the Secretary of State in early 2017.

National Planning Policy Framework (NPPF) (March 2012)

The following is particularly relevant to this proposal:

<b>Section No</b>	<b>Section heading</b>
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
12	Conserving and enhancing the historic environment

Other National Policy Guidance

- National Planning Practice Guidance (March 2014)  
Supplementary Planning Documents (SPD) and Development Plan Documents (DPD)
- Residential Design Guide (RDG1) Section 1: Protecting living conditions of neighbours SPD (adopted January 2013)
- Residential Design Guide (RDG2) Section 2: Appearance and character of house extensions and alterations (adopted April 2014)
- North Somerset Parking Standards SPD (adopted November 2013)
- Affordable Housing SPD (adopted November 2013)
- Travel Plans SPD (adopted November 2010)
- North Somerset Landscape Character Assessment SPD (adopted December 2005)

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- Biodiversity and Trees SPD (adopted December 2005)
- Creating Sustainable Buildings and Places SPD (adopted March 2015)
- Development Contributions SPD (adopted January 2016)

**Consultations**

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

**Third Parties:** 27 letters of objection were received to 15/P/2752/O. 16 letters of objection have been received to 16/P/2094/O. The principal planning points made are as follows:

- Loss of light, overlooking and overbearing proximity to properties in Orchard Close;
- Unacceptable additional traffic generation increasing existing queuing, difficulties for emergency vehicle travel, road accidents and pollution;
- Increased water runoff and highway flooding;
- Insufficient health care facilities for additional residents;
- Insufficient space in the primary school to accommodate the additional demands;
- Loss of archaeological interest;
- Adverse impact on Conservation Area;
- Unsustainable due to lack of employment opportunities in the village;
- Loss of rural character and views, green open space and landscape;
- Loss of Horseshoe bat commuting routes;
- Increased flood risk from additional surface water in Goding Lane area;

**Banwell Parish Council:** "Object. The transport infrastructure of Banwell is already overloaded and if this (and other local schemes) go forward the traffic congestion in the village will become intolerable.

(ii) Any extra traffic increases queues which in turn add to pollution and resultant health problems for the village.

(iii) The visual intrusion on a landscape asset, especially as seen from Riverside/Church Street is too great.

(iv) The School is currently close to capacity.

(v) The Doctors surgery is currently oversubscribed.

(vi) There is evidence and concern in the village that the sewage system is already at full capacity.

vii) Should this, (or any revised scheme) go forward then we would expect that the suggested improvements for pedestrian access would be retained, and before any development took place a full archaeological investigation be undertaken commensurate with the sites regional importance."

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Officer comments:

- i) the detailed layout to be approved under reserved matters will ensure the development complies with the Council's adopted guidance governing impacts on neighbours from overlooking, overbearing or loss of light.*
- ii) The Council's SPD on development contributions only requires contributions for healthcare facilities from applications of 500 houses or more so contributions for additional facilities cannot be justified;*
- iii) there are few employment facilities in the village, but the site is serviced by sustainable transport other than the private car and is relatively close to Weston-super-Mare and Locking Parklands where there are employment opportunities.*
- iv) there are opportunities to expand the local primary school which are being investigated.*

**Historic England:**

No objections subject to a condition requiring an archaeological mitigation strategy is approved and implemented.

The site is close to a number of sensitive designated heritage assets, i) the Romano-British Villa Scheduled Monument; ii) the Gd 1 Listed church of St Andrew and iii) the Banwell Conservation Area including a number of Gd II Listed Buildings. Significant archaeological deposits were found on site in 2012 during pipeline construction works. Having reviewed the previous application and records of heritage assets, it is concluded that the application will not result in substantial harm to the significance of the designated heritage assets. However HE recommend that any permission should include a condition requiring archaeological mitigation strategy to remove the risk of losing any significant archaeological deposits that may survive and that may be impacted e.g. by the process of dewatering.

**Environment Agency:**

The proposed development is within flood zone 1, with a low probability of flooding. The development is classified as 'More Vulnerable' which is appropriate for this flood zone. If approved conditions should be attached setting a minimum floor level.

**Natural England:**

The site is close to a European designated site, the "North Somerset and Mendip Bat Special Protection Area of Conservation (SAC)". A Habitats Regulations Assessment is required and if significant effects on the value of the European site cannot be ruled out then an Appropriate Assessment should be undertaken. The Local Authority should advise on this and consider impacts on local landscape character and biodiversity.

**Bristol Water:**

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No objections. There is on-going correspondence with the developer over remedial works and costs. There should be no trees or large shrubs over or within 5m of the pipeline/apparatus, unless suitable root restriction measures are included.

**Avon and Somerset Police Crime Prevention Design Advisor:**

The concerns with the indicative layout plan which should be addressed at considered at the reserved matters stage are that rear parking courts should be avoided, public open space and parking areas must be carefully design and lit in accordance with Secure By Design and Crime Prevention through Environmental Design principles.

**Avon Fire and Rescue:**

The development will require the provision of 3 no fire hydrants to ensure satisfactory water access in case of fires, and provision for future maintenance.

**North Somerset Internal Drainage Board:**

No objection. The IDB's Land Drainage Consent will be required for any connections of surface or flood water to existing watercourses. Details of surface water drainage should be approved under conditions.

**Wessex Water:**

No objections. Surface water drainage is proposed to SuDS which is acceptable in principle, details are to be approved by the Local Lead Flood authority. There is an existing foul sewer connection available at the south of the site subject to detailed designs. No S106 requirements are sought.

**Principal Planning Issues**

The principal planning issues in this case are (1) principle of development, (2) highways, transportation and public rights of way, (3) flooding and drainage (4) impacts on the historic environment and scheduled monument (5) landscape impact (6) ecology and (7) community infrastructure and affordable housing.

**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. Particularly relevant parts of the NPPF are paragraphs 14, 47 and 49 which give guidance on the approach to housing supply and the presumption in favour of sustainable development.

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

The Secretary of State confirmed, in September 2015, that the recommended housing requirement of 20,985 dwellings over the period 2006-2026 was appropriate and Policy CS13 was adopted from that point. Following the examination hearings 'main modifications' to the other 'remitted' policies were published for consultation and all responses received have been considered by the Inspector. His report is anticipated in early November but the remitted policies can still be accorded weight in advance of their re-adoption.

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

The Inspectors concluded in the two most recent appeal decisions (at Knightcott Road, Banwell and Greenhill Road, Sandford) that the Council does not have sufficient sites to meet the 5 year land supply. This site will therefore help to redress that shortfall.

### Emerging Policy

The Sites and Policies Plan Part 1 (Development Management Policies) was adopted in July 2016. These policies carry significant weight in accordance with paragraph 216 of the NPPF.

The identification of new housing sites to meet the Core Strategy housing target is being progressed through the Site Allocations Plan (Part 2 of the 'Sites and Policies Plan') in accordance with Core Strategy policy CS32. The plan-preparation stage of the Site Allocations Plan has made substantial progress and now includes the current application site as one of those allocated for residential development. This was endorsed by the Executive in October in the publication version. A further round of consultation will take place before submission to the Secretary of State for examination in early 2017.

### **Issue 2: Sustainability.**

The NPPF requires that housing applications should be considered in the context of the presumption in favour of sustainable development. The main dimensions

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of sustainable development set out in the NPPF are economic, social and environmental.

The Government's advice is 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.

From an economic perspective, the site is readily available and 44 houses would boost housing delivery, which is a significant material consideration. The inclusion of 30% on site 'affordable' housing, together with construction jobs and increased spending from a rising population, New Homes Bonus are also economic and social benefits, though the jobs and bonus payments are not specific to this site.

Social sustainability is also concerned with directing growth to places where new residents can be part of communities and where public facilities and services are local and accessible and the site is located a sufficiently close to the centre of the village to enable this. In this case, the site is located in close proximity to the village centre, and within walking distance of the primary school, nursery, pubs, shops and other community facilities.

Whilst there are landscape impacts (see below), potential environmental benefits include the construction of a new pond which could provide a habitat for wildlife and enhance biodiversity. The existing hedgerows would be protected except where breached for access and additional tree and landscape planting provided.

**Issue 3: Highways, transportation and public rights of way.**

It is recognised that traffic movement through the centre of Banwell village is constrained by narrow roads and can be heavily congested with extensive queuing at various times of the day. This issue was explored at the appeal in respect of 155 dwellings at Knightcott Road, Banwell which was dismissed in October (15/P/0248). In that case, the Inspector noted the traffic issues in the village but concluded that the impact of the development on its own was not severe in the context of the NPPF and attached only limited weight to the impact of the traffic that would arise from that development.

In this respect, paragraph 32 of NPPF states that "Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe". The traffic generation from this development has

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been estimated to produce a total of 21 trips in the morning and evening peak periods. The majority (75% or 16) of these are projected to be towards Weston-super-Mare via Wolvershill Road (i.e. avoiding the congested village centre) and few (25% or 5) would be through the village. On this basis, and taking into account the Inspector's comments above, it has therefore been concluded that the impact of this development alone would not constitute a severe impact on this part of the network. Other planned and approved schemes in the locality contribute to this impact but there is currently insufficient evidence to support a refusal of this application on the basis of cumulative impact.

The new access to Wolvershill Road can achieve satisfactory visibility and a stage 1 road safety audit has found it acceptable subject to delivery of the agreed improvements to the pedestrian crossing point. S106 contributions of £120 per dwelling would be required to encourage sustainable travel and bus use. The site is in close proximity to Golling Lane and contributions are sought to improve the surface. Subject to delivery of this 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 DMP policy DM24 and are acceptable.

**Issue 3: Flooding and Drainage.**

The built development is within flood zone 1 therefore at minimal risk. Site surface water drainage proposals incorporate a SuDS scheme and the creation of a new water containment pond at the eastern side, to remove and store surface water. This accords with the principles in plan policies particularly CS3 of the Core Strategy and DMP policy DM1 which require new developments to be secure from flooding and to not result in worsening flood risk to third party land. It will also be of benefit to ecology and biodiversity providing new habitats and feeding opportunities. It is proposed to retain existing watercourses at the site boundaries (including Golling stream). Future management and maintenance, will be ensured by conditions. There is a 5m ecological buffer zone which will also provide water course management access. The reserved matters will be required to provide details of the design, future management and maintenance of the SuDS scheme and ensure no pollution of watercourses or ponds. Subject to suitable conditions the proposals are satisfactory.

**Issue 4: Impacts on the historic environment, heritage assets and scheduled monument.**

The close proximity of this site to the Scheduled Monument and the previous finds when the pipeline was constructed (including Roman bodies which indicated the potential for a Roman cemetery) are evidence that there may be important archaeology on site. Policies CS5 of the Core Strategy and DMP policy DM6 and part 12 of the NPPF require Local Authorities to ensure that when

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considering development proposals, the potential significance of archaeological remains is established and understood and conserved where necessary. The applicants submitted a detailed Heritage Statement and have since carried out an on-site evaluation from trial trenches. This found very little evidence of important remains on site. Historic England is a statutory consultee for applications within the setting of a scheduled monument and initially objected to the application on the grounds that it had not properly assessed potential impacts on the Scheduled Monument and its setting. In response to this, further information has been obtained from previous site assessments and an assessment of the design and form of the villa and of the archaeology and setting of the Scheduled Monument have now been completed. Historic England has withdrawn its previous objections subject to suitable planning conditions requiring archaeological mitigation works if necessary.

It is concluded there are no overriding adverse impacts on other heritage assets including the setting of the Conservation Area or Listed Buildings provided these are carefully considered in the reserved matters application and the application complies with policies CS5 and DM 3, 4 and 6.

**Issue 5: Landscape Impact**

The site lies outside the Banwell settlement boundary and borders existing housing and roads at the whole of the western side and for large parts of the northern and southern sides. To the east is open fields and the river Banwell. The landscape character of the site is a pastoral field. The visual impacts of the development in both distance and localised views have been assessed.

The North Somerset Landscape Character Assessment SPD (2005) which identifies 11 landscape types and 31 Character Areas shows that the site lies mainly within the 'River Yeo Rolling Valley Farmland' character area where the landscape is moderate and in good condition. The land to the north and east is within the 'Locking and Banwell Moors' where the landscape character is moderate and in declining condition.

Initial concerns were with the increased urban character created by the development in localised views from the east and south. The amended draft parameters plan is considered to have addressed these concerns by reducing the height of the dwellings at the south eastern corner to be single storey, relocating the development to leave a 5m clear buffer adjacent to the site boundaries and increasing the hedge and tree planting.

Localised views from Wolvershill Road would also be more urbanised but due to the requirement to retain a minimum of 10m open space over the water pipelines there would be a wide green open space corridor through the development, protecting views through the site from the north-west to the south east corner. Open views from the northern part of Wolvershill Road to the Mendips could

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therefore be in part retained. From the southern part of Wolvershill Road views are mainly against a backdrop of existing development.

Views from Golling Lane will be through the existing hedge and 5m buffer which will provide some views into the site where the change from a rural to urbanised character would be visible. The existing views of the village, including views of the church and historic core, will be partly obscured by the new development which will impact to some extent on the rural setting of the village. In more distant views the site is seen against the backdrop of existing development at the north, south and western sides, leading to a more neutral impact.

These impacts have to be weighed against the other material considerations which include the extent to which the new housing would contribute to the Council's housing needs. In this case, subject to appropriate control at the reserved matter stage, they are not considered to be so significant that they demonstrably outweigh the benefits of the new housing.

**Issue 6: Ecological impacts.**

In accordance with the NERC Act, and plan policies DM8, 8 & 10 and CS4, the potential impacts of this development on biodiversity including protected species have been assessed through a detailed, extended ecological survey and assessment. Bat surveys were carried out in accordance with the Good Practice Guidance from June to October. Greater and Lesser Horseshoe bats were found to be commuting through the site, particularly the north and east hedgerows and land to the east where the pond is to be located, therefore the hedges are being retained with a 5m undeveloped buffer. The new pond will provide further bat foraging opportunities and mitigation and enhancement for any potential impacts from the development. Bats were not found to be roosting on site. A Habitat Regulations Assessment (HRA) is being completed on this basis and it is concluded that providing suitable conditions are attached, (that include restrictions on lighting levels at the site boundaries) there will not be significant effects from this development. A variety of ecological enhancements including bat and bird boxes, native species planting, additional hedges and trees are proposed within the site and will also be conditioned. No other impacts on protected species is likely provided working methodologies are properly managed. It is concluded that subject to the imposition of planning conditions through the requirements of completion of the HRA, there will be no unacceptable impacts on the conservation of biodiversity.

**Issue 8: Design and impacts on neighbouring residents.**

The details of design and layout are reserved matters and further assessment will be required when these are provided. However the illustrative Masterplan

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demonstrates that the level of development is able to be accommodated on site without contravening the Council's adopted SPD guidance in relation to the protection of neighbouring residents. Conditions will be added to ensure that single storey properties are delivered in the south western area of the site and there is a 5m green buffer at the northern, southern and eastern boundaries. It is therefore concluded that the development complies with adopted policies DM 32 and CS12.

**Issue 9: Community Infrastructure and affordable housing.**

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

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

Core strategy policies CS25, CS26, CS27 and CS34, and DM70 and 71 require the application should ensure that there are sufficient community facilities to ensure adequate education, healthy living and affordable housing infrastructure. The following requirements are still to be confirmed but are likely to be:

- i) £30,038 to improve existing play equipment at the Banwell recreation ground and the village hall or provide a new play area on site;
- ii) £11,360 to improve the playing pitches at Riverside recreation grounds;
- iii) on site informal green open space, (excluding landscape buffers and SuDS areas), minimum of 15sqm per dwelling and a commuted sum to cover a 15 year period if the Council is to adopt it;
- iv) £4,410 to improve the surface of Golling Lane (PROW/Bridleway no AX2/24);
- v) £212,575 for the provision of educational facilities. It is forecast that school roles at Banwell Primary school will fall over the next few years and this development is allocated the space places.
- vi) £1,500 per hydrant for the provision of 3 no fire hydrants and maintenance to ensure satisfactory water access in case of fires.
- vii) £6,161 for improvements to library facilities.

viii) Affordable Housing.

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 (13

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units) at nil public subsidy, with a tenure split of 82% social rent and 18% shared ownership. This should be delivered through the S106 agreement. The applicant has agreed in principle to these requirements.

The applicant has not yet confirmed agreement to the S106 financial contributions. Should there be no agreement this may result in a revised recommendation.

**Issue 10: 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. Provided the comments of the Police Crime Prevention Officer are taken into account in the reserved matters application, the proposals will deliver a high quality safe residential development which will not result in a material detrimental impact on crime and disorder.

**Issue 11: 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 will generate a significant amount of New Homes Bonus contributions for the authority. However, it is considered that the development plan and other material considerations, as set out elsewhere in this report, continue to be the matters that carry greatest weight in the determination of this application.

**Conclusion**

The Executive has agreed to the allocation of this site for residential development and it is now included in the Sites Allocations Plan (publication version) which is a significant material consideration. Although there are landscape impacts these have to be balanced against the shortfall in housing supply and the sustainability of the site in terms of location and community benefits. There are no highway, traffic, drainage, biodiversity, heritage, air quality, or ground condition objections to the application, although planning conditions will be needed to address various points of detail. The proposal will also need to off-set its impacts through development contributions. It is concluded that there are no objections to the principle of the application having regard to policies CS13, CS14 and CS32 of the Core Strategy, provided the S106 requirements are agreed.

**RECOMMENDATIONS:**

**A:** Application 16/P/2094/O

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The application be **APPROVED** subject to the completion of a legal agreement securing contributions for:

- (a) improve existing play equipment at the Banwell recreation ground and the village hall;
- (b) improve the playing pitches at Riverside recreation grounds;
- (c) on site informal green open space, minimum of 15sqm per dwelling and a commuted sum to cover a 15 year period if the Council is to adopt it;
- (d) improve the surface of Golling Lane (PROW/Bridleway no AX2/24);
- (e) for the provision of educational facilities;
- (f) to encourage sustainable travel and bus use;
- (g) the maintenance of fire hydrants on site;
- (h) £6,161 for improvements to library facilities.
- (i) the delivery of 30% on site affordable housing;
- (j) and any revisions to the above or other requirements as may arise,

and subject to the planning conditions set out below, together with any amended or additional conditions which may be required in consultation with the Chairman and Vice Chairman;

**B:** Application 15/P/2752/O.

Had an Appeal against the non-determination of this application not been submitted, the application would have been **APPROVED** subject to the completion of a legal agreement and conditions as set out above in recommendation A.

**Conditions:**

1. Approval of the details of the layout, scale, appearance of the buildings, the means of access within the site and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority, in writing before any development is commenced.

Reason: The application was submitted as an outline application in accordance with the provisions of Article 4 of the Town and Country Planning (Development Management Procedure) Order 2010 and in accordance with policy DM32 of the North Somerset Sites and Policies Plan Part 1 and policy CS32 of the North Somerset Core Strategy.

2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiry of two years from the date of this permission.

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

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

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

4. The development hereby permitted shall be carried out in accordance with the following approved plans and documents and those to be approved under the conditions attached to this consent unless otherwise agreed in writing by the Local Planning Authority:

To be inserted

Reason: For the avoidance of doubt and in the interest of proper planning and to ensure a high quality development and protection of interests of acknowledged importance in accordance with policy DM32 of the North Somerset Sites and Policies Plan Part 1 and policy CS30 of the North Somerset Core Strategy.

5. No more than 44 dwellings shall be built on the site pursuant to this planning permission.

Reason: The infrastructure and facilities for and impact of this development have been assessed on the basis of this number of dwellings in accordance with policy DM32 of the North Somerset Sites and Policies Plan Part 1 and policies CS32 and CS34 of the North Somerset Core Strategy.

6. The details to be submitted under condition 3 shall include the details for all public open space, wildlife corridors and buffers, SUDS scheme, and a phasing scheme for their delivery and all the following details:
  - a) hard and soft structural landscaping;
  - b) a 5m buffer inside the site boundary adjacent to the hedge at the north, east and south boundaries which shall be clear of all development;
  - c) the design and surfacing of, and means of access to all public open space, public footpaths and rights of way;
  - d) means of enclosure and boundary treatment and
  - e) dog waste bins where required by the local planning authority.

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The development shall be carried out in accordance with the approved details unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure a satisfactory and high quality approach is taken to landscape, community facilities and open space design in accordance with policy DM32 of the North Somerset Sites and Policies Plan Part 1 and policy CS12 of the North Somerset Core Strategy.

7. No development shall be commenced above ground level until samples panels of the materials to be used in the construction of the external surfaces of the buildings to which they relate have been constructed on site and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority. These details may be submitted for the whole, or part of a phase.

Reason: In the interests of the visual appearance of the area and in accordance with policy DM32 of the North Somerset Sites and Policies Plan Part 1 and policy CS12 of the North Somerset Core Strategy.

8. Provisions for the storage of refuse shall be constructed and made available for use in accordance with details to be submitted and approved under the reserved matters consent before the occupation of each dwelling that they serve and thereafter shall be made permanently available for use for the storage of refuse only.

Reason: In the interests of the local environment and in accordance with policy DM32 of the North Somerset Sites and Policies Plan Part 1 and policy CS12 of the North Somerset Core Strategy.

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

Reason: In order to secure a high level of energy saving by reducing carbon emissions generated by the use of the building in accordance with Policies CS1 and CS2 of the North Somerset Core Strategy and

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policies DM6 and DM32 of the North Somerset Sites and Policies Plan Part 1.

10. No development shall commence on the construction of any dwelling until the highways footpath improvements and traffic impact mitigation has been carried out in complete accordance with the following approved plans, unless revised plans are approved as part of the reserved matters consents:

- Drawing ref no 1501-76\_SK03, and
- Drawing ref no 1501-76\_SK04.

Reason: In the interests of highways safety and to ensure that the matters specified are designed to the satisfaction of the Local Planning Authority and in accordance with policy CS10 of the North Somerset Core Strategy and policy DM24 of the North Somerset Sites and Policies Plan Part 1.

11. No dwelling shall be occupied until the roads, footpaths and turning spaces shown on the plans to be approved, have been constructed in such a manner that each dwelling, is served by a properly consolidated and surfaced footpath and carriageway between the dwelling and the existing highway.

Reason: To ensure adequate access available for each occupier and in accordance with policy CS10 of the North Somerset Core Strategy and policy DM24 of the North Somerset Sites and Policies Plan Part 1.

12. Details to be submitted and approved under condition 3 shall include a Travel Plan which shall accord with the approved details, and which shall be fully implemented unless the Local Planning Authority gives written consent to any variation thereto.

Reason: To ensure the provision of safe and convenient forms of transport other than the motor car in the interests of sustainability and to provide the opportunity for employment for people without access to the private car in accordance with policies CS1, CS10 and CS30 of the North Somerset Core Strategy and policy DM26 of the North Somerset Sites and Policies Plan Part 1

13. No site clearance, preparatory work or development shall take place until a plan for the protection of the retained trees and hedges, and the site specific statements for working methods in relation to demolition, construction, landscaping in accordance with Sections 5 to 8 of British Standard BS5837: 2012 – ‘Trees in relation to design, demolition and

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construction – recommendations’ has been approved in writing by the local planning authority. These development shall be carried out in accordance with the approved details.

Reason: To ensure that no excavation, tipping, burning, storing of materials or any other activity takes place within this protective zone and in accordance with policies CS4 and CS9 of the adopted North Somerset Core Strategy and policies DM10 and DM32 of the North Somerset Sites and Policies Plan Part 1 and the adopted supplementary planning document Biodiversity and Trees.

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

Reason: To ensure as far as possible that the landscaping scheme is fully effective and in accordance with policy DM32 of the North Somerset Sites and Policies Plan Part 1 and policy CS 30 of the North Somerset Core Strategy.

15. Trees, hedges and plants in any development phase shown in the landscaping scheme to be retained or planted, which during the development works or during a period of ten years following implementation of the landscaping scheme in that development parcel, which are removed without prior written approval from the Local Planning Authority or which die, become seriously diseased or damaged, shall be replaced in the first available planting season with other such species and size as are to be agreed with the Local Planning Authority.

Reason: To ensure as far as possible that the landscaping scheme is fully effective and in accordance with policy DM32 of the North Somerset Sites and Policies Plan Part 1 and policy CS 30 of the North Somerset Core Strategy.

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16. The reserved matters application shall include a water safety audit prepared by persons who are competent in water safety issues. The audit shall include measures to minimise public safety risks associated with the water body and the reserved matters applications shall incorporate those recommendations. The approved scheme shall be fully implemented prior to occupation of any dwelling unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of safety and good design in accordance with policy DM32 of the North Somerset Sites and Policies Plan part 1 and policy CS3 of the North Somerset Core Strategy.

17. The developer shall afford access at all times to any archaeologist nominated by the Local Planning Authority, and shall allow him or her to observe the excavations and record items of interest and finds.

Reason: So that records may be made before the archaeological remains are affected by the development and in accordance with policy CS5 of the Core Strategy and policy DM6 of the North Somerset Sites and Policies Plan Part 1.

18. No development shall commencement until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall include details of:

- the number and frequency of construction vehicle movements,
- construction operation hours,
- construction vehicle routes to and from the site with distance details,
- construction delivery hours,
- car parking for contractors,
- specific measures to be adopted to minimize and mitigate construction impacts on the environment (including effects of noise, dust, vibration, waste disposal, piling, ground works and rock removal, and infrastructure improvements if appropriate),
- a detailed site traffic management plan to control traffic movements within the site during the construction phases,
- a detailed working method statement to avoid/minimize impacts on protected and notable species and important habitats.
- a plan showing measures for habitat protection and retention.

The approved Plan shall be implemented and adhered to at all times, unless any amendments are first agreed in writing with the Local Planning Authority.

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Reason: To comply with the Conservation of Habitats and Species Regulations 2010 (as amended), the Wildlife and Countryside Act 1981 (as amended) and the NERC Act 2006 and to mitigate the impact of construction traffic during the construction period and in the interests of highway safety in the local and strategic road network in accordance with policies CS1, CS10 and CS30 of the North Somerset Core Strategy and policy DM24 of the North Somerset Sites and Policies Plan Part 1.

19. A Biodiversity Habitat and Green Open Spaces Management Plan shall be submitted and approved with the reserved matters in accordance with condition 3. The Plan shall cover a ten year period and include measures for establishment, enhancement and management of habitats and open spaces including ponds within the site, and shall include planting schedules and details of ongoing management. This shall include a timetable for management activities as well as a monitoring schedule. The plan should also detail the measures for the protection and enhancement of biodiversity, including those specifically for the benefit of European Protected Species, within the site and shall be fully implemented.

Reason: To comply with Policy CS4 of the adopted Core Strategy, policy DM24 of the North Somerset Sites and Policies Plan Part 1 and to comply with the Conservation of Habitats and Species Regulations 2010 (as amended).

20. Full details of surface water drainage together with a programme of implementation shall be submitted and approved by the Local Planning Authority as part of the reserved matters consent application under condition 3. The works shall be carried out in complete accordance with the approved details unless otherwise approved by the Local Planning Authority.

Reason: To ensure that the development is served by a satisfactory system of foul and surface water drainage and in accordance paragraph 17 and sections 10 and 11 of the National Planning Policy Framework, and policy CS/3 of the North Somerset Core Strategy.

21. Prior to the commencement of development a strategic scheme for the provision of foul water disposal for the whole application site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the phasing of implementation. Full details of foul water disposal shall be submitted with each reserved matters application and these shall accord with the strategic scheme

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unless otherwise agreed in writing with the Local Planning Authority and shall be implemented in full.

Reason: To ensure the development is served by a satisfactory system of drainage and to prevent pollution in accordance with policy CS 32 of the North Somerset Core Strategy.

22. The reserved matters to be submitted for approval pursuant to condition 1 shall include no less than six single storey dwellings in the south eastern quadrant of the site in accordance with the principles demonstrated in the submitted Parameters Plan 1504.L01.02

Reason: To reduce the impacts of the development on the landscape and on neighbouring residents to an acceptable level in accordance with policies DM10 and DM32 of the North Somerset Sites and Policies Plan Part 1.